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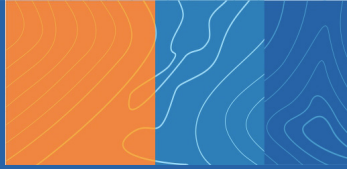
ASSESSMENT ON MIGRATION POLICY GAPS AT SUB-NATIONAL LEVEL

CASE STUDIES ON THE IMPLEMENTATION OF POLICIES OF PROTECTION FOR INDONESIAN MIGRANT WORKERS IN THE WEST NUSA TENGGARA PROVINCE, CENTRAL JAVA PROVINCE, AND SOUTH SULAWESI PROVINCE



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FOREWORD UNDP

It is my pleasure to present you this joint assessment report which analyses the migration policy gaps to improve the protection of prospective Indonesian migrant workers, current migrant workers, and Indonesian migrant returnees. Entitled “Assessment Report on Migration Policy Gaps at Sub-National Level”, this timely report provides evidence-based data to influence policies of Government of Indonesia in protecting and advocating for the rights of Indonesian migrant workers.

The Government of Indonesia continues to emphasize its national priorities for implementation of the Global Compact for Safe, Orderly, and Regular Migration (GCM), especially through international cooperation on the protection and empowerment of Indonesian migrant workers. Aside from the top priority of protecting an estimated 6.5 million Indonesian migrant workers, other national GCM priorities include establishing integrated migration data as a bedrock for policy development, migrant capacity or skill building, increasing migrants’ awareness of migration laws and regulations while reducing vulnerabilities, and capacity building for migration policy makers.

UNDP through Peace and Justice cluster of Democratic Governance and Poverty Reduction Unit (DGPRU) is conducting a joint project with IOM and UN Women called “Migration Governance for Sustainable Development in Indonesia”, which funded by Migration Multi-Partner Trust Fund. Under this joint project, UNDP Indonesia and Serikat Buruh Migran Indonesia (SBMI) are collaborating in conducting “Assessment on Migration Policy Gaps at Sub-national Level” activity.

UNDP Indonesia together with our implementing partner, Serikat Buruh Migran Indonesia (SBMI) have analysed policy gaps in terms of migration governance at sub-national level. As part of the assessment process, UNDP and SBMI disseminated surveys to 300 respondents, with 50% of them being women, to ensure that the voice and needs of women migrant workers are captured throughout the process. The targeted respondents included former, prospective, and active migrant workers and Government officers from 3 targeted Provinces: West Nusa Tenggara, South Sulawesi, and Central Java.

UNDP Indonesia and SBMI have also conducted 6 Focus Group Discussions in 6 targeted areas such as in Mataram, East Lombok, Makassar, Maros, Semarang, and Grobogan, with approximately total of 180 participants.

This assessment report offers recommendations and key findings to encourage the migration policy implementations which are human-rights based, gender-responsive, and legally supported the Indonesian migrant workers during all stages of migration and can potentially serve as a reference for relevant stakeholders.

One of the key recommendations is the importance of providing the right dissemination of information of safe migration and labour market to migrant worker communities, as this will prevent human trafficking and risk of gender-based violence for Indonesian migrant workers. Another key recommendation is the need to have standardization for educational and vocational train-

ing for prospective Indonesian migrant workers, as this will increase competency-based skills for Indonesian migrant workers, and this will increase their chances to have optimal migration opportunities and to be globally competitive in the international migration world.

This joint report is another testament of UNDP's strong commitment to supports the Government of Indonesia in strengthening its capacity for evidence-based and gender-responsive migration management at sub-national levels.

I would like to express my gratitude to our partner, Serikat Buruh Migran Indonesia (SBMI) for their invaluable contribution and commitment to the lives of the migrant workers communities which we support.

Lastly, we express our utmost gratitude to the stakeholders who have contributed to the completion of this assessment—particularly the Ministry of Home Affairs, the South Sulawesi Provincial Government, the West Nusa Tenggara Provincial Government, the Central Java Provincial Government, the Maros Regency Government, East Lombok Regency Government, and Grobogan Regency Government. We are grateful for the insights, knowledge, and expertise shared through discussions and dialogues that have helped us enrich and complete the assessment. This activity is contributing to the Sustainable Development Goals (SDGs) 5 Gender Equality, SDG 10 Reducing Inequalities, and SDG 17 Partnership for the Goals.

It is my sincere hope that this report will be a valuable resource for Government of Indonesia and migration stakeholders to accelerate progress towards the implementation of the National Action Plan of the Global Compact for Safe, Orderly, and Regular Migration in Indonesia.

Siprianus Bate Soro

Head of Democratic Governance and Poverty Reduction Unit
UNDP Indonesia

FOREWORD SBMI

The enactment of Law Number 18 of 2017 (UU 18/2017) concerning the Protection of Indonesian Migrant Workers brought a new spirit and paradigm in the governance of the protection of Indonesian Migrant Workers (PMI) and their families. The most contrasting thing is the division of protective authority from the central government, provincial government, district/city government, to village government.

The division of government protective authority allows PMI and their families to be protected at every stage of migration. However, it is important to note that the implementation of protection still experiences gaps between the central government level and lower government levels, so that the protection of PMI and their families is still not optimal.

Seeing this problem, SBMI together with UNDP conducted research “Evaluation of Inequality in the Implementation of Policies for the Protection of Indonesian Migrant Workers at the Sub-national Government Level,” with the main focus of photographing the challenges of the government at the sub-national level in carrying out its authority in accordance with Law 18/2017 in protecting Indonesian migrant workers and their families. The research was conducted in 6 focused areas, namely Mataram, East Lombok, Makassar, Maros, Semarang and Grobogan. This research was carried out in the stages of conducting a survey of PMI Candidates, Active PMI, Retired PMI, then continued with a Focus Group Discussion by inviting government representatives, civil society organisation partners, and business associations and in-depth interviews.

From the research that has been conducted, there are recommendations that it is important to have a strong commitment from governments at the sub-national level to prioritise PMI protection through issuing regulations/policies, allocating protection budgets, and strengthening capacity and coordination between government agencies.

We hope that this report can provide evidence-based data support for further activities in developing Technical Guidance for local governments to formulate migration-related policies to support the implementation of the GCM (Global Compact for Safe, Orderly, and Regular Migration).

We do not forget to thank UNDP for trusting us as the implementer of the research, the research team from the Union of Indonesian Migrant Worker (SBMI) and the Research Team from Mataram University, as well as the parties who participated in contributing to the research and preparing the research report.

We also hope that this research report can help governments at the sub-national level in building better migration governance based on planning and authority.

Hariyanto

Chairperson
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UNDP Indonesia through the Peace and Justice Cluster of the Democratic Governance and Poverty Reduction Unit (DGPRU) is running a joint project with IOM and UN Women called “Migration Governance for Sustainable Development in Indonesia,” which is funded by the Migration Multi-Partner Trust Fund.

UNDP and SBMI are especially grateful to Migration Multi-Partner Trust Fund (MMPTF) who has supported and financed this research project under the “Migration Governance for Sustainable Development in Indonesia” project.

The aim of this project is to improve migration governance in Indonesia by supporting the capacity of the Government of Indonesia in evidence-based migration management with appropriate gender responsiveness, at national and sub-national levels to support increased cooperation at the global level.

We would also like to express our gratitude to the Representatives of the Indonesian Government and all civil society groups and partner organisations who have provided a lot of input from the beginning of the research to providing input and suggestions on the research results. In particular, we would like to express our gratitude to the Central Java Provincial Government, South Sulawesi Provincial Government, West Nusa Tenggara Provincial Government, Grobogan Regency Government, Maros Regency Government, and East Lombok Regency Government, who took the time to participate in Focus Group Discussions and in-depth interviews to study.

Lastly, we would like to thank the entire UNDP team and SBMI team who have provided support for the implementation of this research.

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LIST OF ABBREVIATIONS

APBD	Regional Government Budget
BLK	Vocational Training and Productivity Center
BPJS	Social Security Agency
BP2MI	National Board for the Protection of Indonesian Migrant Workers
BP3MI	Service Centre for the Protection of Indonesian Migrant Workers
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CPMI	Prospective Indonesian Migrant Workers
Disnaker	Government Office of Labour
DPC	Board Committee of Regional Chapter
DPRD	Regional People's Representative Council
FGD	Focus Group Discussion
GCM	Global Compact for Safe, Orderly, and Regular Migration
IOM	International Organization for Migration
Kemnaker	Ministry of Labour
Komnas HAM	National Commission on Human Rights
KPO	Victims of Trafficking in Persons
KUR	People's Business Credit
LPK	Organizations for Vocational Training
LTSA	One-Stop Integrated Service
OPD	Relevant Government Agencies
PMI	Indonesian Migrant Workers
P3MI	Placement Companies for Indonesian Migrant Workers
PP	Government's Regulation
RKPD	Regional Government Work Plan
RPJMN	National Medium-Term Development Plan
RPJMD	Regional Medium-Term Development Plan
SISKOP2MI	Database System of Protection of Indonesian Migrant Workers
SDGs	Sustainable Development Goals
TPPO	Trafficking in Persons
UNDP	United Nations Development Programme
UU	Law

A. EXECUTIVE SUMMARY

The Government of Indonesia has revised the legislative products related to the protection of Indonesian Migrant Workers, however, they need to ensure that the legislation product, Law Number 18 of 2017 (UU 18/2017) concerning the Protection of Indonesian Migrant Workers, is implemented properly. Since it became legal in 2017, the implementation of this law is still experiencing various challenges. One of the effects of the COVID-19 pandemic was the halt of migration flows from Indonesia, and another challenge was the Government's response to completing the derivative regulations of the law has also been very slow. This research examines and analyses the policy and law's implementation at the sub-national level, namely at the Provincial, Regency, and Village levels.

To ensure the acquisition of representative data, this research was conducted using mixed qualitative methods, which combined cross-sectional surveys, focus group discussions (FGDs), and in-depth interviews.

The research was conducted at six targeted areas, covering three Regencies (East Lombok, Grobogan, and Maros) in three provinces (West Nusa Tenggara, Central Java, and South Sulawesi), as well as three provincial capitals (Mataram, Semarang, and Makassar). The cross-sectional survey involved at least 300 respondents, consisting of PMI candidates, PMI candidates who failed to depart, active PMIs, and Former PMIs. The FGD was conducted at six targeted areas involving various elements of the local government organization (OPD) and the local community.

The scope of this research is divided into five main aspects of PMI protection: (1) Dissemination of labor market information and socialization of safe migration; (2) The training and education for CPMI; (3) Facilitation of Return and Social Rehabilitation of PMI with Problems; (4) Full CPMI/PMI/Former PMI data collection; and (5) Prevention of non-procedural PMI departures; These five main aspects were chosen because they are essential issues, as stipulated in the Law 18/2017, and these aspects connected to the Objectives of the Global Compact for Safe, Orderly, and Regular Migration (GCM).

Even though Law 18/2017 has comprehensive coverage to protect PMI and their families, this study concludes that:

1. The CPMI, PMI, or Former PMI's data collection process is still very constrained at the Provincial, Regency or Village levels. Data ownership is the basis for evidence-based policymaking, following the First Objective of the Global Compact of Migration (GCM); and the problem of data collection process is the main challenge to the implementation of Law 18/2017.
2. The competence of the OPD's apparatus, as the focal points of the implementation of Law 18/2017, need to have the same standardization. Due to this reason, there is still level of imbalance, not only in the implementation process but also in several other matters, such as: (i) the level of understanding of the substances regulated in the law; (ii) the cross-sectoral coordination process, which is a prerequisite for the successful

implementation of PMI's protection; (iii) the level of leadership in each OPD that influences the implementation of policy and laws at the sub-national level.

3. As stated in Law 18/2017, the implementation of Central Government's programs is experiencing problems due to differences in the political power hierarchy in the regions. In several regions with regional heads who have political alignments with PMI protection, the local Government issues regulations at the regional level to ensure that the implementation of protection to run smoothly. However, in regions where regional heads have not yet prioritizing the issue of PMI protection, the coordination performance of OPDs in these areas could be stronger. In addition, many activities at the regional level were designed based on other matters rather than the Medium-Term Development Plan (RPJM), in which PMI protection, training, and empowerment programs had already been set out. This political commitment affected the availability of the budget to protect PMI.
4. Finally, the implementation of Law 18/2017 will depend heavily on the competence of the legal subjects regulated in it. In this case, Law 18/2017 applies PMI's spirit of independence to access his or her work. However, the implementation of this law needs to be supported by the increased competency of Indonesian migrant workers and the commitment from the Government's apparatus as the implementer of the law.

The United Nations Development Programme (UNDP) in partnership with IOM and UN Women have been implementing a joint project under "Migration Governance for Sustainable Development in Indonesia", funded by Migration Multi-Partner Trust Fund.

This "Assessment on Migration Policy Gaps at Sub-National Level" study succeeded in identifying at least 12 problems underlying the gaps in the implementation in the five sectors described earlier. From these 12 issues, SBMI and UNDP team proposed a total of 28 recommendations to support the Government of Indonesia at the national and sub-national levels.

During this policy gap assessment, under the "Migration Governance for Sustainable Development in Indonesia" joint project, the Government of Indonesia with IOM Indonesia also conducted a national Migration Governance Indicator (MGI) assessment and a local MGI assessment in Central Java. The MGI assessment offers authorities an opportunity to have an introspective look at the policies, programmes and structures they have in place to manage migration to help inform the formulation of comprehensive migration strategies and establish baselines to track progress on national and international commitments on GCM with indicators for collecting data.

B. BACKGROUND: THE NEED FOR EVALUATION OF PMI'S PROTECTION POLICY IMPLEMENTATION BASED ON HUMAN RIGHTS AND GENDER ANALYSIS

In December 2023, Law No. 18 of 2017 (UU 18/2017) concerning the Protection of Indonesian Migrant Workers will turn six years old. This law is the latest product of legislation owned by Government of Indonesia, perfecting Law 39/2004 concerning the Placement and Protection of Indonesian Migrant Workers Overseas. The process of revising Law 39/2004 into Law 18/2017 was a long effort which was carried out jointly by stakeholders consisting of the Government of Indonesia, Indonesian Migrant Worker Placement Companies (P3MI), as well as civil society groups representing both businesses and migrant workers' unions. On various occasions, civil society groups have appreciated the passing of Law 18/2017, which is considered a good instrument in encouraging the efforts to improve the handling of various cases of migrant workers. The ratification of Law 18/2017 has a new spirit compared to the Law 39/2004, which was considered to still emphasize migration placement factors compared to protecting PMI (Indonesian Migrant Workers). Therefore, it is unsurprising that Law 18/2017 is considered an ideal instrument for protecting PMI and PMI Candidates.

The efforts of the Government of Indonesia to perform reforms in the PMI's protection and placement governance system are actually in alignment with the agenda of protecting all categories of migrants summarized in the Global Compact for Safe, Orderly, and Regular Migration (GCM), which was agreed one year after the birth of Law 18/2017. GCM will turn five years old in 2023, since it was declared in Morocco in 2018. The Global Compact for Safe, Orderly and Regular Migration (GCM) is the first intergovernmental agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration in a holistic and comprehensive manner. GCM was started with the New York Declaration on 19 September 2016. GCM has six goals, which consist of:¹

1. Highlighting all aspects of international migration, including humanity, development, human rights, and other related aspects;
2. Make a significant contribution to improving global governance by coordinating international migration;
3. Provide a framework of reference for comprehensive international cooperation on migrant issues and human mobility;
4. Develop a commitment that can be implemented and ways to implement it, as well as a frame of reference for follow-up and review for member countries related to all aspects of international migration;
5. Based on the Addis Ababa Sustainable Development Agenda and Action Agenda;
6. Pay attention to the Declaration of High-Level Dialogue on the Issue of International Migration and Development.

¹ There are a further 23 Objectives agreed upon in the GCM. UN Resolution No. 73/195, adopted on December 19, 2018 by the UN General Assembly See <https://www.iom.int/global-compact-migration>, accessed June 21, 2023.

The Government of Indonesia has shown its full support for fulfilling the various goals and 23 objectives of the GCM. The Deputy Minister of Manpower of the Republic of Indonesia, Afriansyah Noor, recently stated the Government's support, particularly in promoting Objective 6 of GCM, to facilitate fair and ethical recruitment and protection, which guarantees the principles of decent work, as well as the Achievement of SDGs 10.7, which is reflected in the issuance of President Regulation Number 59 of 2017 concerning Implementation of Achieving Sustainable Development Goals (Febrinastri & Firmansyah, 2023). Apart from referring to the Objectives of the GCM and the Achievements of the SDGs, the Government of Indonesia also must implement PMI's protection which considers the principles of equality and respect for gender. The Government of Indonesia has shown its commitment to respecting gender equality and protecting against all forms of sexual harassment and gender-based discrimination by following the ratification of the Convention on the Elimination of Discrimination Against Women (CEDAW).

Unfortunately, even though it has legal instruments to protect PMI, Indonesia is still facing various problems concerning Indonesian migrant workers. In its records for 2018–2022, the Indonesian Migrant Workers Union (SBMI) said that it had received 438 complaints from Central Java Province, 479 cases from West Nusa Tenggara Province, and 21 cases from South Sulawesi Province. In line with SBMI's findings, the National Commission for Human Rights of the Republic of Indonesia (Komnas HAM RI) also received various complaints regarding PMI. During the January 2021 to December 2021 period, even though the number of active PMIs decreased due to the COVID-19 pandemic, Komnas HAM RI still handled 29 cases of PMIs. In addition, the high number of complaints addressed to SBMI or Komnas HAM certainly does not include the number of complaints addressed directly to other institutions or those cases that have been resolved independently.

