

THE ROLE OF COPING STRATEGY AND LEGAL PROTECTION ON MIGRANT WORKERS: A LITERATURE REVIEW

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Abstract

This paper aims to determine the role of coping strategies and legal protection for Indonesian migrant workers. With a focus on coping strategies and legal protection for migrant workers, because pre, during, and post the migration process. Migrant workers are contacting many parties and groups of people. These connections and contacts are important and cannot be separated from Migrant Workers. It can be said that legal protection and strategy coping for the migrant workers as well, these two things are also related to each other. Therefore, this paper examines these two problems by conducting a literature review and describing them descriptively. Where is related to the condition of the migrant workers and the difficulties, they face in the migration process. Coping strategies in this case act as migrant workers' efforts to overcome problems or challenges in the individual and social domains. In opposition, legal protection acts as a government effort to protect and be responsible for the rights of its citizens. Both coping strategies and legal protection have significant contributions to the migrant worker's welfare condition. For that reason, protection namely legal or non-legal protection for migrant workers does not only depend on the government, but also on all parties including the private sector (business or sponsor) and PMI itself.

Keywords: Coping Strategy; Legal Protection; Migrant Workers

1. INTRODUCTION

Based on the data from The National Board for the Placement and Protection of Indonesia Overseas Workers (BNP2TKI), the placement of Indonesian Migrant Workers also known as "Pekerja Migran Indonesia" (PMI) in 2019 totaled 276,553 people, consisting of 85,316 men and 191,237 women. Classified by their marital status, 110,393 people are married, 97,621 people are not married, and 68,539 people are divorced.¹ From this data, it is not uncommon for PMIs to experience violence or exploitative treatment during their migration process. Especially for Indonesian Women Migrant Workers, because women are more vulnerable to the risk of exploitation, abuse, and human trafficking. However, the same thing can also happen to men because of the low legal protection for PMI. It is supported by the complexity of the migration process, such

¹ The National Board for the Placement and Protection of Indonesia Overseas Workers (BNP2TKI), 2019, *Data Penempatan dan Perlindungan Pekerja Migran Indonesia*. Accessed on 10 April 2021. https://bp2mi.go.id/uploads/statistik/images/data_12-07-.pg. pg. 1-3.

as legal permission or legality. As a result, PMI often chooses to leave without being provided with personal documents (illegally).

Refer to the data on Indonesian Migrant Worker Service Complaints through the Crisis Center of the BNP2TKI. Show 9,377 cases occurred in 2019, the province with the highest complaints came from the Province of Aceh with 3,681 complaints, then West Java with 2,194, and West Nusa Tenggara with 887 cases.² The data generally included complaints from men and women migrant workers. It is undeniable that both men and women migrant workers become vulnerable figures in their migration journey. Although on the one hand, gender roles also contribute to the differences in conditions and social behavior accepted by men and women migrant workers.

Most complaints occurred regarding overstay problems as many as 805 cases, 660 cases of unpaid salaries, and 642 cases due to illness. The reported complaints are divided into three phases of placement of migrant workers, starting from post-placement as many as 1,033 complaints, 7,902 complaints during the migration, and 442 complaints during pre-placement.³ Problems with the high number of PMI complaints are motivated by economic, political, and social factors. These three things create insecurity experienced by PMI. In line with what Gordon said, individuals migrate due to several reasons, such as conflicts, economic and social challenges.⁴

During its migration, PMI is in an exploitative and hierarchical condition. This creates a sense of alienation in PMI, especially conditions, where society places them in the lower-class structure. Which indirectly puts them in various social and emotional turmoil. So, to protect themselves from these conditions, PMI cooperates by creating a support strategy for fellow PMIs. As an effort to overcome alienation, problems at work, and a sense of protection because it contains and forms a social bond.⁵ Group support is one of the coping strategies carried out by PMI, and they found a group that shared similar conditions.