The relatively high number of complaints regarding PMI problems shows that even though Indonesia already has binding legal instruments, protection for PMI still encounters various challenges. Until now, amid the birth of Law 18/2017, there are still very minimal comprehensive studies regarding high numbers of problems faced by PMI, and if there are few studies covering this issue, usually it's based on the stakeholders' opinions. For example, the Chairperson of the Indonesian National Commission on Human Rights (KOMNAS HAM), Ahmad Taufan Damanik, explained the following:

“Komnas HAM considers that existing regulations owned by the government have not fully guaranteed the rights of migrant workers, especially in the context of the GCM framework, and if these regulations are intended to fulfill Objective 1, Objective 3, Objective 5, Objective 6, Objective 18, and Objective 23, which is Indonesia's current development priority...”²

2 *Ibid.*

The fulfillment of various GCM objectives that still need to be met in the Komnas HAM's perspective above is concerning:³

Objective 1	Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
Objective 3	Provide accurate and timely information at all stages of migration
Objective 5	Enhance availability and flexibility of pathways for regular migration
Objective 6	Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
Objective 18	Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
Objective 23	Strengthen international cooperation and global partnerships for safe, orderly and regular migration

In addition, another Komnas HAM commissioner, Anis Hidayah, said these problems arose because Law 18/2017 had yet to be fully implemented. Based on this research's result, there are 3 factors that constrained the implementation of PMI's protection. First, Civil Society groups agreed that the process of drafting laws and regulations derived from Law 18/2017 could be faster. In 2021, the drafting of derivative regulation regarding the implementation of PMI's protection has been completed, which was Government Regulation (PP) Number 59 of 2021. Even though regulations related to the employment function were issued in 2019, Minister of Manpower Regulation Number 9 of 2019 concerning Procedures for Placement of Indonesian Migrant Workers only regulates agencies which carry out employment functions. However, PMI's protection must be carried out by various agencies and across different levels of Government. The delay in preparing this PP has resulted in a prolonged harmonization process. At the same time, the aspects regulated in this PP are also comprehensive, so it takes a longer time for the relevant legal subjects to implement this regulation.

The second reason is that Law 18/2017 concerning PPMI has a broad scope of protection and seeks to reform the recruitment system and the placement of PMI. Meanwhile, existing migration practices in the field has not yet followed the scope of the Law 18/2017. For example the Government only regulates PMI Placement Companies (P3MI) in terms of concerning migrant worker's placement.

Through this provision, the Government requires the public (especially PMI and PMI candidates) to have high levels of independence in carrying out the pre-placement stage. The assumptions made by the Government are based on implementing an independent recruitment system supported by a good job market information outreach and dissemination system under Article 6, Paragraph 1, Law 18/2017. Unfortunately, previous studies indicated that this independent recruitment system could not be implemented, therefore, in practice, recruitment was still conditioned informally by field officers (PL) or brokers who assisted in the pre-departure document process (Dewanto, 2022).

Third, in terms of the the implementation of PMI's protection, which is holistic and multi-level, which are carried out from the National to the Local (village) level, needs to be implemented properly. Based on the a study conducted by SBMI in 2021, regarding the role

³ Excerpted from UN Resolution No. 73/195.

of the Village Government, supported by the United Nations Development Program (UNDP) and the International Organization for Migration (IOM), found that (i) Village governments have not adopted migration aspects in their annual program planning systems, respectively;⁴ (ii) The village does not fully understand the duties, functions, and authorities of the village in protecting its citizens who migrate as workers; (iii) Villages have inadequate human resource (HR) capacity in implementing protection against CPMI/PMI (SBMI, UNDP, & IOM, 2021).

Fourth, as a country that has ratified CEDAW (The Convention on the Elimination of All Forms of Discrimination against Women), Indonesia needs to implement *General Recommendation* (GM) No. 26 regarding the protection of women migrant workers. In line with these recommendations, Indonesia is required to formulate policies which are gender-responsive, upholding women's rights, as well as policies that support the principles of equality and non-discrimination. However, based on the results of FGDs in the 6 Provinces and Regencies, the Government is still lacking in terms of promoting and facilitating safe migration and protecting the rights of women migrant workers. Even though there have been various findings indicating the limited implementation of Law 18/2017, there has yet to be a systematic explanation that examines the implementation of this Law in the wider scope of governance. Implementation of Law 18/2017, or described in PP 59/2021, includes various agencies spanning at least four levels of bureaucracy. The first level is at the international level, which includes the functions of labor attaché and business partners in the placement country. Second level is, the Central Government which comprises of the Ministry of Labour (Kemnaker) and the National Board for the Placement and Protection of Indonesian Overseas Workers (BP2MI). At third level is a Local Government which consists of a Provincial Government, a Regency /City government, and a Village/ District Government. Apart from covering four levels of implementation, Law 18/2017 also provides space for community groups consisting of the private sectors and civil society groups.⁵ In other words, implementing PMI protection policies in Indonesia cannot be carried out using only sectoral analysis or by looking at implementation at only one unit level of analysis (national or subnational). The process of reviewing the obstacles to the implementation of Law 18/2017 must be looked at systematically in cross-level governance (multi-level governance) for PMI protection.

Considering the various matters above, this study intends to conduct an in-depth study of the implementation of PMI's protection policies, particularly at the three levels of implementation: Province, Regency/city, and Village. We propose the following research questions as a basis for carrying out this research:

How does the Government at the subnational level (Province, Regency/ city, and Village) implement policies to protect Indonesian migrant workers following Law 18/2017? What are the limitations and obstacles to implementing the laws at the subnational level?

4 Village Medium Term Development Plan (RPJMDes) or in Village Regulations (Perdes).

5 Consideration of Law 18/2017 letter f.

By asking the research questions above in details, this research aims to target 3 main objectives:

1. Identify vital policies for implementing the PMI's protection function. which refer to Law 18/2017 and PP 59/2021 as the basic national instruments and also based on the GCM's objectives and SDGs related to the protection of PMI.
2. Obtain empirical data on the implementation of the above vital policies at the Provincial, Regency/city, and village levels, as well as identifying gaps in the implementation of vital policies in PMI's protection at the Provincial, Regency /city, and village levels.
3. Formulate recommendations which can be implemented by the Government at the three levels in the form of a policy brief .

This report is divided into four sections. The first part will cover the background of this research. The second part of this report will discuss regarding the data collection methods in the field. Third, to achieve the three objectives listed above, this report will explain the design of data collection in the following sub-chapters. The fourth part of this report will cover regarding the findings of this research.

C. DATA COLLECTION METHODOLOGY

This study uses a mixed qualitative method that combines three main approaches in the social science qualitative research tradition: surveys (cross-sectional studies) and focus group discussions (FGD). After completing the survey and the FGDs, UNDP and SBMI Team selectively complement existing findings using semi-structured interviews to deepen our understanding of the aspects highlighted in the survey and FGDs. This method was chosen for the following reasons:

1. This study aims to identify gaps in the implementation of Indonesian government laws and policies which are relevant to the protection of Indonesian migrant workers;
2. This study also seeks to measure the understanding of relevant stakeholders on the challenges and opportunities for implementing policies that provide effective protection measures for migrant workers.

This research was conducted in three Provinces and three Regencies in Indonesia. The three selected provinces are Central Java, South Sulawesi, and West Nusa Tenggara, and the three targeted Regencies were Grobogan (Central Java), Maros (South Sulawesi), and East Lombok (West Nusa Tenggara). The selection of these six locations was based on the level of high mobility of migrant workers. The six locations represent the most populous sending and transit areas and the highest number of complaints received regarding migrant workers. In West Nusa Tenggara Province, for example, BP2MI statistics (2023) showed that although this province had a population of only 5.1 million people in 2022, West Nusa Tenggara is the fourth largest sending province in Indonesia (11.35%). The three selected provinces were also the most populous areas in the same year.

In addition, the selection of the six target areas was also based on SBMI's media monitoring of migrant workers between 2018 and 2022. These results show that the six target areas are the most frequently mentioned in the media (SBMI, 2022). For example, in the last five years of observation, more than 60% of media coverage reported cases related to migration from these six regions. In general, this media report highlighted the various problems faced by CPMI or those who are still in the pre-departure stage.

C. 1. Data Collection with Survey

Data collection with survey was carried out by researchers using a series of questionnaires distributed using Google Forms. Three sets of questionnaires will be prepared for four respondents in different categories:

1. Prospective Migrant Workers and Migrant Workers who failed to depart;
3. Migrant workers who are already working at destination countries;
4. Migrant workers who have returned to their place of origin;
5. Government officials in the six targeted areas.

In each target area, questionnaires were distributed to 100 respondents with attention to gender balance (a minimum of 50 female respondents). At the end of the survey data collection period, we received at least 300 responses from the three categories of migrant workers above.⁶ In this survey, we also involved migrant workers from various sectors, such as domestic workers, caregivers, plantations, manufacturing, and other prospective land-based industries, as well as seafarers working on offshore fishing vessels.

The formulation of the questionnaire was carried out in three stages. At the first stage, SBMI identified existing national regulations that have a major impact on protecting migrant workers. In addition, SBMI also identified the Objectives in the Global Compact on Migration (GCM) and Sustainable Development Goals (SDGs), which are the two most comprehensive and universally agreed principles that must be considered and included by migration stakeholders. The data collection of the survey was carried out to see the patterns of the Government's implementation of PMI's protection services. Meanwhile, the data analysis will be carried out qualitatively based on the in-depth analysis in the next process, through FGDs.

Due to the relatively large target respondents and a relatively short research period, SBMI involved enumerators who were SBMI administrators and members in three District Leadership Councils (DPC): DPC SBMI Grobogan, DPC SBMI Maros, and DPC SBMI East Lombok. The duties of the enumerators are to disseminate information about this research, to assist with the survey process, and to collect data for further processing in this research.

C. 2. Focus Group Discussion (FGD)

Collecting data through FGD emphasizes the importance of interaction within the groups presented. During the FGD, participants influenced each other during the discussion by responding to ideas and making contributions to the FGD. Therefore, the facilitator in the FGD plays an important role in encouraging lively discussion and debate. The transcripts of group conversation transcripts and moderator reflections and annotations are the primary data which generated by this technique (Mishra, 2016). FGDs were also carried out to find out the range of perspectives of people from various groups, the level of understanding from the participants regarding the issue discussed, as well as the level of implementations in the field, in terms of the services and the coordination related to the protection of Indonesian migrant workers. Using the survey data that has been collected, the researcher contrasts and compares the data which has been collected to be presented to the various groups which present in the FGD. FGDs are another form of in-depth interviews carried out through forms of meetings. In this study, FGDs were conducted to collect data on policy implementation at the Provincial, Regency or City, and Village levels. FGDs at the Provincial level will be conducted to assess the normative role of the Provincial Government. Meanwhile, at the Regency level, the FGD will evaluate the practical experience of Government Officials in terms of handling the facilitation of migration process. We have combined the FGDs for Regencies or Cities, and at Villages level because the functions of implementing services and coordination at these two levels of Government are very closely related to one another. Therefore, merging these FGDs in terms of two Government levels can reflect coordination and governance mechanisms in providing protection services for PMI.

⁶ In practice, the surveys conducted among Government Officials have been effective through FGDs.

At FGDs in Provincial Level, the researchers involved Government, Private sectors, and community organisations. Our research team involved ranges of participants such are :

1. Service Center for the Protection of Indonesian Migrant Workers (BP3MI);
2. Provincial Office of Manpower;
3. Social Affairs Provincial Office;
4. Provincial Office of Woman Empowerment and Child Protection ;
5. Provincial Education Office;
6. Provincial Office of SMEs and Cooperatives;
7. Provincial Office of Communication, Informatics, Encryption, and Statistics;
8. Provincial Regional Development Planning Agency;
9. Regional People's Representative Council (DPRD);
10. Academia;
11. PMI Placement Company (P3MI);
12. Work Training Center; and
13. Non-governmental organizations and unions which fight for the rights of migrant workers.

While for the FGDs at the Regency and Village Level, our research team will involve various range of participants such are :

1. Secretary of Regency Government's Office;
2. Service Center for the Protection of Indonesian Migrant Workers (BP3MI);
3. Regency Government Office of Manpower;
4. Regency Government Office of Social Affairs;
5. Regency Government Office of Society Empowerment and Village;
6. Regency Government Education Office;
7. Regency Government Education Office of Woman Empowerment, Child Protection, Population Control, and Family Planning;
8. Regency Cooperatives Small and Medium Enterprises Office;
9. Regency Government Office of Communication and Informatics;
10. Regency Vocational Training and Productivity Center;
11. P3MI;
12. NGOs or Union Groups at the Regency Level;
13. Village Government Apparatus.

Referring to the initial codification process and the short period of research study, the research team emphasized the importance of focusing and narrowing down on the important issues concerning the protection of PMI. From the various government functions for implementing protection and services for CPMI/PMI, in this study, we focus on examining four main aspects of implementing PMI protection at the Provincial level. We have reviewed these four aspects and included them in our efforts to fulfil the Objective in GCM:

- a. Implementation of socialization regarding coordination and dissemination of information on the labour market and safe migration;
- b. Implementation of coordination of the implementation of education and training for CPMI;
- c. Coordinating the facilitation of PMI returns with problems or sickness;
- d. Implementation of coordination for the prevention for non-procedural PMI's departure.

To ensure the analysis in this study achieves the goal of evaluating the GCM Objectives, we devised the following table for Provincial-level analysis:

Table 1 : Linkage of Provincial Government Protection Function with GCM's Objectives

Objectives of selected GCM	Elaboration of GCM Objectives which are Relevant to Local Government Duties in Indonesia	Coverage of Functions of Protection and Services for Indonesian Migrant Workers, Provincial Governments Appointed in this Research			
		Implementation of socialization, coordination, and dissemination of labor market information and safe migration	Coordinating the implementation of education and training for Prospective Indonesian Migrant Workers	Implementation of coordinating the facilitation of the return of Indonesian Migrant Workers who have problems or are sick	Implementation of non-procedural PMI departure prevention coordination
1	Collect and utilize accurate and disaggregated data as a basis for evidence-based policies	■	■	■	■
2	Minimize the adverse drivers and structural factors that compel people to leave their country of origin	■	■		■
3	Provide accurate and timely information at all stages of migration.	■		■	■

Objectives of selected GCM	Elaboration of GCM Objectives which are Relevant to Local Government Duties in Indonesia	Coverage of Functions of Protection and Services for Indonesian Migrant Workers, Provincial Governments Appointed in this Research			
		Implementation of socialization, coordination, and dissemination of labor market information and safe migration	Coordinating the implementation of education and training for Prospective Indonesian Migrant Workers	Implementation of coordinating the facilitation of the return of Indonesian Migrant Workers who have problems or are sick	Implementation of non-procedural PMI departure prevention coordination
4	Ensure that all migrants have proof of legal identity and adequate documentation.			■	■
5	Enhance availability and flexibility of pathways for regular migration	■		■	■
6	Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work	■			■
7	Address and reduce vulnerabilities in migration	■		■	■
10	Prevent, combat, and eradicate trafficking in persons in the context of international migration.			■	■
12	Strengthen certainty and predictability in migration procedures for appropriate screening, assessment, and referral.	■	■	■	■
15	Provide access to basic services for migrants.	■	■	■	

Objectives of selected GCM	Elaboration of GCM Objectives which are Relevant to Local Government Duties in Indonesia	Coverage of Functions of Protection and Services for Indonesian Migrant Workers, Provincial Governments Appointed in this Research			
		Implementation of socialization, coordination, and dissemination of labor market information and safe migration	Coordinating the implementation of education and training for Prospective Indonesian Migrant Workers	Implementation of coordinating the facilitation of the return of Indonesian Migrant Workers who have problems or are sick	Implementation of non-procedural PMI departure prevention coordination
16	Empower migrants and societies to realize full inclusion and social cohesion		■		
17	Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions about migration.	■	■	■	
18	Invest in skills development and facilitate mutual recognition of skills, qualifications and competences		■		
19	Creating conditions for migrants and the diaspora to fully contribute to sustainable development in all countries		■		
20	Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants	■			

Objectives of selected GCM	Elaboration of GCM Objectives which are Relevant to Local Government Duties in Indonesia	Coverage of Functions of Protection and Services for Indonesian Migrant Workers, Provincial Governments Appointed in this Research			
		Implementation of socialization, coordination, and dissemination of labor market information and safe migration	Coordinating the implementation of education and training for Prospective Indonesian Migrant Workers	Implementation of coordinating the facilitation of the return of Indonesian Migrant Workers who have problems or are sick	Implementation of non-procedural PMI departure prevention coordination
21	Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration.			■	■
22	Establish mechanisms for the portability of social security entitlements and earned benefits			■	

Meanwhile, at the Regency, City, and village levels, some of the main focuses which we focused on are:

- a. Implementation of socialization and dissemination of labor market information and safe migration;
- b. Implementation of the data collection of CPMI, PMI, or PMI Returnees;
- c. Coordination of PMI's return facilitation and social reintegration;
- d. Prevention of non-procedural PMI Departure.

To ensure the analysis in this study achieves the objective of evaluating the GCM's Objectives, we have designed the following table:

Table 2. Linkage of Provincial Government’s Protection Function with GCM’s Objectives

Objectives of selected GCM	Elaboration of GCM Objectives which are Relevant to Local Government Duties in Indonesia	Coverage of Functions of Protection and Services for Indonesian Migrant Workers, Provincial Governments Appointed in this Research			
		Implementation of socialization, dissemination of labor market information, and safe migration	Implementation of data collection of Prospective Indonesian Migrant Workers, Indonesian Migrant Workers, or Former Indonesian Migrant Workers	Coordination of PMI return facilitation and social reintegration	Prevention of non-procedural Indonesia Migrant Worker Departure
1	Collect and utilize accurate and disaggregated data as a basis for evidence-based policies	■	■	■	■
2	Minimize the adverse push and structural factors that compel people to leave their country of origin.	■			■
3	Provide accurate and timely information at all stages of migration.	■	■	■	■
4	Ensure that all migrants have proof of legal identity and adequate documentation.		■		■
5	Enhance availability and flexibility of pathways for regular migration	■			■

Objectives of selected GCM	Elaboration of GCM Objectives which are Relevant to Local Government Duties in Indonesia	Coverage of Functions of Protection and Services for Indonesian Migrant Workers, Provincial Governments Appointed in this Research			
		Implementation of socialization, dissemination of labor market information, and safe migration	Implementation of data collection of Prospective Indonesian Migrant Workers, Indonesian Migrant Workers, or Former Indonesian Migrant Workers	Coordination of PMI return facilitation and social reintegration	Prevention of non-procedural Indonesia Migrant Worker Departure
6	Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work	■			■
7	Address and reduce vulnerabilities in migration.	■			■
10	Prevent, combat and eradicate trafficking in persons in the context of international migration.		■	■	■
12	Strengthen certainty and predictability in migration procedures for appropriate screening, assessment, and referral.	■	■		■
15	Provide access to basic services for migrants.	■	■		
16	Empower migrants and communities to achieve full inclusion and social cohesion.		■	■	

Objectives of selected GCM	Elaboration of GCM Objectives which are Relevant to Local Government Duties in Indonesia	Coverage of Functions of Protection and Services for Indonesian Migrant Workers, Provincial Governments Appointed in this Research			
		Implementation of socialization, dissemination of labor market information, and safe migration	Implementation of data collection of Prospective Indonesian Migrant Workers, Indonesian Migrant Workers, or Former Indonesian Migrant Workers	Coordination of PMI return facilitation and social reintegration	Prevention of non-procedural Indonesia Migrant Worker Departure
17	Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions about migration.	■	■		
18	Invest in skills development and facilitate mutual recognition of skills, qualifications and competences		■	■	
19	Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries			■	
20	Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants	■		■	
21	Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration		■	■	■

Objectives of selected GCM	Elaboration of GCM Objectives which are Relevant to Local Government Duties in Indonesia	Coverage of Functions of Protection and Services for Indonesian Migrant Workers, Provincial Governments Appointed in this Research			
		Implementation of socialization, dissemination of labor market information, and safe migration	Implementation of data collection of Prospective Indonesian Migrant Workers, Indonesian Migrant Workers, or Former Indonesian Migrant Workers	Coordination of PMI return facilitation and social reintegration	Prevention of non-procedural Indonesia Migrant Worker Departure
22	Establish mechanisms for the portability of social security entitlements and earned benefits			■	

D. FIELD FINDINGS ON THE IMPLEMENTATION OF POLICIES OF PMI PROTECTION AT THE REGIONAL GOVERNMENT LEVEL

D.1. Laws and Regulations at the Regional Level and Budget Planning

D.1.1. Review of Policy Development and Budgeting Guidelines

Referring to the National Medium-Term Development Plan (RPJMN) 2020–2024, the Government of Indonesia has shown its commitment to developing labour aspects related to migrants. Moreover, the Government of Indonesia sets policy directions and strategies to strengthen economic resilience for high quality and equitable growth through labour reform through continuous efforts to improve labour regulations, increase workforce skills and productivity, increase the role of local governments, and increase protection for Indonesian migrant workers overseas. According to the RPJMN 2020–2024, the protection of workers will be realized through implementing a universal social protection system for workers, revamping the service system for the placement and the protection of migrant workers, and implementing an effective labour inspection system.

The RPJMN 2020–2024 also includes the agenda of increasing quality and competitiveness in human resources. Furthermore, the Government of Indonesia realizing this agenda by creating policies and strategies to increase the protection of Indonesian women migrant workers from violence and Trafficking in Persons (TPPO). One of the initiatives by the Government of Indonesia, they have launched policies and regulations to strengthen the handling, rehabilitation, repatriation, and reintegration of women who have experienced criminal acts of violence and Trafficking in Persons (TPPO).⁷

Apart from relying on the RPJMN, the Government must also ensure that the protection agenda of Indonesian migrant workers can be carried out at the sub-national level to protect migrant workers who depart from their place of origin. To ensure its implementation, the Ministry of Home Affairs issues guidelines for planning and budgeting for Regional Governments. This is stated in the Regulation of the Minister of Home Affairs Number 90 of 2019 concerning Classification, Codification, Regional Development Planning, and Financial Nomenclature, which was updated through Decree of the Minister of Home Affairs 050-5889 of 2021, which includes an agenda for protection of Indonesian migrant workers in the form of:⁸

⁷ Appendix 1 RPJMN 2020-2024 page IV. 31

⁸ Minister of Home Affairs Regulation Number 90 of 2019 concerning Classification, Codification, Regional Development Planning, and Financial Nomenclature

Provincial Government's Affairs:

- a. Increasing the Protection and Competency of Prospective Indonesian Migrant Workers (PMI) or Indonesian Migrant Workers (PMI);
- b. Provision of Integrated Services to Prospective Migrant Workers;
- c. Empowerment of Indonesian Migrant Workers After Placement.

Regency/City Government's Affairs:

- a. Increasing the Protection and Competency of Prospective Indonesian Migrant Workers (PMI) or Indonesian Migrant Workers (PMI);
- a. Provision of Integrated Services to Prospective Migrant Workers;
- b. Empowerment of Indonesian Migrant Workers After Placement.

Besides, there is also Minister of Home Affairs Regulation Number 81 of 2022 concerning Guidelines for the Preparation of Regional Government Work Plans for 2023, which provides guidance on the direction of Regional Development policies and it includes the protection agenda for Indonesian migrant workers:

*“Following up on Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Appendix G of Law Number 23 of 2014 concerning Regional Government where every prospective Indonesian Migrant Worker has the right to gain access to capacity building through education and job training in order to increase competence, and every Indonesian Migrants workers who have returned to Indonesia, they have the right of protection after working through the Program of Empowerment for Indonesian Migrant Workers and their families”.*⁹

In addition, the Ministry of Home Affairs also issued Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 84 of 2022 concerning Guidelines for Compiling the Regional Revenue and Expenditure Budget for Fiscal Year 2023. The guidelines for preparing the APBD include a budget for PMI protection, namely:

- In the context of repatriating Indonesian Migrant Workers (PMI) from abroad in special situations as mandated in the provisions of laws and regulations, the Regional Government can prepare budget allocations, including:
 - a. Repatriation of PMI includes returning PMI from the point of debarkation to their place of origin in special situations, this including situations such as : natural disasters, disease outbreaks, wars, and large-scale deportations, where the country of assignment no longer guarantees PMI's safety; and
 - b. To improve the coordination of PMI's repatriation, it is allowed for Governors, Head of Regencies, and Mayors to form PMI Repatriation Task Forces in their respective regions.
- For the 2023 fiscal year, the Regional Government synergizes programs and activities in preparing the 2023 Fiscal Year Budget with government policies, including:
 - a. Increasing the protection and competency of prospective Indonesian Migrant Workers (PMI) and Indonesian Migrant Workers following Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers;
 - b. Empowerment of Indonesian migrant worker communities and operational implementation of productive migrant village programs.

Apart from the Central Government, the budgeting process is also closely related to the budget

⁹ Minister of Home Affairs Regulation Number 91 of 2022

planning process in each of the regions. In the next sub-chapter, this study will review budget performance at each research location.

D.1.2. Central Java Provincial Government

Even though Central Java is one of the largest PMI-sending areas in Indonesia, Central Java Provincial Government still needs regulations at the regional level which specifically regulate the protection of PMI in both land and sea sectors.

Even though Central Java does not have Regional or Governor regulations, the Provincial Government implements several programs related to migrant workers, which are listed in the RPJMD and Regional Government Work Plan (RKPD) of Central Java Province for period 2018–2023. In the RPJMD period 2018–2023, programs for job training and workforce productivity are provided, including for Indonesian migrant workers. This program was implemented to achieve program performance indicators, namely, an increase in the percentage of job seekers with competency-based training certificates in services, foreign languages, cultural affairs, and migrant workers.¹⁰

In the Regional Government Work Plan (RKPD) 2018–2023, there is a program for handling Indonesian migrant workers who are victims of acts of violence, which is a priority program plan related to basic services in the social sector, this is main responsibility for the Government Office of Social Service. This program is primarily directed at repatriating Indonesian migrant workers who are victims of acts of violence from debarkation points in the Provinces to their districts or cities of origin. This program is implemented to achieve performance indicators, namely, the percentage of Indonesian migrant workers who are victims of acts of violence who have received psychosocial treatment.¹¹

Furthermore, in the Regional Government Work Plan (RKPD) 2018–2023 also stated that in the field of labour, there is placement program, which one of its purpose are at protecting PMI both pre-placement and post-placement in the Province.¹²The implementation of these programs can be seen from the existence of budget allocations from the APBD for all three programs. Based on the 2023 Fiscal Year APBD, the Central Java Provincial Government has allocated an APBD of IDR 12,356,892,000 for job training programs and labour productivity.¹³ Although these budget allocation not specifically intended for PMI, this budget allocation include providing job training facilities, including training and promotion in hospitality area, apprenticeships, study for foreign languages, and for Indonesian migrant workers.

10 RPJMD of Central Java Province 2018-2023, p. viii-12, <https://data.jatengprov.go.id/dataset/f4b7d121-a09d-4297-ad4a-97aab53e5a08/resource/362c0c9a-3886-45b9-a9ce-ecc020b32ba1/download/rpjmd-2018-2023-2-1.pdf>

11 RKPD of Central Java Province Year 2023, page.vi-12, https://jdih.jatengprov.go.id/produk_hukum/pergub/2022pg0033032.pdf

12 *Ibid.* page vi-13 and vi-14.

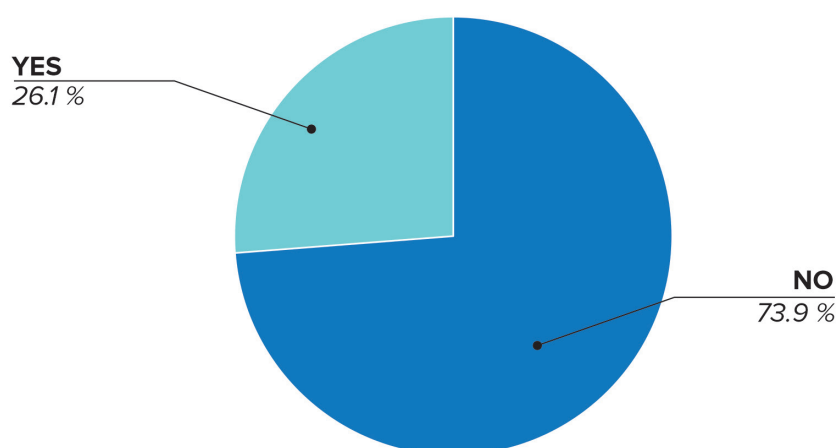
13 APBD of Central Java Province page 690. <https://peraturan.bpk.go.id/Home/Details/240227/perda-prov-jawa-tengah-no-13-tahun-2022>

For the Protection of PMI (pre and post-placement), the Government has allocated APBD funds of IDR 259,165,000¹⁴ with details:

- to increase the protection and competency of government related to migration and PMI's candidates in the amount of IDR 63,630,000¹⁵;
- provision of integrated services to prospective Migrant Workers in the amount of IDR 12,540,000¹⁶;
- and for empowerment program for PMI's returnees in the amount of IDR 182,995,000¹⁷.

In addition, the Government has program for supporting migrant workers who were victims of acts of violence and budgeted at amount of IDR 75,000,000 for this program. Moreover, this amount also used for the cost of repatriation facilities for migrant workers who were victims of acts of debarkation violence in the Province to be returned to their Regency or city of origin.

Chart1. Have PMI and their families have ever received training or participated in a training program from the Government?



Source: Results of the 2023 SBMI Survey of Prospective Indonesian Migrant Workers (CPMI), Indonesian Migrant Workers (PMI), and Indonesian Migrant Workers Returnees in Central Java Province

Based on a survey conducted by the SBMI team in 2023 on CPMI, PMI, and PMI's returnees in Central Java, the number of PMIs who have not received training or participated in a training program from the government is quite high in Central Java Province. As it can be seen in chart one above, as many as 73.9% of respondents from the survey answered that they had not received training nor they have attended training programs from the government. UNDP and SBMI Team have surveyed approximately 100 persons from CPMI, PMI, and PMI returnees.

Meanwhile, the rest of the participants answered that they had attended and received training from the Government's training program. However, as stated on the on the second part of Law 18/2017 concerning protection for migrant workers before working in the Article 13 paragraph c, CPMI must have a document of work competency certificate. This shows that PMI is not interested enough in the training programs provided from the Government. Even though the Central Java Government has allocated budgeting for protection and competency of PMI and PMI candidates with amount of IDR 63,630,000.

14 Ibid, page 697.

15 Ibid.

16 Ibid, page 698

17 Ibid

D.1.3. Grobogan Regency Government

Similar to the Central Java Provincial Government, the Grobogan Regency Government also does not have regulations which specifically regulate PMI's protection. The PMI's Protection Agenda in the Grobogan Regency RPJMD period 2021-2026¹⁸ only can be found in the Development Funding Framework and Regional Apparatus Programs, namely the Program to Supporting Migrant Workers as Victims of Violence, where the Government of Social Affairs Office is the focal point agency of this matter.¹⁹ In addition, the Government Office of Labour and Transmigration is also responsible for implementing vocational training programs, labor productivity programs, and work placement programs, but only in general matters and this is not specifically related to Indonesian Migrant Workers.²⁰ Furthermore, in the Grobogan Regency's RKPD 2023, specifically in the work plan and in the regional funding, unfortunately, the Government did not include the agenda for Supporting Migrant Workers who were Victims of Violence. On the other hand, there is a focus on the placement of workers in PMI's protection issue (especially pre-placement and post-placement) in Regency and City areas.²¹ Although the form of protection for PMI is not specifically described, the Labour Office program's in the RKPD is also aimed at increasing the competency of prospective Indonesian workers,²² although it does not specifically mention Indonesian migrant workers.

In 2023, the Grobogan Regency APBD allocates IDR 2,039,758,000 for job training programs and labor productivity; IDR 219,600,000 for the Workforce Placement Program; and IDR 79,600,000 for the Management of Labor Market Information, but this program does not specifically stated the distribution of funding for PMI, although it does not specifically mention PMI.²³

Then several activities do not have specific budget allocation, such as PMI Protection (Pre-Placement and Post Placement) in Regency and City Areas, Increasing the Protection and Competency of Prospective Indonesian Migrant Workers (CPMI) and Indonesian Migrant Workers (PMI), and Empowerment Program for Indonesian Migrant Workers Returnees.²⁴ In addition, the APBD also does not accommodate program descriptions for supporting migrant workers who were victims of acts of violence, which are already included in the RPJMD.

18 Regional Regulation Number 8 of 2021 concerning the RPJMD of Grobogan Regency for 2021-2026

19 Ibid page VII 12

20 Ibid page VII 13

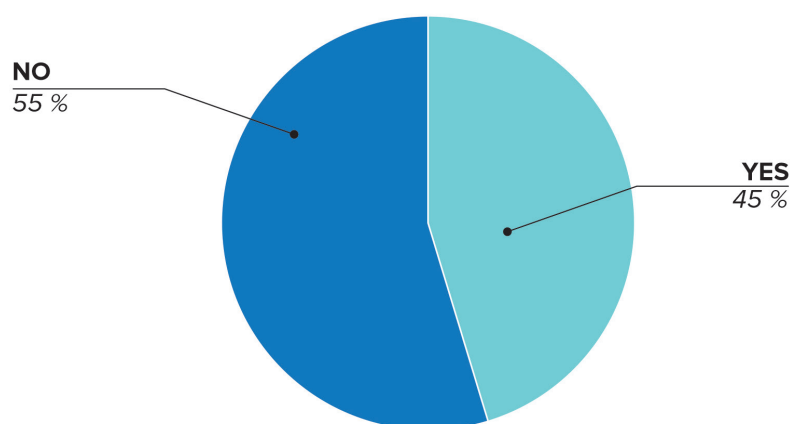
21 Regent Regulation 27/2022 concerning the 2023 Grobogan Regency RKPD page V-18

22 Ibid page V-11

23 Regional Regulation 12/2022 concerning the Grobogan Regency APBD Appendix III Gal 1/5

24 Appendix VIII Page 40/169

Chart 2. Does CPMI Have Certification of Competency?



Source: Results of the 2023 SBMI survey of CPMI, PMI and Former PMI in Central Java Province

Many CPMIs in the Central Java region still need certification of competency. This fact is supported by the Chart 2 above, where 55% of the respondents answered that they did not have certification of competency. This also means that more than half of the respondents surveyed did not have certification of competency. However, the applicable Law 18/2017 requires or obliges the Indonesian migrant workers to have documents of work competency certificate. In addition, the Regional Government of Grobogan Regency has budgeted the 2023 APBD for vocational training programs and labor productivity in the amount of IDR 2,039,758,000.

D.1.4. West Nusa Tenggara Province

West Nusa Tenggara Province has Governor Regulation Number 2 of 2011 regarding the Amendments to West Nusa Tenggara Governor Regulation Number 36 of 2010 regarding the Implementation of Placement and Protection of Indonesian Migrant Workers Working Abroad which came from West Nusa Tenggara Province. Unfortunately, this regulation still does not refer to Law Number 39 of 2004 regarding the Placement and Protection of Indonesian Migrant Workers Overseas. Therefore, this Pergub is not in the alignment with the latest regulations, namely Law Number 18 of 2017, concerning the Protection of Indonesian Migrant Workers.

In addition, West Nusa Tenggara Province also has Governor Regulation Number 40 of 2019 concerning One-Stop Integrated Services and the protection of Indonesian Migrant Workers. Meanwhile, the West Nusa Tenggara Provincial's RPJMD for 2019–2023 still does not accommodate the PMI protection agenda within the framework of Development Funding and Regional Apparatus programs.

The agenda related to migrant workers only found in the NTB Provincial RKPDP 2023 regarding the program which supporting migrant workers who are victims of acts of violence, which is included in the Regional priority's program²⁵. In addition, there is also an agenda for Protection of PMI (Pre-Placement and Post-Placement) in the Province such as: Increasing the Protection and Competence of Prospective Indonesian Migrant Workers (PMI) and Indonesian Migrant Workers (PMI), Provision of Integrated Services for Prospective Migrant Workers, and Empowerment of Indonesian Migrant Returnees Post-Placement, with the authority of the Government Office of Labour and Transmigration.

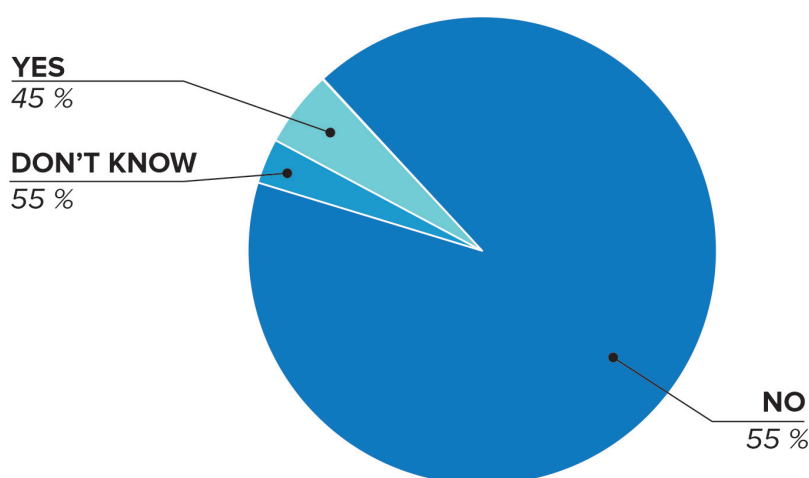
In the NTB APBD for Fiscal Year 2023, there is an allocation of APBD funds amounting to IDR.