With the problems that occur with PMI, it is an urge to see and know the extent to which existing legal instruments reach and protect PMI. Given that the implementation of legal protection for PMI is still limited. Amelia requested that the regime immediately revise the Manpower Law and Protection of Indonesian Migrant Workers Abroad.⁶ This has done because many prospective migrant workers were victims of fraud, sexual exploitation and violence, debts, and wrong placement times for workers. Muhammad

² The National Board for the Placement and Protection of Indonesia Overseas Workers (BNP2TKI), 2019, *Data Penempatan dan Perlindungan Pekerja Migran Indonesia*. Accessed on 10 April 2021. https://bp2mi.go.id/uploads/statistik/images/data_12-07-.pg. pg. 26

³ *Ibid*

⁴ Michael Gordon, 2015, *Enhancing Women Migrant Workers' Rights and Mainstreaming Gender in Global Migration*, Bethlehem Daniel and. 7, 1–8

⁵ Sulayman Khalaf dan Saad Alkobaisi, 1999, *Migrants' Strategies of Coping and Patterns of Accommodation In The Oil-Rich Gulf Societies: Evidence From The UAE*. British Journal of Middle Eastern Studies, 26(2), 271–298.

⁶ CNN Indonesia, 2016, *Perlindungan TKI Rendah, DPR Desak Pemerintah Revisi UU*. Accessed on 27 May 2021. <https://www.cnnindonesia.com/nasional/20160224115013-32-113137/perlindungan-tki-rendah-dpr-desak-pemerintah-revisi-uu>

Iqbal said the same thing regarding the case of PMI who died in Malaysia in 2018. It stated that in the last two years after the end of the Memorandum of Understanding (MoU) between Indonesia and Malaysia, there was no legal umbrella that overshadowed PMI, especially in the domestic sector.⁷

On the other hand, Savitri said that the policies implemented by the policymaker were still not in favor of the protection of migrant workers. It states in Law 39 of 2004, where the placement of PMI tends to prioritize the trading system rather than the function of protecting PMI.⁸ So that is reflected in the position of PMI as part of an economic commodity. In addition, there is an overlap in the government structure related to normative issues such as administration. Especially, in terms of monitoring and granting permits to PMI placements.⁹ Subhan et al. conveyed the same thing, where there some ineffectiveness caused by the dual function of BNP2TKI, in which BNP2TKI acted as executor and a regulator.¹⁰

The difficulty of legal protection efforts for PMI is also motivated by the limitations of existing international agreements in protecting PMI.¹¹ In his study of the Problem of Placement and Protection of Indonesian Migrant Workers in Banten Province, Nurdin F et al. said that there are several dimensions behind the PMI problems, namely: (1) dimensions Livelihoods and welfare level of PMI Candidates; (2) the dimensions of education for prospective PMI, PMI, and families; (3) dimensions of ease of access to information; (4) the dimension of empowerment by the Government; (5) the dimensions of access to information networks.¹² In addition, the practical side of legal politics in the placement and recruitment of PMIs are not for protecting PMIs. So that it opens opportunities for the development of brokers, illegal PMI moreover human trafficking.¹³

Based on these conditions, it shows there is urgency in this paper because there is no writing that specifically discusses the role of coping strategies and legal protection for migrant workers. Given that these two things, when viewed from the context, are closely related to and cannot be separated from PMI. Both are good as a tool to see how the coping and implementation of existing legal protections for PMI. Because the protection for PMI is so necessary, both protection by coping and legal protections as well. Thus, this paper aims to examine this problem by looking at the role of coping strategies and

⁷ BBC News Indonesia, 2018, 14 Februari. Adelina: TKI yang meninggal di Malaysia akibat kurang gizi dan luka-luka membuat 'marah bangsa'. Accessed on 27 May 2021. <https://www.bbc.com/indonesia/trensosial-43044843>

⁸ Lembaga Bantuan Hukum Jakarta. 2016, 23 Desember. Jaringan Buruh Migran: Lemahnya Perlindungan Buruh Migran Indonesia. Accesed on 20 May 2021. <https://bantuanhukum.or.id/jaringan-buruh-migran-lemahnya-perlindungan-buruh-migran-indonesia/>

⁹ Tri Lisiani Prihatinah, dkk, 2012, *Kendala Perlindungan Hukum Terhadap Buruh Migran di Kabupaten Cilacap. Jurnal Dinamika Hukum*, Vol. 12 No. 2 Mei 2012. 315-316