²⁵ West Nusa Tenggara Province RKPDP 2023, page vi-29, <https://drive.google.com/file/d/1laiyIWprTXoqbpxovx85Fgy-4qR6CF55/view?usp=drivesdk>

438,124,000²⁶ for program which support migrant workers who are victims of acts of violence, specifically to facilitate the repatriation of these migrants from the debarkation point in the Province to be returned to the regency or city of origin. There is also a budget for PMI's protection (pre-placement and post-placement) in the Province of IDR 299,513,200²⁷ with details:

- to increase the protection and competency of PMI and PMI candidates in the amount of IDR 94,466,200;
- to provide integrated services for PMI candidates in the amount of IDR 5,047,000; and to empower PMI returnees in the amount of IDR 200,000,000.

Chart 3. Do PMI and their families get access to social empowerment and reintegration?



Source: Results of the 2023 SBMI survey of CPMI, PMI and PMI Returnees in West Nusa Tenggara Province

In NTB, many PMIs and their families still do not have access to empowerment or social reintegration. This is reflected in Chart 3 above, where as many as 92.1% of respondents surveyed in NTB Province answered that they did not get access to social reintegration for PMI and their families. The rest answered that 2.8% they did not know about the program, and 5.3% answered that they had access to social reintegration

D.1.5. East Lombok Regency

East Lombok Regency has Regional Regulation Number 5 of 2021 concerning the Protection of Indonesian Migrant Workers from East Lombok. In addition, East Lombok also already has a One-Stop Integrated Service. In the East Lombok RPJMD 2018-2023, the PMI protection agenda only appears in the Workforce Quality and Productivity Improvement Program,²⁸ however, it needed to have a program specifically explained regarding the Indonesian migrant workers. Furthermore, in the 2023 East Lombok RKPD, on the work plan and funding, there is a Program for supporting Migrant Workers who are victims of violence with the Facilitation of Repatriation of those migrants from Debarkation Points in Regency or City areas to be returned to the Village or District of origin with the authority of Government Office of Social Affairs.²⁹

26 Appendix III of the 2023 NTB Province APBD, page 1, https://jdih.ntbprov.go.id/sites/default/files/produk_hukum/Lam-piran3-APBD2023.pdf

27 Ibid. page 2.

28 East Lombok Regency RPJMD Year 2018-2023 Page 7-9

29 RKPDP East Lombok Regency Year 2023 Page V-1

Apart from that, the RKPD also contains an agenda for Protection of PMI (Pre-Placement and Post-Placement) in the Regency/City Area such as: Increasing the Protection and Competency of Prospective Indonesian Migrant Workers (CPMI) and Indonesian Migrant Workers (PMI), Provision of Integrated Services for Prospective Migrant Workers, and Empowerment of Indonesian Migrant Returnees Post-Placement with the authority of the Government Office of Labour and Transmigration.³⁰

D.1.6. South Sulawesi Province

Similar to Central Java Province and Grobogan Regency, South Sulawesi Province does not yet have specific regulations regarding PMI's protection.

The South Sulawesi Provincial RPJMD 2018–2023 includes a Program for PMI for Supporting Migrant Workers who are Victims of Violence. More specifically, this Program includes Facilitating the Return of Migrant Workers who are Victims of Violence from the Debarkation Points in the Provincial Areas to be Returned to the Regency or City of Origin, which is the responsibility of the Government Office of Social Affairs. This program is also mentioned in the South Sulawesi Province RKPD 2023.³¹ The RKPD also contains an agenda for the Protection of PMI (Pre-placement and Post-placement) in the form of Providing Integrated Services to Prospective Migrant Workers in the Province.³² In addition, inside the RKPD there is also the Program for Implementation of Work Training Based on Competency Clusters,³³ but this does not specifically refer to PMI.

D.1.7. Maros Regency

Maros Government's Regency still does not have regulations yet regarding the Regulations for the Protection of Indonesian Migrant Workers. However, according to the Head of the Maros Regency Government of Labour Office, the Regional Regulation on PMI Protection is still in the process of being drafted. In the Maros Regency RPJMD 2021-2026, the direction of policy development is also including the PMI's protection agenda such as: Increasing the protection of women, including migrant workers, from acts of violence and Trafficking In Persons (TPPO),³⁴ however, this policy direction is not included in the development funding framework and regional apparatus programs. Moreover, inside the funding framework, there is only the agenda for the Job Training and Labor Productivity Program and the Workforce Placement Program, however, it does not specifically have section stated regarding the Indonesian Migrant Workers.³⁵ In the APBD of Maros Regency for the 2023 fiscal year, there is budget allocation for the Job Training and Work Productivity Program with the amount of IDR 131,135,000, but there is no explanation of how much is allocated for the Indonesian Migrant Workers sector. Moreover, there is budget allocation of IDR 50,000,000 for the management of labor market information.³⁶

30 *Ibid.*

31 RKPD South Sulawesi Provinsi Year 2023, page vi-88, http://bappelitbangda.sulseprov.go.id/content/uploads/Rencana_Kerja_Pemerintah_Daerah_Provinsi_Sulawesi_Selatan_Tahun_2023.pdf

32 RKPD South Sulawesi Provinsi Year 2023, page vi-92

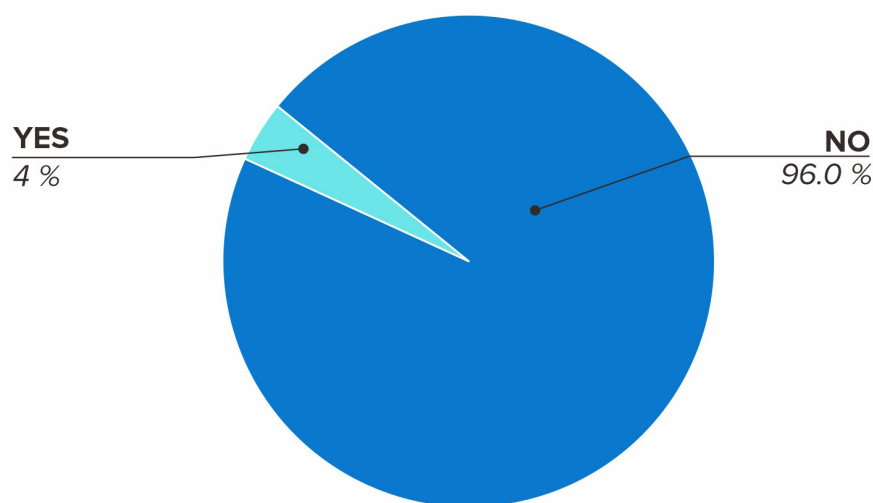
33 *Ibid*

34 RPJMD Maros Regency VI 14

35 VII-9

36 Maros Regency Regional Regulation Number 8 of 2022 concerning the Maros Regency Regional Budget for the 2023 Fiscal Year

Chart 4. Does CPMI Have Certification of Competency?



Source: Results of the 2023 SBMI survey of CPMI, PMI and PMI Returnees in South Sulawesi Province

In Maros Regency, the number of CPMI who does not have certification of competency is enormous. As it can be seen in the chart 4 above, 96% of respondents answered that they did not have certification of competency, even though the Maros Regency Government has allocated funding for job training programs and work productivity.

The data above was a result from a survey conducted by the SBMI team in 2023, where the respondents were CPMI, PMI, and PMI returnees from South Sulawesi.

D.2. Gap Analysis on Governance and Services for Indonesian Migrant Workers at the Provincial Level

D.2.1. Management of Socialization and Dissemination of Information on the Labour Market and Migration

Regarding the socialization and dissemination of labour market information, the research team have surveyed CPMI, PMI, and PMI Returnees. The team has reviewed the survey results which conducted in both Makassar and South Sulawesi Province. The survey was filled by a total of 100 respondents, consisting of:

- 16 CPMI respondents: 9 women respondents and 7 men respondents
- 32 PMI respondents: 21 women respondents and 11 men respondents
- 52 PMI returnees respondents: 33 women respondents and 19 men respondents

According to the result of this survey found that around 62.5% of PMI received information on job openings from brokers, 18.8% found job vacancies from social media, and the rest of respondents stated that they received information from their friends and families. In addition, regarding the PMI's method of obtaining information regarding job vacancies, 78.1% said that they received the information by meeting in person, 15.6% respondents said that they communicated via telephone, and 6.3% respondents said that they received information from leaflets.³⁷

³⁷ Survey Result South Sulawesi Province

According to the findings in this survey, as many as 79.9% of PMI did not know the name of the company which would send them during the recruitment process. In addition, as many as 87.5% of PMI were also not notified of the placement fee by the company. In addition, 62.5% of PMI were not notified regarding the complaint services available when they encountered a problem during migration process. Out of the 100 respondents, 95 % of PMI also admitted that they were not registered with the BPJS program by the their company, and as many as 96% said they did not know about certificates of competency.³⁸

Meanwhile, a survey conducted in Central Java Province found that around 22.2% of PMI received information on job openings from brokers, 8.3% of the respondents receive information from social media, and the rest of the respondents received information from their friends and families. Moreover, 79.6% of the respondents obtained job vacancy information by meeting in person, 14.6% received information via telephone, and 3.9% obtained information via leaflets.³⁹

According to the findings in this survey, as many as 74% of PMI did not know the name of the company which would send them during the recruitment process. In addition, 34% of PMIs were not informed about the placement fee by the company, and only 65% were notified regarding the placement fee. Furthermore, 62.5% of PMI did not been informed regarding the complaint service when they need to report a problem during their migration process. Out of the 100 respondents, 46% of PMI also admitted that they were not registered with the BPJS program by the company, and as many as 55% admitted that they did not know about certificates of competency⁴⁰.

Based on the three FGDs held in each capital of 3 Provinces, we will describe our research findings in the next sub-chapter.

D.2.1.1. The Functions of the One-Stop Integrated Service (LTSA) for PMI's Placement and Protection are not fully optimal.

As mandated in the PP 59 of 2021, one of the institutional milestones in carrying out socialization and dissemination of information on the labour market and safe migration is the availability of One-Stop Integrated Service (LTSA). The various aspects covered in the socialization and dissemination of information on the labour market and safe migration have requirements such as: information regarding the overseas job market, placement procedures, and the conditions that must be prepared for Indonesian workers to working abroad. In PP 59 of 2021, the provision of information is carried out by the One-Stop Integrated Service (LTSA) for Indonesian Migrant Workers in each Province. However, the results of our field study research shown that not all provinces have already have LTSA.

This reason also impacted in the socialization and dissemination of information not properly developed well by the implementing institutions which handle the protection of Indonesian migrant workers at the Provincial level. In a situation where the LTSA has yet to be formed, the implementation of dissemination of information for migrant workers is carried out by the Private Sector and the Government at the Regency or City level. The unavailability of LTSA at the Provincial level is certainly a challenge for socializing and disseminating information for migrant workers, which happened in the Central Java Province. As one of the largest migrant areas in Indonesia, Central Java Province still does not have One-Stop Integrated Service (LTSA).

Although the Regional Government at the Provincial level already has LTSA, the LTSA function still needs to be implemented optimally. One interesting finding comes from West Nusa Tenggara

38 Survey Result South Sulawesi Province

39 Survey Result Central Java Province

40 Survey Result of Central Java Province

Province (NTB), where the Provincial Government has issued Governor Regulation (Pergub) No. 40 of 2019 concerning One-Stop Integrated Services (LTSA) for the Placement and Protection of Migrant Workers in West Nusa Tenggara Province (NTB). Governor Regulation 40/2019 was issued as a substitute for Governor Regulation Number 20 of 2017 concerning One-Stop Services (LTSA) for the Placement and Protection of Indonesian Migrant Workers in the West Nusa Tenggara Province, which is considered to be no longer following the applicable laws. Although the local Government has issued a Governor's regulation, the discussion dynamics reflected in the Mataram FGD showed that the Regional Government Officials at this level still needed to coordinate more optimally.⁴¹ Several Government Agencies (OPDs) at the Provincial level still feel that coordination between agencies related to socialization and dissemination of the labor market has been carried out, although it is not been carried out in a systematic way .

This is also relevant to the same example, which is in South Sulawesi Province with Governor Regulation 68 of 2020 concerning the Organization and Work Procedure of the One-Stop Integrated Service Unit (LTSA) for Indonesian Migrant Workers at the South Sulawesi Province Manpower and Transmigration Service. The birth of this Pergub can become a coordinative basis for Regional Government Organizations (OPD) at the Provincial level to carry out their respective duties and functions under the umbrella of a joint institution. However, the Government Officials in the region still feel that disseminating labour market information and socializing safe migration need to be carried out more optimally.

In general, the coordination carried out regarding this matter still being constrained by various aspects, such as the budgeting pattern of each agency which follows the respective main agency, therefore it creates a challenge for the the spirit coordination between one agency and another inside LTSA, and these agencies need to be fully coordinated as one functional unit. Referring to Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 84 of 2022 regarding the Guidelines for the Preparation of the Regional Revenue and Expenditure Budget for the 2023 Fiscal Year, the Local Governments are expected to synergize programs and activities in the budget allocation. One factor which cause difficulties in accessing LTSA services is that the location of the South Sulawesi's LTSA is located far away from the center of the Province, which is located in the city of Pare-pare.

The finding results in the 3 provinces above shown that even though several provinces have been responsive in carrying out the establishment of LTSA as well as following the changes in legislation, the Local Government has not yet optimizing the function of LTSA as a means of disseminating labour market information and socializing safe migration. Local Governments, especially the Relevant Government Agencies (OPD) in each institution, tend to resist the content or context of the latest legal products. The facts showed that some OPDs interpret their main tasks and functions differently. One of the causes of this lack of understanding is the frequent rotation of staff at the Regional level, therefore, the Regional Government Officials always learn new things when they enter different institutions from their previous main duties.⁴²

The lack of in-depth understanding from the relevant technical agencies has resulted in the not fully optimal of coordination, integration, and synchronization, both within their respective environments and between organizational units within the One-Stop Integrated Service Unit (LTSA)'s environment. One of the goals of establishing LTSA is to shorten the bureaucracy process and to produce a more concise and flexible regular migration scheme. **The implementation of this concise and flexible migration scheme is also stated in the Objectives 5 of the GCM.**

41 Findings based on the FGD results in West Nusa Tenggara (NTB) Province on 23 May 2023

42 Findings in FGD in Makassar, 6 June 2023; and FGD in Mataram on 23 May 2023

This study also found even though several provinces already have LTSA, as described above, they need to provide more efforts on gender-sensitive aspects which accommodate the services and protection for women migrant workers. This fact shown that there has been no attempt by the Provincial Government to accommodate regulations based on a gender perspective, therefore the vulnerability of female migrant workers is even greater. **The vulnerabilities which we need to reduce in this migration are in line with the Objectives 7 of the GCM.**

D.2.1.2. The Weak Dissemination of Information on the Official Labour Market and Domination of Brokers

Reflecting on all the FGDs which UNDP and SBMI Team have held at three Provinces, the Provincial Government has tried to disseminate information regarding labour market and socialize safe migration. However, despite the efforts which the Provincial Government has done, it has not reach to all the prospective Indonesian migrant workers. Besides that the Regency or Village Government have a bigger role in carrying out the socialization of labour market, the Provincial Government has limitations in understanding the guiding function for the implementation of the dissemination of labour market information. Some of the reasons which often stated in the FGDs were the limited available budget to perform socialization and the unrealistic reach between the limited number of personnel and a large number of outreach socialization points.⁴³

As discussed in the previous sub-chapter, the principles of coordination, integration, and synchronization which not fully integrated between Government agencies have created several challenges, especially in the implementation of socialization and disseminating a safe labour market down to the Village level. Based on the discussions results with the Provincial Governments of West Nusa Tenggara, Central Java, and South Sulawesi, almost all Government Agencies (OPDs) who participated in the FGDs in the 3 provinces said that socialization and provision of information related to safe and targeted migration had been carried out down to the village level. However, this statement was refuted through the findings of a survey with approximately 300 CPMI/PMI coming from the same area. The survey respondents said that they received more information regarding labour market from the brokers. Even though this phenomenon can be understood along with the brokers' approach, which is more personal and door-to-door in nature, compared to the minimum guidance from the staff of the Regional Government, the guidance of the dissemination on labour market and socialization of safe migration remains on the duty of the Local Governments following the mandate of Law 18 /2017. To respond to the the challenges of providing outreach and information as previously described, mosf of the Government agencies from each Province agreed to utilize the SIAPKerja job market system which has issued by the Ministry of Labour (Kemnaker). This is to prevent the occurrence of non-procedural migration. The SIAPKerja application is a platform for prospective Indonesian migrant workers who want to find information about domestic and international jobs, and the application also including companies for recruiting migrant workers abroad.

The Government Office of Labour in the three provinces also admitted that they had socialized information regarding the SIAPKerja application to various village areas. However, according to representatives from the Government Office of Labour, many prospective Indonesian migrant workers still trust brokers more compared than using the SIAPKerja application.

⁴³ It was reflected in the Mataram FGD of May 23, 2023. At the Provincial level, there are only 11 working staff, and all are entering retirement age. This budgetary limitation also resulted from the need to implement an evidence-based budget planning process. One of the reasons for the non-implementation of the evidence-based budget planning process is the need for more data collection on existing CPMI/PMI/PMI Returnees, which is implemented at the Regency and Village levels. Evidence-based policy implementation is the Objective 1 of GCM. For findings on CPMI/PMI/PMI Returnees data collection, see the Regency/Village analysis section in sub-chapter (ii) on 'CPMI/PMI Returnees Data Collection'.

Even though it is said that socialization regarding the SIAPKerja application has been carried out, however, in practice, the socialization still considered passive and not conducted in a proactive way. When the research team asked to the relevant Government agencies whether socialization in the villages level had been carried out or not, several agencies admitted that they had not conducted the socialization, which followed by blaming each other. One of the reasons why the use of the SIAPKerja application by prospective Indonesian migrant workers has not been optimal is due to the limited understanding of the user about the application. This application also had many changes which also cause problems for the users. Every time an update is carried out, the community must also renew their literacy in using these various applications. Another source of confusion at the community level is that the job seeker application system needs to be fully integrated from one agency to another. Furthermore, Government Agencies, as the organizers of PMI's protection and placement functions, are still harmonizing the online system for this job seeker application.

For example, to support the transition to using the SIAPKerja application, BP2MI also needs to integrate the Computerized System for Protection of Indonesian Migrant Workers (SISKOP2MI) into the SIAPKerja. These various systems function as recruitment and protection administration service systems, were intended to obtain a more accurate data collection system for Indonesian Migrant Workers. The transition from SISKOP2MI to SIAPKerja has cause confusion to the community, especially because the community in the village area has not become familiar with using the latest system.

As a result, CPMI overcomes this adjustment by referring back to P3MI and or brokers to assist in filling in their personal data. This fact is not in alignment with the spirit of Law 18/2017, which mandates the importance of independence from prospective Indonesian migrant workers in carrying out registration at the pre-placement stage.

D.2.2. Implementation of Education and Training for CPMI

Based on the implementation of education and training for CPMI in South Sulawesi Province, especially after returning home, only 9.6% of respondents claimed to have access to social empowerment or reintegration, and only 11.5% of respondents had received training or attended training programs from the Government.⁴⁴ Meanwhile, in Central Java Province, after returning home, only 21.7% of the respondents had access to social empowerment or reintegration, and only 26.1% of respondents had received training or attended training programs from the government.⁴⁵ Furthermore, in West Nusa Tenggara Province, after returning from working abroad, only 5.3% of respondents said that they had access to social empowerment or reintegration, and 2.6% of respondents stated that they did not know there was access to social empowerment or reintegration. The majority of 92.1% of respondents said that they did not received access to social empowerment or reintegration from the government.⁴⁶

D.2.2.1. Limited facilities and infrastructure, as well as limited of educational and job training outputs for prospective Indonesian migrant workers which have not been standardized

Referring to PP Number 59 of 2021, the Provincial Government has the authority to organize

44 Survey Result South Sulawesi Province

45 Survey Result Central Java Province

46 Survey Result West Nusa Tenggara Province

education and job training.⁴⁷ Specifically, the Provincial Government must provide education and job training facilities, training personnel and instructors, and funding for this matter. In their implementation, both Law 18/2017 and PP 59/2021 provide flexibility for Local Governments to cooperate with Government-Owned or Privately accredited educational institutions or job training institutions to provide education and training activities for CPMI (prospective Indonesian migrant workers). However, the implementation of this education and training is often interpreted with a very varied understanding among the Local Government officials, therefore, the implementation of education and training for prospective migrant workers has not been implemented optimally. Several related agencies, such as the Government of the Labour Office, the Government's Job Training Center, and the BP2MI of the three provinces, feel that they already have a pre-placement training program for CPMI (prospective Indonesian migrant workers). However, in reality, this pre-deployment training needs to be improved, and the output from the training often does not support PMI's needs when working in the placement country. In addition, facilities and infrastructure in several provinces still need to be improved, therefore, the CPMIs from several regions only able to undergo work competency training once they have been registered as CPMIs.

There are three aspects which underlie the problem above:

1. The understanding of the training needs to be more comprehensive and following the classification according to the curriculum for adult's education. In the results of the discussions with CPMI, they said that they needed to learn the difference between soft-skill and hard-skill training.
2. Most CPMIs and PMIs who participated in our survey said that they felt they needed certification of competency or that only a few of them had attended job trainings. Many of Indonesian migrant workers (PMIs) still need to get certificates of competency and learn more information about this matter, and this fact indicating that there has been no synchronization or synergy between the Government agencies in accommodating the pre-placement training for prospective Indonesian migrant workers (CPMI).
3. Several P3MIs which encountered at various levels implied that certification of competency is still considered an administrative requirement to expedite the process of placement.

Work competency enhancement which organized by the Government does not reflect a protection regime to reduce the risks which are harmful to migrant workers in the placement country, as implied in the Objectives 2 of GCM. In the Government Regulation Number 59 of 2021, it is stated that the Regional and Provincial Governments must guarantee the availability of training for Prospective Indonesian Migrant Workers through the vocational training. The funding for these vocational trainings shall come from the educational function, which is technically regulated in the BP2MI Regulation No. 9 of 2020.

Unfortunately, the lack of this funding for the vocational trainings has become an obstacle for the competency development for prospective Indonesian migrant workers (CPMI) and this is inconsistent with Objective 18 of GCM, whereby all parties involved in migration should 'Invest in skills development and facilitate mutual recognition of skills, qualifications and competences'.

For example, in Central Java Province, there are still P3MIs which include CPMIs for training at the BLKLN by charging the training costs to each of the CPMI. When confirmed by the discussion facilitator on the FGD regarding BP2MI's policy of allowing CPMI to pay for its training costs, BP3MI Central Java representatives confirmed that, in some cases, the training did incur costs from CPMI due to major budget constraints.

⁴⁷ Article 54, Government Regulation No. 59/2021

In this case, the insufficient allocation and the use of funding for CPMI's training and education have made the Local Governments quite dependent to the BLKLN in terms of training the prospective Indonesian migrant workers (CPMI). This means that there are still certain sectors and work destinations, which charged the training costs to the CPMI. In this case, for example, destinations like Thailand.⁴⁸ BP3MI has referred to the Kredit Usaha Rakyat (People's Business Credit) therefore the training costs can be borne by the relevant CPMI.

In principle, the mandatory prerequisite for having this certification of competency is having good commitment. However, certification of competency also raises a dilemma because competency training will require a training cost component. When the Government does not have a sufficient budget, P3MI and CPMI must find other ways to cover the costs incurred. One of the possible methods to receive funding from other parties is by obtaining funding from both official party such as Kredit Usaha Rakyat (Credit Instalment for Citizens) and informal parties, such as loan sharks.

In the West Nusa Tenggara (NTB) Province, socialization efforts regarding the vocational training have not been carried out systematically, due to the perception of the Government to waiting for opportunities is more dominant. As the result, the Government is passively waiting for training proposals which came from P3MI to provide competency training.⁴⁹ The passive attitude of the Local Government is also reflected in the minimum funding for education and vocational training for Indonesian migrant workers. This is not in alignment with the spirit of Law 18/2017 and PP 59/2021, as well as Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 84 of 2022 Regarding Guidelines for Compiling the Regional Revenue and Expenditure Budget for Fiscal Year 2023. In this Permendagri 84/2022, during the preparation of APBD at the Regional level, the Provinces are expected to prioritize budget allocations for:

“preparation of competent PMI candidates in accordance with the job orders to be carried out, as well as efforts to prevent human trafficking practices from occurring...”⁵⁰

The unavailability of good budgeting implementation is despite the mandate of the Minister of Home Affairs who has provided guidance on Classification, Codification, and Regional Development Planning and Financial Nomenclature related to PMI's protection efforts.⁵¹ The PMI protection agenda, as mandated through Permendagri 90/2019, which has been stipulated in Kepmendagri 050-5889 for 2021, includes increasing the competency of CPMI/PMI. Based on the budget review, the civil society which has been advocating for PMI in West Nusa Tenggara Province, stated that even though the budget has appeared in planning documents at the national or provincial level, such as in the National and Regional Medium-Term Development Plans (RPJMN and RPJMD), unfortunately, the fulfillment of the budget has not been significant yet. This fact shown that budget planners at each Government's agency level need to improve their respective competencies regarding budget policy.⁵²

48 BP2MI's statement in an FGD held in Semarang, Wednesday, June 14, 2023

49 FGD findings in Mataram, 23 May 2023

50 Article 81, letter U, Minister of Home Affairs Regulation 84/2022

51 Minister of Home Affairs Regulation No 90/2019

52 Statement from the Head of the East Lombok SBMI DPC, Usman, in the Mataram FGD, 23 May 2023

D.2.2.2. The varying levels of understanding of Regional Government Organizations in implementing the vocational education training function

One of the limitations, apart from the funding which Local Governments have in organizing education and vocational training, is the varying understanding of each Government agency regarding the function of vocational education. Based on our FGD, most of the Government agencies officials stated that there are still unseen results from the coordination with the relevant agencies. Moreover, according to the result from the FGD, increasing the competence of CPMI still only viewed as part of administrative requirements. One example of this is the competency improvement efforts which carried out by LTSA. In Pergub No. 40/2019 concerning One-Stop Integrated Services (LTSA) for the Placement and Protection of Migrant Workers in West Nusa Tenggara (NTB), for example, the Regional Government only issued recommendation letters for vocational training to BLKLN for PMI candidates.

Meanwhile, the Government only managed limited numbers of BLKLN, and they need to expand more of this BLKLN, and P3MI manages numerous BLKLN. This is also in line with the Governor Regulation Number 68 of 2020 concerning LTSA in South Sulawesi Province, which does not even mention the issue of education and vocational training for CPMI.

This increase of competency still only seen as administrative function, which shown that the relevant Government agencies (OPD) at the Regional level, has not have the same standardization regarding the implementation of education and vocational training for prospective Indonesian migrant workers in the LTSA.

Even the absence of LTSA in the Central Java Province shows that the Provincial Government feels that the establishment of LTSA is not a priority yet. This is contradictory to what is stated in the PP 59/2021, especially the spirit of establishing LTSA to simplify and shorten the time in the CPMI's placement process. This problem arises partly because the Central Government has yet to issue derivative regulations related to LTSA, to ensure that the education and vocational training are not interfered with by the highest executive ranks in their respective regions. Thus, the nature of coordination usually becomes incidental and relies heavily on the private institutions to train the Indonesian migrant workers. Even though the Provincial Government stated that it had conducted socialization and training for the prospective Indonesian migrant workers (CPMIs), the data in the field showed that many CPMIs had not received information regarding education and vocational training.

D.2.3. PMI's Facilitation of Return

Regarding the implementation of PMI's return facilities, the research team has surveyed CPMI/PMI/PMI Purna. To provide an overview, we had reviewed the results of a survey which we conducted in the South Sulawesi Province. Out of the 100 respondents, 90.4% of the respondents said that the reason for returning home was because their work contract had ended; 1.9% of the respondents stated it was due to illness; and the remaining 1.9% of the respondents admitted that the job was not suitable with their expectations.

In addition, most of 62.7% of the respondents stated that they are using their own personal money for returning home, 33.3% of the respondents said that their employers paying for their return, 2.0% of the respondents said their return cost was paid by BP2MI, and the remaining 2.0% was helped by the Indonesian Embassy.

Only 3.9% of respondents stated that they reported their return to the Government of Labour

Office and majority of 96.1% said they did not report about their return to Indonesia. After the respondents have returned home, only 9.6% of them had access to social empowerment or reintegration, and only 11.5% of the respondents had received vocational training or had attended training programs from the Government.⁵³ Meanwhile, based on the result survey in Central Java Province, out of 100 respondents, 80.4% of the respondents said that the reason for them to returning home were because their contract was concluded; 8.3% of them said that they returned back home due to illness; 8.3% of them admitted that the job was not suitable with their expectations; 6.3% of the respondents experienced violence; and 6.3% were laid off. For the cost of returning home, the majority of 23.9% of respondents used their personal money; employers paid for 56.5% of respondents; companies paid for 4.3% of the respondents; and the Indonesian Embassy paid for 6.5% of respondents. Moreover, based on the survey's result, only 3.9% of respondents reported their return to the Government of the Labour Office, and the remaining of 60.9% of respondents said that they did not report formally regarding their return to Indonesia.⁵⁴

D.2.3.1. Limited understanding of PMI repatriation aspects

Even though the LTSA has been established, the functions which specified in the Perda only cover some of the protection functions that should be carried out by the Local Government, as mandated in Article 56 PP No. 19/2021.

In the NTB's Provincial Governor Regulation Number 40 of 2019 and the South Sulawesi's Provincial Governor Regulation Number 68 of 2020 regarding LTSA, there is no assignment of main tasks regarding in terms of repatriating the Indonesian migrant workers. This is also confirmed, with the results of discussions in the FGDs in the three targeted Provinces, the relevant Government agencies (OPD) should have mentioned the duties and functions of repatriation in the LTSA of each province. The purpose of establishment of LTSA is to ensure the humane and proper protection for Indonesian migrant workers pre-migration, during migration, and after returning to their place of origin. Of course, the issue of repatriation is an important component of LTSA, which can potentially cause weaknesses in terms of repatriating the Indonesian migrant workers. The issue of repatriation if can be solved through LTSA through effective and efficient coordination, it can help to make the repatriation process become easier. The competence of the OPD apparatus to understand the scope of repatriation still needs much improvement. This means there are still OPDs officials who need to be able to distinguish repatriations which caused by PMI who have problems, and they need to be able to differentiate it from the repatriations which occurred due to natural disasters, wars, and disease outbreaks. Even though the Government Office of Labour Transmigration and the Social Affairs Office of West Nusa Tenggara Province said that there were almost no problems regarding coordinating the repatriation of procedural PMIs, however, the issue of the repatriation of non-procedural PMIs is still a challenge, especially regarding the management of responsibilities and budget allocations between Government agencies which are still unclear. "Maybe we just have a few problems which related to the non-procedural migration. While for the repatriation of migrant workers, actually there are no problems, because we have coordinated with the Regency or City's Government Officials and P3MI who sent them. We have almost no problems regarding this matter. The problem which we encountered related to the non-procedural migration because most of the migrant workers didn't go through formal procedure through the West Nusa Tenggara (NTB) Province. Usually when they encountered a problem, then the Provincial Government will contact the migrant workers."⁵⁵

The BP2MI of West Nusa Tenggara (NTB) Province, for example, they stated that they have a Syndicate Task Force which is active in coordinating across different Government agencies.

53 Survey Result from South Sulawesi Province

54 Survey Result of Central Java Province

55 Presented by a representative from the West Nusa Tenggara Employment Service in an FGD in Mataram, June 26, 2022

However, in certain cases, there needed to be more clarity among the relevant Government agencies (OPD) regarding the SOP for PMI's repatriation with certain cases. Based on the survey results, which stated that 50% of PMIs who were repatriated still using independent funds, this means that the coordination between agencies needed to be implemented more effectively.

"If, for example, at BP2MI, we cannot immediately prevent it there, we will continue to coordinate with Avsec, Airport Police, and immigration. Problems usually occurred when we have to send Indonesian migrant workers (PMI) who is chronically ill back home, such as someone who got stroke recently. One of Government agencies must be responsible to provide repatriation service because they have to be competent to care for those migrant workers. We are currently need formal agreement on this matter".⁵⁶

The statement above shows that the mechanism for delegating responsibility in the context of the repatriation of PMI between Government agencies still needs to be clarified. The delegation of responsibilities is needed especially regarding the main duties and functions in dealing with Indonesian migrant workers who need to be repatriated due to illness and significant problems. This statement also constructively criticized by the SBMI Lombok, which said that there's problem with the repatriation of non-procedural Indonesian migrant workers.

"The duty of the Local Government is stated in the Law 18 of 2017 to help all migrant workers. What needs to be clearly emphasized now is both procedural and non-procedural migration. If we help all the migrant workers, it doesn't mean that we advocate for the unsafe migration."⁵⁷

The same thing also occurred in the FGD in Makassar where the South Sulawesi Government of Labour Office suggested that the Indonesian migrant workers (PMI) who would be repatriated not to be sent home immediately, but they were given vocational training according to their talents before being sent back to Indonesia.⁵⁸ However, during unprecedented situation such as pandemic, war, or situation which Indonesian migrant workers (PMI) have problems, then the vocational training before returning home cannot be carried out. This shown the limited understanding from the relevant Government agencies (OPD) of the repatriation process, as stated in PP No. 59/2021.

D.2.3.2. There is no Standard Procedure for Implementation (SOP) in implementation of the repatriation of PMI who are facing problems

Based on PP No. 59/2021, the Provincial Government has the duty and responsibility for the repatriation of Indonesian Migrant Workers in the event of wars, natural disasters, disease outbreaks, deportations, and also Indonesian Migrant Workers who have problems during their migration experience. The repatriation process is being conducted out by providing facilities such as transportation, health services, and rehabilitation services according to the relevant scope. In summary, the guidance to perform collaboration on this kind of repatriation is very necessary.

56 Delivered by BP2MI NTB representatives in the Mataram FGD, 26 May 2023

57 Presented by Khusnul Fajri, East Lombok SBMI Representative in the Mataram FGD, 26 May 2023

58 Delivered by representatives of the South Sulawesi Employment Service in the Makassar FGD, June 6, 2023

When the budget in each Government relevant agency (OPD) has been exhausted, then it affects the repatriation to be performed in an unstructured way. In the absence of operational standards for repatriation, then the OPDs can shift responsibility to one another due to limited resources to carry out repatriation. On various occasions, Government Office of Social Affairs often need to improve their efforts to access precise and accurate information regarding the place of origin of the repatriated PMI. This happened because most of the repatriated PMI were migrated previously in a non-procedural way, which caused that the address recorded previously was not matched with the current address of their families.

Based on the FGDs findings in the three Provinces, the challenge of repatriation process of PMI is the limited funding. Several relevant agencies, such as BP3MI, the Government Office of Social Affairs, and the Government Office of Labour, admitted that the challenge for repatriation is the limited funding. One of the findings in this study is that the Provincial and Regional Governments still need to have a structured repatriation mechanism regarding the repatriation of PMI, including the funding for repatriation from each agency. This is contradictory to the mandate of the Article 56 of PP 59/2021 which explains that the Provincial and Regional Governments must allocate funding for the facilitation of the repatriation of Indonesian Migrant Workers from the relevant Province from debarkation to their place of origin.

In general, this facilitation of repatriation was carried out through the accompanied return from the nearest airport to the relevant Regency. Even though it seems simple, a repatriation process of Indonesian migrant workers requires effective coordination regarding the funding for this matter. The article also explains that in a situation where the Provincial Government has not allocated budget for the repatriation, BP2MI can facilitate the repatriation process by coordinating with the Provincial Government. Budget issues can still be coordinated if the Local Government has the main duties and synergy with the relevant Government agencies in repatriating the PMI. Furthermore, without a clear standard operating procedure for repatriation based on Government Regulations and Local Regulation, it is highly likely that repatriation will cause cross-sectoral coordination problems, especially between the relevant agencies such as BP3MI, the Government Office of Social Affairs, and the Government Office of Labour. Concerning gender mainstreaming in migration issues, unfortunately, the limitations of Government relevant agencies (OPD) in performing the protection and repatriation functions for the PMI, as described above, has placed women migrant workers in a more vulnerable situation. Many female migrant workers dominate the domestic worker sector and they are vulnerable to become victims of sexual acts of violence. They also become victims of Trafficking In Persons. According to the FGDs which UNDP and SBMI Team conducted in the three Provinces, almost no Government's agency has mentioned the facilitation and support for the rehabilitation process, especially for female migrant workers who experienced sexual violence and for those migrant workers who have physical and psychological trauma which affected their sexual and reproductive health. This is not in alignment with Article 26 of PP 59/21. According to their duties, the Regional Governments are required to provide social protection for women and children. However, the findings from the FGDs showed that there have been no coordination or synchronization of the policies between the Government Office of Women's Empowerment and Child Protection, and the Government Office of Social Affairs regarding the protection of women and children. This means that the Regional Government is still not serious about guaranteeing the fulfilment of the rights of women migrants, especially in enforcing the principle of equality in the migration process and the principle of non-discrimination, as stated in the Objectives 17 of the GCM.