¹⁰ Hadi Subhan dkk, 2012, *Perlindungan TKI Pada Masa Pra Penempatan, Selama Penempatan Dan Purna Penempatan. Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia*. pg. 66-67

¹¹ Afandi Sitamala, 2020, *Polemik Perlindungan Hukum dan Peran Negara Atas Tenaga Kerja Indoneisa di Luar Negeri. Hukum dan Keadilan* Vol. 7 No. 2 – September 2020. 299-304

¹² Fadil Nurdin dkk, 2010, *Kajian Permasalahan Penempatan dan Perlindungan TKI di Provinsi Banten*. 5-7

¹³ Tri Lisiani Prihatinah, dkk, 2012, *Kendala Perlindungan Hukum Terhadap Buruh Migran di Kabupaten Cilacap. Jurnal Dinamika Hukum*, Vol. 12 No. 2 Mei 2012. 314-315

legal protection for migrant workers. By conducting several studies related to scientific literature, this paper uses a conceptual approach that presents descriptively to provide a clear picture of the topic of this study.

2. ANALYSIS AND DISCUSSION

2.1. Indonesian Migrant Workers

Based on Law no. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Indonesian Migrant Workers (PMI) are every Indonesian citizen who will, is currently or has done work for wages outside the territory of the Republic of Indonesia. PMI includes male and female workers who have met the requirements to be able to work abroad in accordance with applicable regulations and requirements.

Amica said that migrant workers take on various roles in society, ranging from: health services, social care sector, agriculture, food sector (takeaways/restaurants), hotel industry, transportation (bus/tube) and cleaning services.¹⁴ Limited education, family difficulties and social pressures are the main motivations for migrant workers to migrate.¹⁵

2.1.1. Legal Protection for Migrant Workers

Sijapati said that the existence of labor migration can provide opportunities for men and women to improve and support their lives.¹⁶ However, it exposes PMI to various vulnerabilities, discriminations, and other risks. It happens not only in the destination or placement country but in their country of origin as well. So, the protection for PMI is important to protect PMI in the migration process. According to Satjipto Raharjo, legal protection is the protection of human rights which provide a sense of security to the community from any form of bad threats. Legal protection is provided by the law enforcement officers for the community to own their legal rights.¹⁷

Setiono added that legal protection is also interpreted as an action to protect the community from arbitrary actions by the authorities that are not following the rule of law, to create order and peace to allow humans to enjoy their dignity as human beings.¹⁸ According to Hadjon, legal protection is divided into two, namely: preventive and repressive legal protection. Preventive legal protection is a legal protection that is carried out to prevent or anticipate the problem. While repressive legal protection is

¹⁴ Amica Christine. Migrant communities: Key factors that predispose them to risks of poverty. *Journal of Poverty and Social Justice*. 295-296

¹⁵ Nguyen Van Huy, N et., al. stress and coping among migrant labourers in urban Vietnam: An adaptation cycle and health vulnerabilities. pg. 19

¹⁶ Bandita Sijapati, 2015, *Women's Labour Migration from Asia and the Pacific: Opportunities and Challenges*. Issue in Brief, 12.1-16

¹⁷ Satjipto Raharjo, 2000, *Ilmu Hukum* (Cetakan ke-V). Bandung: PT Citra Aditya Bakti. pg. 54

¹⁸ Setiono, 2004, *Rule of Law (Supremasi Hukum)*, Magister Ilmu Hukum Program Paskasarjana Universitas Sebelas Maret, Surakarta. pg. 3

a legal protection that is carried out after a problem occurs. By imposing sanctions or penalties for violations that are committed to resolving the problem.¹⁹

One of the regulations to protect the PMI is in Law Number 18 of 2017, on Article 1 Paragraph 2 states that PMI or what was originally known as Indonesian Migrant Workers (TKI) is any Indonesian citizen who will work, currently works, or has done a work for wage outside the territory of the Republic of Indonesia.²⁰ As well as women who have met the requirements to be able to work abroad by applicable regulations and requirements. Legal protection for PMI is also explained in Law Number 18 of 2017 Article 1 Paragraph (5), (6), (7) and (8) that the Protection of Indonesian Migrant Workers means any effort to protect the interests of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers and their families in order to ensure the fulfillment of their rights in all activities before, during work, and after working in legal, economic, and social aspects. Under what is explained in Article 7 and Article 8 that the protection includes before, during, and after working.

Further protection aimed at PMI in Law no. 18 of 2017 does not only contain Social Security as stated in Article 1 Paragraph 18. But also, Legal Protection (Article 31, Article 32, and Article 33), Social Protection (Article 34), and Economic Protection (Article 35 and Article 36). Mentioned in Article 1 Paragraph 12 in Law no. 18 of 2017 that the agreement between Indonesian Migrant Workers Placement Agency and Business Partner or Employer that contains the rights and obligations of each party in the placement and as a form of protection of Indonesian Migrant Workers in the destination country. So, it can be said that the government is legally trying to regulate PMI migration travel regulations. Given the protection against PMI aims to:

1. Ensuring the fulfillment and enforcement of human rights as citizens and Indonesian Migrant Workers; and
2. Ensuring legal, economic, and social protection for Indonesian Migrant Workers and their families.

Through existing legal instruments, the government has made efforts to protect and fulfill the rights of migrating PMIs. As previously stated in Law no. 18 of 2017. Andriani stated that the protection provided by the Indonesian government to PMI includes preventive/educational protection and repressive/curative protection. (1) This preventive protection relates to efforts to make regulations, policies, agreements, or other legal instruments to protect PMI. Meanwhile, (2) repressive/curative protection is carried out by establishing a Crisis Center in the country of placement as an effort to deal with legal, socio-cultural, and labor problems. In addition, PMI is included in the insurance program to guarantee workers from risks based on their work.²¹

¹⁹ Phillipus M Hadjon, 1987, *Perlindungan hukum bagi rakyat di Indonesia*. Surabaya: Bina Ilmu. pg. 25

²⁰ Law No. 18 tahun 2017 on Protection of Indonesian Migrant Workers. pg. 4

²¹ Nova Andriani, 2019, *Perlindungan Hukum Terhadap Hak-Hak Pekerja Migran Ditinjau Menurut Undang-Undang Nomor 18 Tahun 2017 Tentang Perlindungan Pekerja Migran Indonesia*. 178-162

In addition, the Government of the Republic of Indonesia (RI), in carrying out efforts to protect PMIs, does several other things to maximize legal protection for PMIs. One of them is forming and reviewing the existing Memorandum of Understanding or MoU, considering that protection against PMI is also related to the law where there is jurisdiction in the country of placement.²² There are also other efforts made by the government as stated by Sumiyati, including:

1. There is a bilateral agreement between the Government of Indonesia and the country of placement.
2. There is a stipulation of expert officials or attaches related to employment at Indonesian Representatives abroad.
3. Form a service team or task force (SATGAS) consisting of the Indonesian Embassy in certain areas.
4. Resolving problems faced by PMI and facilitating PMI in trouble by providing temporary shelters.
5. Collaborating with Agencies, Institutions, Organizations, or parties who care about PMI.²³

As stated in Law Number. 18 of 2017, where protection for Indonesian Migrant Workers applies before, during, and after work. This is supported by the existence of Technical Guidelines for Indonesian Citizen services carried out by Indonesian representatives abroad in the Minister of Foreign Affairs Regulation (Permenlu) No. 04 of 2008 concerning deported Indonesian citizens/TKI. Even for the repatriation of TKI, protection is given in the form of providing facilities or facilities for the return of TKI, in the form of transportation services, financial services, goods management services, facilities, and rights of TKI.²⁴

It is one of the efforts made by the government not only to contribute to the protection of PMI but also to implement the role of the government in protecting citizens abroad. In addition, it is not only the government that has made efforts to secure their rights, but PMI also carries out their self-protection and coping mechanisms according to their condition and difficulties. Furthermore, not only for themselves but for their fellow PMI communities abroad.