D.2.3.3. The Mismatch of Population Data of Indonesian Migrant Workers (PMI)

Another finding from the FGDs in the three provinces was there still challenges regarding to the validation or verification of the data of Indonesian Migrant Workers who have problems (PMIB), therefore it caused the difficulties in terms of coordination for repatriation of those migrant work-

ers between different Provinces. For example, PMIBs still do not have a NIK (Indonesian's Citizenship Number) because they have been living or working abroad for dozen years or even decades. Based on the FGDs results in the 3 Provinces, there are several challenges such as: The mismatch of domiciles, such as differences in the last recorded domicile of PMI and their return destination; and PMIB, who do not want to return to their final domicile for several reasons. As conveyed by the Central Java Government Office of Social Affairs :

"Usually, we need help with data of migrant workers. Indeed, we have collaborated with the Dukcapil Office ; we need the data for biometric process, but if the migrant workers have stayed for long time abroad, therefore they certainly do not have an E-KTP (Digital Indonesian Citizenship Card). In that case, we will update their data, however, their data will not come out for biometric process."⁵⁹

The West Nusa Tenggara Government Office of Labour also confirmed the same challenge as in the Central Java. One of the findings in this study is that there are challenges for repatriation which caused by the validation and verification of data, indicating that the 3 Provinces do not have the working group or Task Force which regulates Standard Operating Procedures (SOP) for PMIB's repatriation within the Province.

"Each agency sends the data of the migrant workers; then we usually check the passport number of the migrant workers; we will coordinate with the immigration; but when we check, it turns out that their passport is not come from West Nusa Tenggara (NTB) Province."

D.2.4. Prevention of Non-Procedural Departure of Indonesian migrant workers (PMI)

Regarding the issue of preventing the non-Procedural departure of PMI, the research team has surveyed CPMI/PMI/ PMI Returnees. To provide an overview, we present review of the results survey which the team conducted in the South Sulawesi Province. Based on the result of this survey, 33.7% of PMI stated that their aspirations was the need for job vacancy information from the Local Governments; 25% needed socialization regarding safe and procedural migration; 25% needed protection for each migration stage; and 16.3% desired empowerment for PMI's returnees and their families. Meanwhile, based on the survey results in Central Java Province, 6.9% of PMI stated that the Government needed to provide information on job vacancies, 12.1% of the respondents needed socialization regarding safe and procedural migration, 69% PMI aspired for the protection for every stage of migration, and 12.1% of respondents stated that they need empowerment for PMI returnees and their families⁶⁰This survey data shown that the respondents' knowledge regarding the information regarding labour market and safe migration practices needs to be deepen. This also implies that their vulnerability to experiencing placement in a non-procedural manner is also relatively high. In the following sub-chapters, our team will present the following field findings which we collected during the research process.

⁵⁹ Delivered by representatives of the Central Java Government Office of Social Affairs in the FGD in Semarang, 17 June, 2023

⁶⁰ Survey Result from Central Java Province

D.2.4.1. The non-functioning reporting mechanism and law enforcement at the Provincial level regarding non-procedural placement of PMI

The Government officials from the three provinces felt that information and socialization had been carried out regarding the prevention of the non-procedural departure of the PMI. However, based on the FGD result in Semarang, the Local Government also admits that most of the information or reports regarding the existence of non-procedural PMI are only known when problems arised.⁶¹

This means that the Government still needs a fast communication channel from the village to the Regency level to identify the root causes of non-procedural departures of the PMI. In addition, the channels of reporting and complaint have not available in all the administrative areas. Even if there is reporting channel, most of the reporting of cases is still handled by referral system, as what the Provincial Government of Central Java did with the Laporgub application. This has resulted in delays in following up on reports from the public regarding efforts and cases of non-procedural placement of Indonesian migrant workers.

The absence of comprehensive information illustrates a disconnected chain of information and socialization from the top to bottom level. This creates an anomaly, even though dissemination of information and socialization are carried out intensively, however, there are still large number of PMIs who depart via non-procedural channels.

According to LBH APIK Semarang, even though socialization has been carried out, there are still massive intermediary brokering, due to the need of law enforcement from the relevant agencies.

“The challenge is that there are many intermediaries or non-procedural brokers, therefore many Indonesian migrant workers (PMI) have problems because there is no firm action taken against these agents.”⁶²

In summary, the Local Governments should strengthen their capabilities in terms of certainty and predictability in migration procedures for proper screening, assessment, and referral in appropriate manner. If this matter is allowed to continue, it is feared that the Government will always be slow in preventing, fighting, and eradicating trafficking in persons in the context of international migration. When the issue of preventing non-procedural departure of prospective Indonesian migrant workers (CPMI) is still considered not a priority issue in the regional scope, it will be difficult for the Local Governments to reduce the migration vulnerability of people in the future. Based on the findings of the FGD in Makassar, the prevention of non-Procedural CPMI/PMI can be done if the Local Government does not transfer or change their personnel too quickly. This means that the fast change of personnel from each agency is considered to make it more difficult to coordinate with the relevant agencies.⁶³

61 Presented by BP3MI Central Java in the FGD in Semarang on Wednesday, 14 June 2023

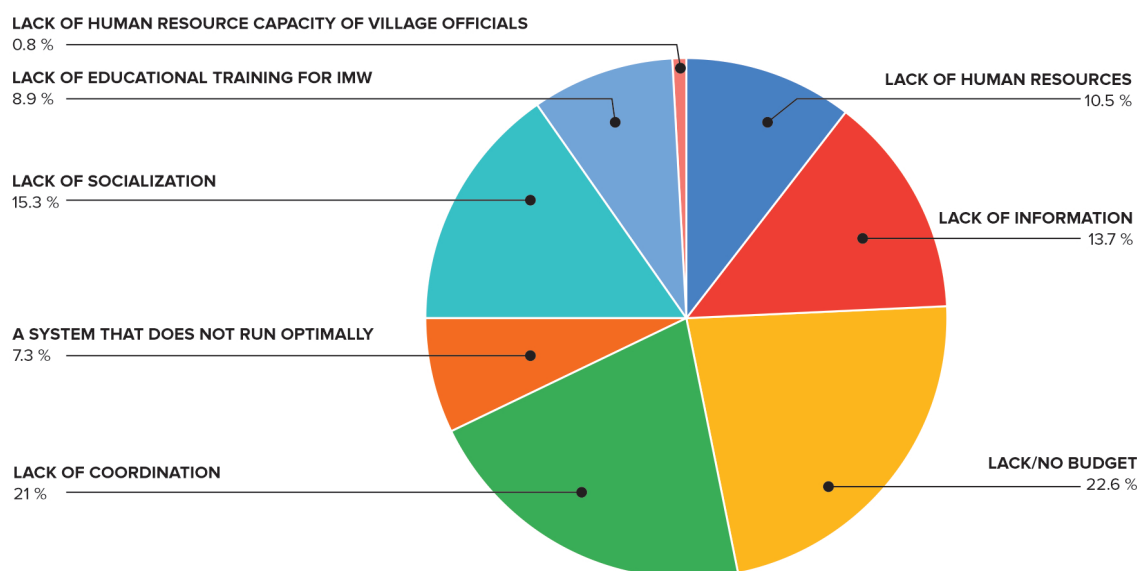
62 Presented by the representative of LBH APIK in FGD in Semarang on Wednesday, 14 June 2023

63 Presented by the representative of BP3MI in FGD in Makassar, 6 June 2023

In addition, advocacy to the community or families of CPMI who have succeeded through official channels is also important to campaign the benefits of safe and proper migration.⁶⁴ The issue of preventing CPMI's departure is still considered not to be a priority issue at the Provincial level, therefore a set of rules is needed which can enforce the relevant Government agencies (OPDs) to make this a priority issue.⁶⁵

In addition of the identifications made by the research team above, the research team also compiled problems which identified by stakeholders at the Provincial level related to overall efforts to implement safe migration policies. Most of the FGD participants at the Provincial level said that the main problem was driven by the lack of budget (28%), followed by lack of coordination between relevant agencies (26%), and also lack of socialization and information (17%).

Chart 5. Problems of Implementing Safeguard Policies According to Stakeholders at the Provincial Level



Source: Processed from the results of SBMI Survey 2023 in the 3 targeted Provinces

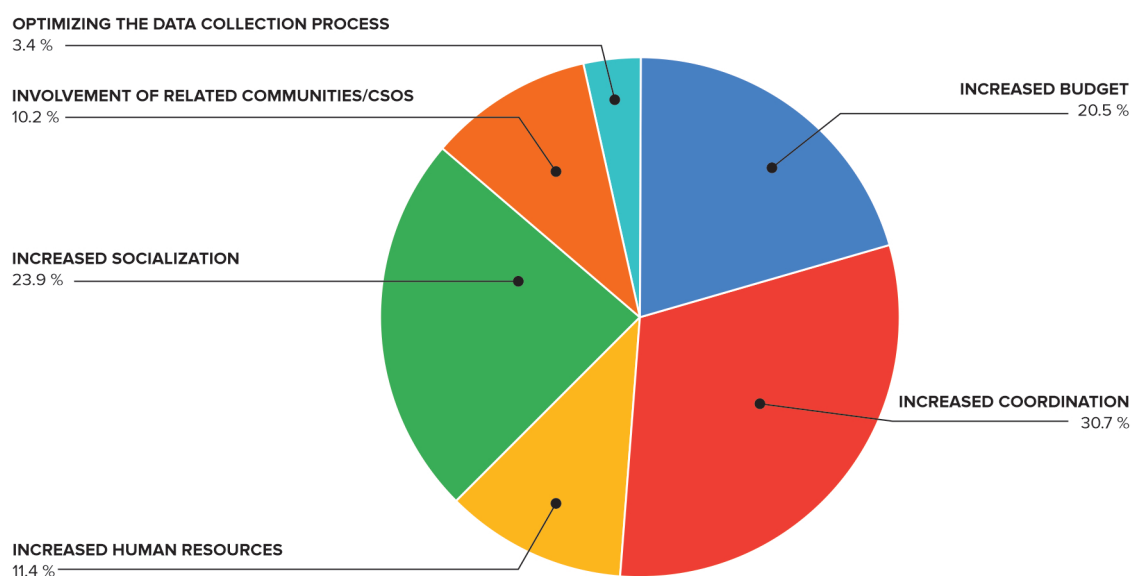
Meanwhile, the stakeholders at the Provincial Level also offer various solutions to the challenges of implementing the above policies. From the various problems above, the OPD apparatus should have prioritized the need for more accurate and actual data collection. According to the results of our study at the Provincial level, data collection is one of the fundamental instruments for producing policy implementation which answered the needs of migrant workers. Meanwhile, the Local Government officials still focus on the need for outreach and increased inter-agency coordination.

64 Presented by the representative of BP3MI in FGD in Makassar, 6 June 2023

65 Presented by the representative of BP3MI Central Java in the FGD in Semarang on Wednesday, 14 June 2023

The following survey results were collected based on FGDs in three provincial capitals:

Chart 6. Solutions to the Problem of Implementing Safeguard Policies According to Stakeholders at the Provincial Level



Source: Processed from the results of SBMI Survey 2023 in the 3 targeted Provinces

D.3. Analysis of Governance, Policy, and Service Gaps at Regency and Village Levels

D.3.1. Socialization and Dissemination of Information on the Labour Market and Safe Migration

The research team has surveyed CPMI/PMI/PMI Returnees regarding the socialization and dissemination of labour market information. To provide an overview, we have reviewed the survey results which we conducted in the East Lombok. This survey found that around 50.4% of respondents received the information regarding job vacancies from brokers, while only 4.1% of respondents received work information from the Government of the Labour Office. The rest of the PMI obtained job information from their friends and families. The survey results also showed that 89% of the Indonesian migrant workers (PMI) obtained job vacancy information by meeting in person, and the rest of the respondents received information by communicating via phone call.

According to the findings in this survey, as many as 52 PMI didn't know the company's name which would send them during the recruitment process. In addition, as many as 52 PMIs didn't know regarding the placement fee which was charged by the recruitment company. Moreover, as many as 58 PMIs should have been notified regarding the reporting and complaint service when they want to report or encountered problems. Out of the 100 respondents, 68 PMI also admitted that they were not registered with the BPJS program by the company, and as many as 76 PMI said that they did not know regarding the certificates of competency.

Below are our review of findings regarding the issue of socializing safe migration and the dissemination of information regarding labour market.

D.3.1.1. Understanding of Law 18/2017 is Still Very Limited among the Regional Government Organizational Apparatuses and there is Hierarchical Problems among Government Agencies

The importance of understanding of Law 18/2017 among Local Government organizational apparatus in the socialization and dissemination of the labour market information and safe migration is very significant. Because by having a good understanding of the applicable regulations and legislation forms as the basis of every implementation process for both socialization or dissemination of information of the labour market and migration, it can help the implementation of the law and policies to run effectively according to the standards operating procedure.

The Regional Government apparatus is the operator of the Government's regulations and legislation. OPD has an important role in sustainable development and also to the progress of a region and even a nation. However good the laws or regulations are made, if the implementor of the laws or regulations didn't fully comprehend the essence of the laws or regulations, then the result will not be aligned with the intended outcomes of the laws. The findings from the FGD results in 3 Regencies, particularly in East Lombok, Maros, and Grobogan, shown that there needed to be more knowledge and better understanding of Law 18/2017 in each relevant Government agencies (OPD). The findings from FGD in East Lombok Regency showed that the Government still needs more comprehensive understanding of the aspects regulated inside the Law 18/2017. The Government Office of Labour⁶⁶ during the FGD said that it was necessary to socialize Law 18/2017 first, then it feel safe for them to socialize and disseminate information on the labour market and migration. This statement was conveyed because they realized they also had a limited understanding of the Law 18/2017.

Even the representatives of Commission III DPRD Maros said that the issue of PMI's protection was a "new item" for them, and that PMI was not a priority issue in Maros Regency either. Likewise, with the Maros Regency Government of Investment and Labour Office⁶⁷ mentioned that their agency had never received the slightest information about, for example, prospective Indonesian migrant workers (CPMI) from Mallawa District, especially Teluh Village. Even down to the village level in Maros Regency, there were findings of a lack of understanding regarding Law 18/2017, as one of the Head Village in the Mallawa District said that dissemination of information related to PMI had been not existed. Therefore, according to him, it is not easy to provide the dissemination of information to the residents regarding migration. In addition, the Grobogan Government Office of Labour⁶⁸ was asking questions regarding the law instead of answering questions related to data collection.

One of the challenges of the socialization and dissemination of information on the labour market and safe migration is the limited understanding of Law 18/2017 among Regional Government Organizational Apparatuses, and also the issue of institutional hierarchy. One of the FGD participants, who is also the Head of Village in East Lombok felt that everything related to socialization of safe migration was centered at the village level. Even though the socialization should be carried out jointly between OPDs at both the Regency level and the village level, this means that the understanding related to Law 18/2017 still needs to be improved, and the government hierarchy needs to be clearly understood by the OPDs. Furthermore, in the Article 11, Paragraph 2 of the Law 18/2017 mandated that the Regional Governments must involve Village Government officials in the dissemination of information on the labour market and safe migration.

66 FGD in East Lombok Timur on 24 May 2023

67 FGD in Maros Regency on 7 June 2023

68 FGD in Grobogan on 15 June 2023

According to the FGD Result in the East Lombok Regency, it is indicating there is a hierarchical problem when conducting dissemination of information between the Government Office of Labour, the Village Community Empowerment Service (PMD), and also the village representatives. The Government Office of Labour stated that the village representatives shall come proactively to them and ask for help to do socialization, as they feel that they are not the relevant Government agency in charge of this matter. According to statement from the Government Office of Labour, he feels that he has no authority to manage the village, considering that “the Government Office of Labour is not the head of the village.” Therefore, all available information related to employment is generally forwarded via WhatsApp to the PMD Head of Office, who hopes to forward it to all the assisted villages. The Village Empowerment Service also stated the same thing.⁶⁹

In Grobogan, the coordination that was carried out was not related to PMI programs but more related to Village-Owned Enterprises (BUMDes). This means the relevant Government agencies (OPD) are lacking the understanding that the responsibility of the Regency Government is to oversee the implementation of PMI placement. This is already clearly stated in the Article 41 of Law 18/2017, Paragraph J, which explains that the Regency or City Governments have duties and responsibilities in regulating, fostering, implementing, and supervising the implementation of PMI's placement.

Moreover, articles 41 and 42 of Law 18/2017, explained the responsibilities and duties of the Regency or City and the Village Governments. Article 41 explains that Regency or City governments have duties and responsibilities, including disseminating information on Indonesian migrant workers (PMI)'s requests to the public, and to also create a database for the PMI. Article 42 states that the duties and responsibilities of the Village Governments including receiving and providing information and job requests related to Indonesian migrant workers (PMI), and also to verify data and recording data for all prospective Indonesian migrant workers (CPMI). Unfortunately, there is still a lack of understanding by OPD regarding the essence of Law 18/2017, not only at the Regency level but also at the Village level.

This shared understanding is the key to the success of migration governance in socializing and disseminating information on the labour market and safe migration. However, the lack of understanding from OPDs regarding the applicable laws (especially Law 18/2017), and there are hierarchical issues in the OPDs which will hamper the migration governance system, particularly in disseminating information regarding labour market and socialization regarding safe migration.

Not only this will hinder the Government of Indonesia's efforts to reform the migration governance system, but a lack of understanding of the main tasks and functions of each relevant Government agencies (OPDs) will also hinder the achievement of objectives of GCM in general. Moreover, the lack of understanding of the OPD regarding the Law which applies to PMI will reduce the Government's commitment, both the Central Government and Local Government, to support sustainable development as stated in the objectives of GCM and the SDGs. Even though Law 18/2017 and PP 59/2017 already reflect the objectives of the GCM and the SDGs, the implementation and understanding of the OPD towards these regulations still need to be improved.