2.1.2. Coping Strategies for Migrant Workers

Indonesian Migrant Workers face various challenges in the process of their migration journey. This occurs in both men and women migrant workers. Coping is defined as a form of cognitive and behavioral effort to manage external pressures and internal demands, which are judged to exceed the ability of individual resources. Coping is an

²² Koesrianti, 2015, *Perlindungan Hukum Pekerja Migran Penata Laksana Rumah Tangga (PLRT) Di Luar Negeri Oleh Negara Ditinjau Dari Konsep Tanggung Jawab Negara*. Yustisia. Vol. 4 No. 2 Mei-Agustus 2015. 245-268

²³ Sumiyati, 2013, *Perlindungan Hukum Bagi Pekerja Migran Indonesia Di Luar Negeri Akibat Pemutusan Hubungan Kerja Sepihak*. Sigma-Mu Vol.5 No.1 – Maret 2013. 50-66

²⁴ Lalu Adhi Adha, 2017, *Perlindungan Hukum Tenaga Kerja Indonesia (TKI) Yang Melebihi Batas Masa Tinggal (Overstay)*. Jatiswara, [S.l.], v. 30, n. 2, oct. 2017. ISSN 2579-3071. 177-205

effort or effort made by PMI in managing the challenges it faces. As stated by Cox 1985 in Ekawarna 2018 that coping can be said as a form of problem-solving behavior.²⁵ Taylor adds that coping refers to specific efforts, both behavioral and psychological, that people use to master, compromise, reduce, or minimize stress.²⁶

Not all coping behavior begins with conditions or conditions that suppress and cause negative emotions. But sometimes individuals can also hide or even choose not to express their negative feelings. So that coping behavior can take the form of repression, which is then carried out by suppressing emotions so that they do not arise. This is one of the coping methods used by individuals to overcome the negative emotions they feel.²⁷

There are three coping styles introduced by Taylor, namely: (1) confrontational style, this style is used to deal with stress that involves thinking; (2) Avoidance style, this style is used to deal with threats that do not last long; (3) Cathartic style, namely the style of channeling thoughts, feelings, or behaviors about things that are traumatic. In addition to the styles in coping described previously, two important things also affect a person's coping efforts. First, personality factors (internal) which trace to self-efficacy (self-confidence so that they can control or adapt to stressful demands). These internal factors include optimism, self-control, and self-esteem. Second, external factors include social support, other life stressors, tangible stressors (e.g., financial ability and time availability).²⁸

There are several models of coping strategies proposed by Lazarus and Folkman, namely: (1) coping that focuses on the problem (problem focused-coping) and (2) coping that focuses on emotions (emotion focused-coping). In problem focused coping, the individual performs an action directed at solving the problem or by changing the situation. Individuals will tend to use this behavior if they judge that the situation they face can still be controlled and is believed to be changeable. Whereas in emotion focused-coping, individuals make various efforts aimed at modifying the function of emotions, without making efforts to change the source of the stressor directly.

This coping strategy itself plays an important role in PMI well-being. Well-being itself can be understood in a complex way as something that includes happiness, quality of life, life satisfaction, utility, fulfillment of needs, etc.²⁹ While the term Social Well-being is individual or group satisfaction with one's status, welfare, standard and quality of life,³⁰ and the conditions of the communities in which they live.³¹ The

²⁵ Ekawarna, (2018), *Manajemen konflik dan stres*. Cet. 1. Jakarta: Bumi Aksara, 2018. 307-330

²⁶ Sanjoy Kumar Chanda, 2013, *Domestic Violence and Coping Strategies: A Perspective of Bangladeshi Female Migrant Workers In Middle East* Author. 1-16.

²⁷ Ekawarna, (2018), *Manajemen konflik dan stres*. Cet. 1. Jakarta: Bumi Aksara, 2018. 307-330

²⁸ Sanjoy Kumar Chanda, 2013, *Domestic Violence and Coping Strategies: A Perspective of Bangladeshi Female Migrant Workers in Middle East* Author. 1-16.

²⁹ Divya Pradeep et. al., 2020, *Well-being of Nort-Eastern Migrant Workers in Bangalore*. Indian Journal of Human Development 14(1) 99-114, 2020.

³⁰ Lubov Ivankina et. al., 2016. *Social well-being of elderly people (based on the survey results*. 1-5

³¹ Seda, F. S., Setyawati, L., Pera, Y. H. T., Febriani, R., & Pebriansyah (2018). Social Policies, Social Exclusion & Social Well-Being in Southeast Asia: A Case Study of Papua, Indonesia. *Economics and Sociology*, 11 (3), 147-160. doi:10.14254/2071-789X.2018/11- 3/9

Statistics Indonesia (BPS) presents the welfare status of the Indonesian people along with trends and variations between provinces in urban and rural areas. The results of this publication are based on an analysis of eight aspects: education, employment, poverty levels, and patterns, and other social aspects.³² In the same publications, BPS also issued a Welfare Indicator that discusses access to housing in Indonesia. The discussion provides an overview of housing and settlement access which is explained through better homeownership, adequate housing infrastructure, and housing conditions for low-income communities.

In line with that, Sujatmiko et al. suggested that there are three social dimensions in welfare, including (1) vertical dimension, related to policy, law, and the welfare state; (2) horizontal dimension, related to the role of religion and ethnicity; and (3) regional dimension, related to inequality between rural and urban areas.³³ Ivankina L et al. also said that individual satisfaction is reflected in how they with their environment, their activities, and their possessions.³⁴ Ettner et al. also stated that the level of the earnings significantly affects a person's welfare, especially his psycho-social well-being.³⁵

Tamres, Janicki, and Helgeson suggest that women have higher levels of chronic and daily stressors than men. Women prefer to seek help and get social support to cope with stress, to protect themselves from depression or anxiety disorders.³⁶ Thus, strong support through social networks, coping skills, and strong religious beliefs can play a crucial role in reducing depression and migration-related stress.³⁷

Van Huy, N et al added that there are several things that PMI tends to do in dealing with stress, such as (1) having a role model (a person who is imitated), (2) self-awareness, and self-defense (self-awareness and self-defense ability). (3) hometown connectedness (4) avoidance (5) caution (6) pooling and sharing (7) self-medication or self-reliance (self-medicating or independence).³⁸ Similar things are known to affect how PMI can keep up with themselves and their environment.

For this reason, it is necessary to carry out different interventions, both for men and women, to help deal with stress better. (1) interventions for women can focus on increasing the use of adaptive strategies such as praying and talking to friends and family. While (2) for men the intervention can be introducing the use of adaptive coping strategies, such as exercise and actively fighting the causes of stress.³⁹ So that both employers, organizations, and the community feel the need to provide a work

³² Statistics Indonesia (BPS). (2018). *Indikator Kesejahteraan Rakyat – Hunian Layak Masyarakat Berpenghasilan Rendah*. Jakarta: CV. Nario Sari, 2018. ISSN 0215-4641. 61-119

³³ Sujatmiko, G dkk. (2016). Social Well-being Research and Policy in Indonesia. *The Senshu Social Well-being Review* No.3 (2016). 75-92

³⁴ Lubov Ivankina et. al. (2016). *Social well-being of elderly people (based on the survey results)*. 1-5

³⁵ Naser Mozaffari, et al., 2014, *Social Well-Being of a Sample of Iranian Nurses: A Descriptive-Analytic Study*. pg. 1-9

³⁶ Lauren A Gentry et al., 2007, *Gender Differences in Stress and Coping Among Adults Living in Hawaii*. *Californian Journal of Health Promotion*, 5(2), 89-102.

³⁷ Divya Pradeep et. al., 2020, *Well-being of North-Eastern Migrant Workers in Bangalore*. *Indian Journal of Human Development* 14(1) 99-114, 2020.

³⁸ Nguyen Van Huy et al., 2010, *Stress and Coping Among Migrant Labourers in Urban Vietnam: An Adaptation Cycle And Health Vulnerabilities*. *International Journal of Migration, Health and Social Care*, 6(2), 15-30.