69 FGD in Grobogan, at 15 June 2023

D.3.1.2. Insufficient Facilities or Infrastructure for Disseminating Information on the Labour Market and Safe Migration

According to the finding of the FGDs in 3 Regencies, there are the lack of facilities or infrastructure to disseminate information on the labour market and safe migration. During the FGD in East Lombok, the PMD Service⁷⁰ said that their movement in socializing and disseminating information on the labour market and safe migration was not massive enough. Members of the East Lombok of DPC SBMI also agreed upon this⁷¹ who said that there were few billboards or banners in every village to inform people about the information on job market and safe migration.

During the FGD in East Lombok, the ADBMI Foundation, a non-governmental organization in East Lombok which works in the field of empowering PMI returnees stated that the socialization which was carried out often using legal language or difficult high level terms, which often hard to be understood by the community. In addition, places to obtain this kind of information are located quite far from the prospective Indonesian migrant workers (CPMI).

Likewise, in the Maros Regency, the research team also found that socialization and dissemination of information on the labour market, and safe migration still needed to be improved. Maros Investment and Labour Service, which handled specifically for PMI, stated that the socialization there is still quite passive. If someone asks for socialization about recruitment or employment, then they will serve the prospective Indonesian migrant workers (CPMI). This is also added by the Maros Regency Government Office of Communication and Information (*Diskominfo*) which stated that they do not have framework to promote safe migration.

This shows that efforts to disseminate information regarding the labor market and safe migration still do not involve good coordination between government agencies. Meanwhile, the Maros Regency Government of Woman Empowerment and Child Protection⁷² stated that the socialization regarding activities and procedures for Indonesian migrant workers are still lacking currently.

One of the Institutes of Job Training (LPK) in Maros also stated that access to information is still very limited. Even if there is information, it has less relevance with the job market and safe migration. This has the risk of causing misinformation among the public, which can adversely affect the CPMI.

The FGDs in Grobogan Regency also showed that socialization and dissemination of information on the labour market and safe migration had not yet performed optimally, even though some villages already had good information systems. This is reflected in the discussion process in the FGD, where the research team found that the information which disseminated was often has not reach the targeted audience, or the information was not communicated to the right audience.

The Grobogan Government Regency Office of Communication and Information (*Diskominfo*) for example, mentioned that they had published information related to PMI through electronic media such as radio and social media. However, there are still villages which have not received information relevant to PMI, as said by PMI returnees. In Grobogan, the PMI returnee said that they had never received socialization regarding safe migration and job market information.

D.3.2. Data Collection of CPMI/PMI/ PMI Returnees

A data collection system of Indonesian migrant workers (PMI) which does not have a good quality will result in inaccurate data collection.

This will lead to uncertainties in the migration procedure. One of the causes of unsafe migration

70 FGD in East Lombok on 24 May 2023

71 FGD in East Lombok on 24 May 2023

72 FGD in Maros on 7 June 2023

is a bad data collection system. How can the safe return and re-admission of PMI can be carried out if the data collection of departure for PMI is not good enough?

A PMI's data collection system that is good and well synchronized will also result in good migration governance. This will also encourage the prevention and eradication of Trafficking in Persons in the context of international migration because all data of Indonesian migrant workers (PMIs) are properly recorded. There were two findings in the data collection of CPMI/PMI/PMI Returnees: There is a need to have a more coordinated and proactive steps to collect data of CPMI/PMI/PMI Returnees, and there is a need of synchronization of PMI's data collection system.

D.3.2.1. There are no coordinative and proactive steps to collect data of CPMI/PMI/PMI Returnees

Based on the FGDs result in East Lombok, the research team found that PMI-related data collection has not been carried out properly. One of the village heads in East Lombok stated that the Village Government didn't record the PMI's data, because most of the PMI often migrated through informal way. In addition, there is a need to improve the data synchronization between Department of Population and Civil Registration (Dukcapil) and the Village Government.

The Department of Population and Civil Registration (Dukcapil) said that they are still having difficulties in detecting the prospective Indonesian migrant workers (CPMI) who will depart. Likewise, P3MI in East Lombok said that there has not been any communication regarding departure of CPMI. If there is any information, P3MI always hopes that there will be an official report therefore that they can confirm regarding departure for CPMI. This means that P3MI itself does not have updated data related to PMI.

The East Lombok Government Office of Education mentioned that they had quite many difficulties with the data collection related to the PMI, therefore, they couldn't make the data collection for prospective Indonesian migrant workers (CPMI) optimal. Furthermore, with the DP3AKB of East Lombok Regency (*The East Lombok Government Office of Woman Empowerment and Child Protection*), they mentioned that they had collected data for cases of domestic violence and early marriage, however they have not been able to detect CPMI who wanted to leave.

Based on the findings of the FGD in Maros, it is confirming that there is a need for more data collection on PMI. Moreover, the Maros Regency Government Office of Investment and One Stop Service and Labour⁷³ said that they have never been updated regarding information about CPMI from Mallawa District, especially from Teluh Village. The Maros Regency Government Office of Investment and One Stop Service and Labour⁷⁴ Maros also said that they do not have data on any existing PMI's distribution companies in Maros Regency. The Maros Regency Government Office of Investment and One Stop Service and Labour⁷⁵ said that because most of CPMI migrated through private sector, then they do not have the recorded data. The secretary of Village Government⁷⁶ in Maros also mentioned, that they do not have data for PMI who have returned; that they have never recorded data on PMI, and they do not know where to report it. They also stated that they do not know where to report the data and how the right dissemination of data to the relevant Government agencies.

According to the FGD findings in Grobogan, there is a need for more data collection on PMI. The Grobogan Government Regency of Labour Office stated that the Village Governments do not have data regarding the CPMI who depart and also the number of PMI returnees. Due to the fact that the Grobogan Government Regency of Labour Office only registers CPMI in the SIAPKerja application, whether CPMI departs or does not depart for the destination country, they cannot

73 FGD in Maros, 7 June 2023

74 FGD in Maros, 7 June 2023

75 FGD in Maros, 7 June 2023

76 FGD in Maros, 7 June 2023

record it yet. In addition, the Grobogan Village Office said that there was no data collection specifically for CPMI.

D.3.2.2. There is no Synchronization of Data Collection related to PMI in the Systems

It is the role and authority of the Central Government and the Regional Government to manage departure and protection of the PMI. However, the data collection of PMI still needs a unified system between different agencies of Regional Government. As stated by the Village Head of East Lombok, there is no data synchronization between the Dukcapil and the Village Government.

Moreover, the East Lombok Government Regency of Social Affairs asked to have a data collection system for PMI in regards of their departure and repatriation. This means that there is no single data collection system in the Local Government agencies. ADBMI of East Lombok said that there is a strong need for one data migration system because, currently too many Government agencies have recorded data on different system, which resulting in repeated accumulation of data. Repeated data collection added with the lack of data synchronization between each PMI related agencies will make the migration governance not working properly.

According to the FGD finding in Maros, there is a need for synchronization of the data collection system related to PMI. The Maros Regency Government Office of Woman Empowerment and Child Protection stated that there is lack of coordination between different Government agencies. They are focusing on protection of children and women. BP2MI Maros also said that the data collection for PMI was different from the ones which owned by the Maros Government Regency of Labour and Transmigration Office.

Based on the findings in the FGD in Grobogan, it also shows a lack of synchronization of the data collection system related to PMI. According to P3MI Grobogan⁷⁷, among all the problems of the data collection system PMI, there is new application, namely SSKO P2MI; which many of the features of this new application eliminate features in the old application. When submitting changes to data, it is not directly synchronized with the existing data at BP2MI and also the data at the Grobogan Regency Government Office of Labour. This is also confirmed by BP2MI Grobogan which mentioned that if PMI's data is being inputted through a new application, the data will be having errors and sometimes freeze in the middle of updating the data. It must wait sometime before the data is synchronized to be sent to server B and then it will be sent back to server A. Moreover, the Grobogan Regency Government Office of Labour also said that they were only registering CPMI through SIAPKerja application, regardless whether the CPMI had departed or not, they still needed to collect the data.

D.3.3. Coordination of Repatriation of PMI and Social Reintegration

D.3.3.1. Lack of Inter-Agency Coordination and Lack of Data Regarding PMI Returnees and Social Reintegration

In East Lombok, the research team found out that coordination between agencies and OPD regarding repatriation of PMI and social reintegration still needed to be improved. In the article 21 of PP 59/2021, stated that protection after migration for PMI returnees is provided through repatriation to the area of origin. This protection mandate is carried out by the Central Government, BP2MI, and Local Governments.

If the PMI placed by P3MI dies, then the repatriation of the body becomes P3MI's obligation in coordination with the Representatives of the Republic of Indonesia, the Central Government, BP2MI, and also the Regional Governments. Meanwhile, based on a statement from the East

⁷⁷ FGD in Grobogan, on 15 June 2023

Lombok Government Regency of Social Affairs⁷⁸ stated that the repatriation of PMI is indeed their responsibility. Usually, the East Lombok Government Regency of Social Affairs only receives reports regarding the PMI with disabilities, and they only act if an incident occurs, such as a ship sinking, then they will collect data and visit the place of incident.

The East Lombok Regency Cooperatives Small and Medium Enterprises Office provided input that it is important for the Local Government, especially in this case, the East Lombok Government Regency of Labour Office, to strengthen coordination with the Village Governments because they are having difficulty in obtaining data collection regarding PMI.

The East Lombok Regency Cooperatives Small and Medium Enterprises Office⁷⁹ also added that there's a strong need for intensive coordination to be able to provide data regarding PMI. This data is important not only in trade and cooperative services; but there are many Government agencies which conduct programs to empower and strengthen PMI, especially in the economics sectors and entrepreneurship areas, therefore, if necessary, mapping of the potential of the PMIs can be done according to the relevant sectors.

Furthermore, the FGD findings in Maros also indicated there is a strong need for coordination between agencies and OPD regarding the repatriation of PMI and social reintegration. **The Article 24 of Law 18/2017 stated that protection for PMI including repatriation to the place of origin, the settlement of unfulfilled PMI's rights, facilities for treating PMI who are sick and died, social rehabilitation and social reintegration, and also empowerment programs for PMI and their families.**

The article 41, sections d, e, and h of Law 18/2017, stated that the Regency or City Regional Governments have the duties and responsibilities of managing the repatriation of PMI in the event of war, natural disasters, disease outbreaks, deportations, and troubled PMI according to their authorities; to provide protection to PMI before and after work; and to conduct social and economic reintegration for PMI and their families.

This was reinforced by Article 65, sections d, e, and h of the PP 59/2021. However, based on the findings from the FDG in Maros, the Maros Regency Government Office of Social Affairs said that the Central Government usually immediately appointed the South Sulawesi Provincial Government of Social Affairs to take care of the PMI returnees, and there was only coordination between the South Sulawesi Provincial Government of Social Affairs and Maros Regency Government Office of Social Affairs. This means that there is no coordination for repatriation of PMI across Government Agencies, even though the repatriation of PMI should involve various government agencies which interrelated with repatriation of PMI. Maros Government Regency of Investment and Labour Service Office instead stated that the repatriation of PMI was the responsibility of BPJS Employment because both CPMI and PMI were required to register for BPJS, according to the Regulation of the Minister of Manpower 4/2023, which relate to the Social Security of PMI. However, according to the Regulation of the Minister of Labour 4/2023, Article 50, paragraph 4, stated that reimbursement of transportation costs from BPJS for PMI's repatriation can only be disbursed if the PMI experienced a work accident and they did not die.

This means that BPJS is not responsible for PMI's repatriation but BPJS only reimburses the transportation costs for PMI's repatriation, plus if it fits the condition when the PMI is not dead. In addition, the disbursement of funds can only be done if a claim has been made to BPJS. Although there are efforts need to be done to expand the insurance coverage from BPJS Employment, the efforts to provide repatriation for PMI shall be organized by the Local Government as part of their protection duties for PMI.

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According to the findings of the FGD in Grobogan showed that there's show a need for stronger coordination between relevant agencies and OPD regarding the repatriation of PMI and social reintegration. The Grobogan Regency Government Office of Social Affairs⁸⁰ stated that the PMI's repatriation was not directly related to them. The Grobogan Regency Government Office of Social Affairs emphasizes their duties and functions in rehabilitating the victims of the Criminal Act of Trafficking in Persons (TIP). However, this opinion is also not entirely correct, considering that when repatriating the PMI, some of them are also victims of Trafficking in Persons.

According to the opinion of the Grobogan Regency Government Cooperatives Small and Medium Enterprises Office, the duties of repatriating the PMI lie in the hands of the Grobogan Regency Government Office of Labour and Transmigration. Article 41 of Law 18/2017 already stated that the Regency Government is responsible for protecting PMI and taking care of the repatriation of PMI. This needs to be carried out with a proper implementation of the Standard Operating Procedure (SOP) to avoid the impression of different agencies throwing responsibility at each other.

It is very important to have good coordination between relevant agencies and Government agencies (OPD) regarding Indonesian migrant workers (PMI), which will create collaboration in facilitating the safe and dignified return and readmission of PMI, as well as for the sustainable reintegration of the PMI returnees.

If there is lack of coordination between relevant institutions, this will affect the lack of coordination between relevant Government agencies (OPDs), which will impact to lack of good and sustainable migration governance. **Good coordination between various institutions and relevant Government agencies (OPDs) related to PMI is needed, as this will also help to prevent and to eradicate trafficking in persons in the context of international migration.**

D.3.3.2. The unavailability of data on the number of PMI returnees which hinders planning for empowerment program

Based on the findings of the FGD in East Lombok also implies the limited scope of PMI's empowerment, which need to be based on data on the number of PMI returnees. The East Lombok Regency Government Office of Social Affairs stated that it is their duties regarding the repatriation of PMI, but only specifically for Victims of Trafficking in Persons. In addition, the East Lombok Regency Cooperatives Small and Medium Enterprises Office stated that the comprehensive data of PMI returnees has been difficult to obtain.

The comprehensive data of PMI returnees is needed to strengthen the economy and entrepreneurship program for the PMI. The East Lombok Regency Cooperatives Small and Medium Enterprises Office also added that there needs to be intensive coordination for data regarding PMI, because there are many relevant Government agencies which conduct empowerment programs for Indonesian migrant workers (PMI).

This means that the data of PMI returnees needs to be presented properly, and there is a need to mapping of PMI's potentials in each relevant location. If the data of PMI returnees not being presented properly, then the empowerment program for PMI returnees will not be optimal and not addressed the right target correctly. This will also cause difficulties in budget planning in the long term.

In addition, the FGD findings in Maros also concurred the FGDs finding in the East Lombok. Based on the opinion of BP2MI in Maros, they have collaborated with the Maros Regency Government Office of Investment and One Stop Service and Labour to create empowerment pro-

⁸⁰ FGD in Grobogan, on 15 June 2023

grams for the PMI returnees. The secretary of Village in Maros said that their village currently does not have the information related to the repatriation of PMI and PMI returnees.

The FGD findings in Grobogan also showed the limited scope of empowerment programs for PMI returnees and they have not based the programs based on the number of PMI returnees. The Grobogan Regency Government Office of Social Affairs stated that the formal PMI's empowerment program was more the responsibility of the Grobogan Regency Government Office of Labour and Transmigration. In contrast, the Grobogan Regency Government Office of Social Affairs will be responsible for the social empowerment of the PMI. However, the Grobogan Regency Government Office of Labour and Transmigration will be responsible for the repatriation of the PMI.

P3MI in Grobogan stated that they did not have much information regarding the empowerment program for PMI, they feel that many of the PMIs have lacked support in terms of empowerment programs, and they have asked the Local Government to provide support on this matter.

In the article 22 of the PP 59/2021, it stated that the social rehabilitation and reintegration for PMI returnees can be provided in the form of : vocational training and entrepreneurship development, social guidance and psycho-social counselling, social assistance and also the provision of rehabilitation facilities for PMI. Moreover, in the Article 22, Paragraph 2 of PP 59/2021, also stated that BP2MI and the Regency or City Governments shall provide the social reintegration and rehabilitation for PMI returnees, and they shall coordinate with the relevant institutions.

Meanwhile, in Paragraph 2 of Article 23, it stated that the empowerment programs of PMI and their families need to involve the Local governments and the related institutions. The key to the success of the empowerment programs for PMI returnees is the availability of data of PMI and the good coordination between relevant institutions which handle PMI. If all the relevant institutions perform their own empowerment programs for PMI returnees, this will cause an overlap of the programs. In addition, the absence of comprehensive data of PMI will cause irrelevant empowerment programs for PMI and PMI returnees.

D.3.4. Prevention of Non-Procedural Departure of PMI

D.3.4.1. The Sentiment of High Institutional Ego and Lack of Understanding Regarding Responsibilities

Governments at the Regency and Village levels are also still observing the inter-agency relationships from a hierarchical perspective. In addition, the institutional ego sentiment between various institutions was also felt in various discussion opportunities during the FGDs.

For example, the East Lombok Regency Government Office of Labour and Transmigration feels that they do not have the authority to conduct socialization at the Village Office or to issue warnings to villages that are sources of non-procedural departures of PMI. They stated that Regency Government Office of Labour and Transmigration is not the supervisor of the Village Government, and the the supervisor of the Village Government is the Regency Government Office of Society Empowerment and Village. This hierarchical mindset creates doubt and reluctance to take the necessary action when prosecution for non-procedural PMI placements is still relatively high.

The East Lombok Regency Government Office of Labour and Transmigration⁸¹ also stated that the PMD has the authority to intervene in the village level, while as stated in the law, it is the responsibility of the Village Governments which must protect the PMI there. This is an incorrect

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assumption of the law and authority, especially when referring to the Law 18/2017, it is stated that the Village Governments have duties and responsibilities to protect PMI.

In the Article 42 of Law 18/2017 has stated that the duties and responsibilities of the Village Governments are including: verifying data and recording data of CPMI, receiving and providing information about labour market and job requests, facilitating the fulfilment of administrative requirements of CPMI, monitoring the departures and returns of PMI, and also to conduct empowerment programs for CPMI, PMI, and their families.

In the Article 41 of Law 18/2017 also clearly stated that the duties and responsibilities of the Regency Government to provide protection for PMI before working and after the PMI finished their work. There is still a common misunderstanding of the authority of each institution related to PMI. The Development Planning Agency at Sub-National Level (*Bappeda*) of East Lombok Regency said that⁸² the issue of PMI is complicated due to they are working abroad, therefore the coordination need to involves Representative of Indonesian Embassy overseas, Central Government, Provincial Government, Regional Government, and down to the Village Governments. The Development Planning Agency at Sub-National Level (*Bappeda*) of East Lombok Regency⁸³ also added that there was a need for a true understanding of the Law 18/2017 because they are not familiar with the law and they had only read the Law 18/2017 two days prior the FGD was held.

There is a concern regarding prevention on the non-procedural departure of PMI, especially when the East Lombok Task Force for PMI's Protection ⁸⁴ said that they could not take proper action if they did not receive information regarding this matter from the volunteers. They also said that they had contact with brokers who carried out placements for PMI secretly several times, but they could not act formally because there were no official reports.

In this case, the research team saw a need for more clarity in the main tasks and functions of the PMI Task Force. Moreover, the focal point of the PMI Task Force is the East Lombok Regency Government Office of Labour and Transmigration, which they are not the institution with the official mandate to take action. Meanwhile, the PMI Task Force is expected to take action against the perpetrators of trafficking in persons.

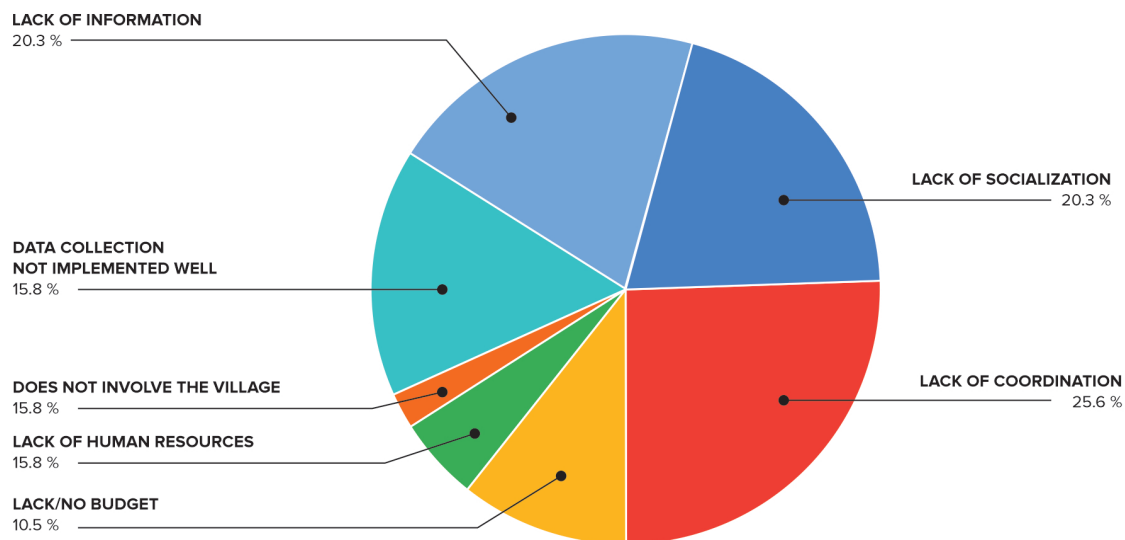
In addition to the problem identification which has been presented by the research team above, SBMI and UNDP Team have compiled problems that identified by the relevant stakeholders at the Regency or Village levels which related to the overall efforts to implement safe migration policies. Furthermore, the stakeholders at the Regency or Village levels stated their opinions during the FGDs that the main problem in implementation of the protection of PMI are caused by: the lack of coordination across different sectors (25%), followed by a lack of outreach and dissemination of information for PMI (20%) and also the data collection of PMI was not conducted properly (15%).

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83 FGD in East Lombok, on 24 May 2023

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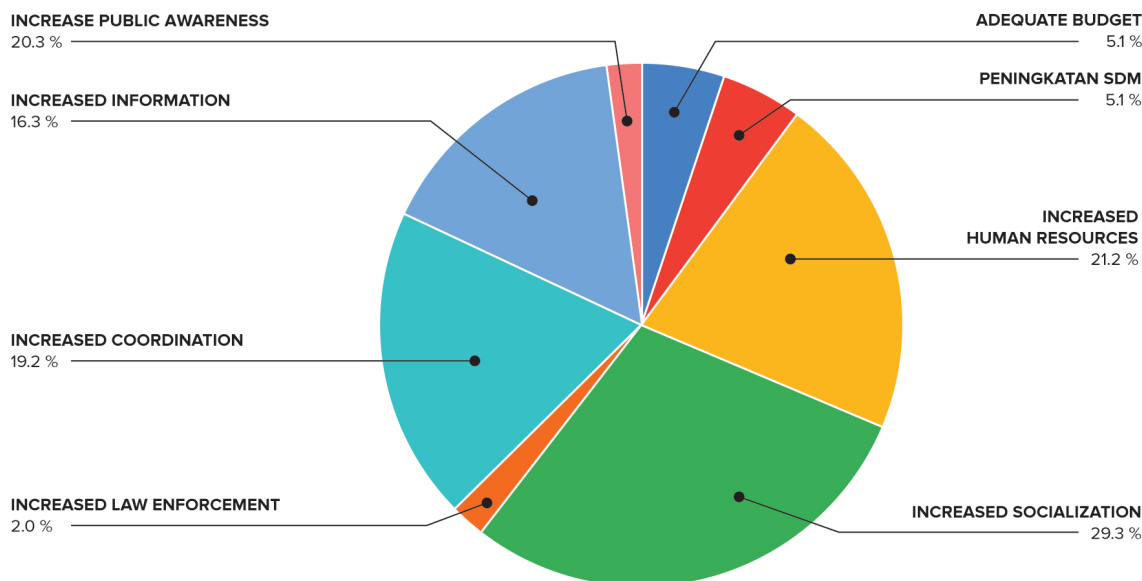
Chart 7. Problems of Implementing Policies to Protect Indonesian Migrant Workers (PMI) According to Stakeholders at Regency and Village Levels



Source: Processed from the results of SBMI Survey 2023 in the 3 targeted Provinces

Meanwhile, the stakeholders at both Regency and Village Levels also offer various solutions to the challenges of implementing the above policies. In summary, they offer more comprehensive solutions with a wider scope. For example, besides performing socialization and coordination, the stakeholders at the Regional Level also realized that data collection of PMI is urgently needed. In addition, the discussions at the Regency and Village levels also showed that the two most important things which must be achieved to realize safe migration are: increasing the capacity of human resources (HR) of the relevant Government agencies and also raising community awareness regarding the importance of safe migration.

Chart 8. Solutions to the Problem of Implementing Protection Policies of PMI According to the Stakeholders at the Regency and Village Levels



Source: Processed from the results of SBMI Survey 2023 in the 3 targeted Provinces

E. CONCLUSIONS AND RECOMMENDATIONS

E.1. CONCLUSIONS

The Objectives of GCM, SDGs, as well as the Convention on the Elimination of Discrimination Against Women (CEDAW) have emphasized the importance of protection for the rights of migrant workers, and it is only fitting for the countries to ratify this convention and follow the guidelines of GCM and SDGs to protect migrant groups. Indonesia has also ratified the Law 18/2017 regarding the Protection of Indonesian Migrant Workers.

Unfortunately, in addition to the long and time-consuming process of formulating and ratifying regulations which derived from the Law 18/2017, the Government of Indonesia at all levels must certainly adapt and learn to the enactment of the new law.

Meanwhile, the Law 18/2017 has many changes compared to the Law 39/2004 which focuses on the aspects of placement of Indonesian migrant workers (PMI).

Through this research, SBMI and UNDP team have examined the implementation of policies to protect Indonesian migrant workers at the sub-national level, particularly at the Provincial, Regency, and Village levels. In this research, UNDP and SBMI Team have identified various vital policies in the implementation of protection for migrant workers. Furthermore, UNDP and SBMI Team have collected practical information related to the services perceived by CPMI/PMI/PMI Returnees and also information resulting from the hermeneutic process by conducting in-depth studies of in-depth discussions with the Local Government apparatus.

UNDP and SBMI Team have summarized the conclusions from the data which we collect on this activity:

1. The process of protection for Indonesian migrant workers (PMI) has still encounters many challenges. These challenges are affecting the implementation of protection in four main aspects: (i) the implementation of education and vocational training to increase the competency of CPMI (prospective Indonesian migrant workers); (ii) facilitating the repatriation of PMI who have problems; (iii) prevention of non-procedural placement of PMI; (iv) social reintegration and empowerment of PMI returnees;
 - a. In the absence of accurate data, the Local Governments cannot perform planning properly to organize education and competency training for CPMI;
 - b. Accurate data is also one of the prerequisites for the Government of Indonesia to be able to provide and to facilitate the repatriation of PMIs who are experiencing problems at work. This accurate data includes information on PMI's departures which can be obtained from the respective Villages, as well as accurate population data which can be gained from the Local Population and Civil Registration services;
 - c. One of the reasons for the high numbers of non-procedural PMI is that the data recording of departures of PMI at the Village Level still needs to run optimally. Therefore, the data collection process of PMI is the main thing which needed to prevent non-procedural departures of PMI;
 - d. The social reintegration and empowerment program for PMI returnees is very dependent on the data availability of the PMI returnees. The absence of data and information related

to the number of PMI returnees has resulted in the Local Governments who perform the duties of allocating budget for programs related to PMI.

2. The implementation of Law 18/2017 is still constrained by the low competency of the policy implementers at all the three levels of Governments in this study. The competency which the research team described here, includes several things:
 - a. Competency here includes the ability to coordinate and to advocate at the OPD level to encourage budget planning which favours in protecting the rights of CPMI/PMI/PMI Returnees. The ability to coordinate is the key for each law and policy implementers in order to achieve synergy between the policy implementers and the relevant Government agencies (OPD) to be able to implement the principles of government service as a whole (upholding the *whole of government* principle);
 - b. Competency here also including the individual ability to adapting basic concepts or nomenclature in the Law 18/2017. For example, according to the FGDs findings in the East Lombok, there are still OPD apparatus who have not read the law and then implemented it into their main tasks;
 - c. Individual Competency also including leadership skills, as demonstrated by the ability of the policy implementers to not only identify the problems which they faced, but also they shall have the innovative thinking to solve various migration governance challenges for the protection of CPMI/PMI/PMI Returnees. In addition, without strong leadership, the Local Governments tend to be defensive and not open to receive suggestions for improvement from relevant stakeholders.
3. The implementation of the protection of Indonesian migrant workers has also constrained by the power imbalances in the division of Governmental levels in the regions, which resulting in asynchronous policies implementation between the Central Government and the Regional Government.

Even though the Central Government already has Mid-Term Development Plan (*RPJM*), the most important reference for the Regional Government Apparatus is the directions of the policy from their respective Regional Heads of the Governments. The absolute power of the Governor or the Head of Regency made the OPD quite dependent on whether or not there is commitment from the Head of Regional Government regarding to the protection of the Indonesian migrant workers (PMI).

In places where the Head of the Regional Governments have not yet prioritizing the issue of CPMI/PMI/PMI Returnees, it is certain that the Region still needs the adequate regional regulations regarding protection of migrant workers. Central Java is an obvious example of this case. Even though it is one of the top 3 PMI-sending Provinces, until this report was written, Central Java did not yet have regulations related to protection of PMI.

4. The mandate of the Law 18/2017 also emphasizes the independence of CPMI/PMI/PMI returnees in carrying out the migration process. The understanding of CPMI/PMI/PMI returnees related to migration procedures also still needs to be improved. This resulted in the old methods being well maintained, namely the placement process which relied on sponsors and intermediaries such as brokers.

One of the challenges is the lack of understanding of this procedure, which made it hard for the Village Governments to implement the Law 18/2017. In summary, the implementation of this law still facing challenges of the low understanding from migrant workers related to migration procedure.

E.2. RECOMMENDATIONS

The following are the recommendations for the formulation of policy which has been prepared by the SBMI and UNDP team. The purpose of the recommendations is to address the problem of policy gaps in the implementation of PMI's protection policies at the sub-national level.

No.	Findings	No.	Recommendation
1	<ul style="list-style-type: none"> The Function of the One-Stop Integrated Service (LTSA) has not been fully optimal for the Protection and the Placement of Indonesian migrant workers (PMI). The importance of establishing LTSA in the highest sending regions of Indonesian Migrant Workers 	i	The Central Government is expected to immediately issue a derivative regulation to clarify the institutional status at the Regional level related to the implementation of LTSA;
		ii	Derivative regulations issued by the Central Government must prioritize the principle of whole-of-government, which ensures or supports the coordination process at the Regional level to be carried out optimally, especially for relevant Government agencies (OPDs) which are grouped in LTSA.
		iii	The Central Government and Regional Governments are expected to be able to establish LTSA in the highest sending regions of Indonesian Migrant Workers by taking into account the accessibility of Prospective Indonesian Migrant Workers.
2	Weak Dissemination of Information on the Official Labour Market and the Domination of Brokers on the Labour Market	iv	The Government needs to perform socialization and dissemination of the labour market, which are carried out not only by the Office of Labour, but also by actively involving various elements of the OPD, both at the Provincial, Regency, and Village levels.
		v	The Government needs to conduct a more structured coordination involving the Village Governments and relevant P3MIs to conduct socialization of the official labour market.
		vi	The Government can also identify brokers and sponsors in their respective areas through Village officials to find and analyse the patterns and community movements in recruiting the prospective migrant workers.
		vii	The Government can also involve community organizations at the Village level to conduct socialization regarding safe migration and the dangers of Trafficking in Persons. Support for socialization can also be developed with the help of civil society at the national or local level.
		viii	Socialization on safe migration should also consider PMI's families who are left behind, especially families from women migrant workers, who need to receive more education about parenting children without a mother figure.

No.	Findings	No.	Recommendation
3	Limited facilities and infrastructure, as well as lack of standardization regarding the educational and job training for prospective Indonesian migrant workers (CPMI)	ix	The Government needs to immediately carry out budget planning which involves synergy between the Provincial Government and Regional Governments based on accurate information related to the number of prospective Indonesian migrant workers who need to receive competency training.
4	The varying levels of understanding of Regional Government Organizations in performing the vocational education training for Indonesian migrant workers	x	The implementation of education and trainings must be more output-oriented, which will increase the competency of Indonesian migrant workers through vocational training. This will reduce the perspectives that lead to certification of competency as an administrative prerequisite only for departure of migrant workers.
		xi	The Government needs to issue regulations at the Regional level which further regulate cooperation in the implementation of job trainings for CPMI and they need to expand access to training through a financing mechanism which taken from the employers.
5	Limited understanding of aspects for the repatriation of Indonesian migrant workers	xii	The Regional Government needs to calculate the number of troubled PMIs based on the average number of the PMI returnees. Generally, this repatriation period has the same patterns every year, therefore, the Government can focus on preparing the repatriation budget for the following years based on the existing trends.
		xiii	The Government needs to treat both the procedural and non-procedural PMI fairly regarding repatriation. In practice, many of the non-procedural PMIs who went back home initially left using the procedural route. In the context of legal jurisdiction in Indonesia, workers with these kind of cases may not receive a denial of service.
		xiv	The Government needs to organize repatriation with more attention to gender equality aspect. In particular, the Government can provide more assistance in terms of social rehabilitation, especially for women migrant workers who were sent back home due to cases of sexual violence and domestic violence.
6	There is no official Standard Procedure for Implementation (SOP) for conducting the repatriation of troubled PMIs.	xv	The Provincial Government needs to guide the repatriation of PMI by preparing the official SOP for repatriation. This is necessary to avoid shifting responsibility between various Government agencies when there is a budget shortage.
		xvi	The Central Government needs to clarify the division of authorities for repatriation of Indonesian migrant workers (PMI), therefore there is no overlapping responsibilities with the Regional authorities.

No.	Findings	No.	Recommendation
7	There are discrepancies of Population Data of Indonesian migrant workers (PMI)	xvii	The Government needs to increase supervision on the Population and Civil Registration Government Office to overcome the problem of inaccurate information. Good communication channels with the local villages and the Heads at the District level need to be built to run the clarification process effectively.
		xviii	The discrepancies of Population data of the Indonesian migrant workers shall be corrected quickly through the online system. Therefore, it is necessary to build and increase the capacity of Village Governments by building village-based migration data.
		xix	The Provincial Governments and the Regional Governments need to develop a good coordination strategy to increase the capacity of Village Governments in terms of data collection efforts for recording data of CPMI, PMI, or PMI Returnees.
8	The non-functioning reporting mechanism and law enforcement regarding non-procedural placement of PMI at the Provincial level	xx	The Government needs to optimize the function of reporting and complaint channels therefore if any problems raised by the public, it can be dealt by the Government immediately.
		xxi	The Government can also involve civil society organizations to organize protection for Indonesian migrant workers, both at home and abroad.
9	The level of understanding of Law 18/2017 is still quite limited among the Local Government Agencies	xxii	The Government needs to socialize the issued laws and regulations, therefore it do not cause multiple interpretations of the laws and the laws and regulations can be effectively implemented.
		xxiii	The Government shall open public discussion and implements the Law of 18/2017 proactively to help increase OPD's understanding of Law 18/2017.
10	The Insufficient Facilities and Infrastructures for Disseminating Information on the Labour Market and Safe Migration	xxiv	The relevant Government agencies (OPD) at the Regency and Village levels needs to carry out a joint evaluation of the available equipment and facilities for dissemination of information to the Indonesian migrant workers.
		xxv	The Provincial Governments and the Regency Governments must supervise and develop information systems management at the Village levels, to continue to improve the information systems inclusively, and, if necessary, they need to collaborate with third parties such as universities.
11	There are no coordinated and proactive steps to collect the data of prospective migrant workers (CPMI)/ migrant workers (PMI)/ PMI returnees.	xxvi	The Government needs to evaluate their own agencies in order to identify the significant problems and potentials of solutions that can be optimized for data collection of Indonesian migrant workers.
		xxvii	The Provincial Government needs to provide guidance and direction therefore the Regency Governments and the Village Governments can work together to build an accurate and real time database of Indonesian migrant workers

No.	Findings	No.	Recommendation
12	High Institutional Ego Sentiment and Low Understanding of Responsibilities among the Government Agencies	xx-viii	The Regional Governments need to commit to issuing regulations to improve the coordination of the authorities and powers of each relevant Government agencies (OPD), therefore they can have synergy and they are able to synchronize budget planning between each other.

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