³⁹ Lauren A Gentry et al., 2007, *Gender Differences in Stress and Coping Among Adults Living in Hawaii*. *Californian Journal of Health Promotion*, 5(2), 89-102.

environment that can support the advancement of worker's abilities, by creating a sense of calm and happiness.⁴⁰ By doing so, workers will feel more positive feelings and a good impact, well-being, job satisfaction, motivation, and work productivity.⁴¹

This is because PMI does not only face obstacles in the labor market, but is also under pressure from different environmental, social, cultural, and challenging conditions. Coupled with the condition where not all prospective workers can communicate (speak or understand) the existing local language.⁴² Bhagat said migrants that faced challenges commonly migrant workers with low education and skills. So, they seek a job to improve their welfare.⁴³

It is even said that happiness and well-being are significantly correlated with perceived income and income equality.⁴⁴ Thus, economic conditions, especially housing, will be one of the important indicators of material welfare for PMI. Because it provides identity and create individual and social attachments in their society.⁴⁵ In other words, income and wealth are important dimensions of migrant welfare. So that the existence of job opportunities, in this case as migrant workers, is an important factor that affects their welfare conditions. Given the similar situation, it is not entirely possible to provide or obtain in the country or place of origin of the worker.⁴⁶

2.2. Implementation of Legal Protection and Coping Strategy Work for Indonesian Migrant Workers

Government efforts, especially related to regulations and policies, have been made to provide legal protection for PMI. However, in practice these efforts face obstacles. These constraints do not only focus on the Government as the policymaker but also on the private sector and PMI itself. The obstacles faced by the Employer Placement of Manpower include 1. The placement system is still not established; Bureaucracy and administrative problems; 2. Lack of coordination between institutions, both government and inter-agency placement of TKI; 3. Weak human resources of TKI; 4. PPTKIS that are not licensed or whose operational permit has expired; 5. The number of levies outside the system; 6. The age requirement for TKI is too high; 7. Insurance obligations which are ultimately borne by TKI; 8. Criminalization of administrative violations, etc.⁴⁷

There are several obstacles also faced by the government to fulfill the rights of Indonesian Migrant Workers, namely: (1) there are differences in the legal system between countries (2) there are Indonesian Migrant Workers sentenced for their violations, and

⁴⁰ Naser Mozaffari, et al., 2014, *Social Well-Being of a Sample of Iranian Nurses: A Descriptive-Analytic Study*. pg. 1-9

⁴¹ *Ibid*

⁴² Divya Pradeep et. al., 2020, *Well-being of North-Eastern Migrant Workers in Bangalore*. Indian Journal of Human Development 14(1) 99–114, 2020.

⁴³ *Ibid*

⁴⁴ Naser Mozaffari, et al., 2014, *Social Well-Being of a Sample of Iranian Nurses: A Descriptive-Analytic Study*. pg. 1-9

⁴⁵ Divya Pradeep et. al., 2020, *Well-being of North-Eastern Migrant Workers in Bangalore*. Indian Journal of Human Development 14(1) 99–114, 2020.

⁴⁶ *Ibid*

⁴⁷ Hadi Subhan dkk, 2012, *Perlindungan TKI Pada Masa Pra Penempatan, Selama Penempatan Dan Purna Penempatan*. Badan Pembinaan Hukum Nasional Kementerian Hukum dan Hak Asasi Manusia. 12-77

they must follow the legal system in the country of placement. (3) the government has not made an MoU with the country of placement regarding to protecting Indonesian Migrant Workers in the informal sector.⁴⁸ Lastly, there is a lack of supervision by labor inspectors.⁴⁹

Meanwhile, obstacles involving PMI occur or arise due to several things, such as low legal awareness of PMI candidates.⁵⁰ This results in weak awareness of the importance of working documents, growing views regarding the complexity of the problem reporting system.⁵¹ Then, weak law enforcement (e.g., carried out by irresponsible brokers/sponsors),⁵² caused by PMI's departure using brokers or non-procedurally. PMIs who travel non-procedurally are vulnerable to problems and cases because they are often victims of exploitation.⁵³ non-procedural departures often cause other problems, one of which is related to efforts to fulfill the rights of PMIs themselves. This is because the placement of PMI is non-procedural, making it not recorded or known by the authorized government agency. This will make it difficult for the government, especially if there are problems with PMI that are in contact with the law.

To maximize the role of legal protection for PMI, cooperation from all parties is needed, not only the government but also the private sector and PMI. This is because the existing legal instruments or regulations will only be implemented and can be implemented properly if the relevant parties can support each other and synergize. Especially the government as the holder and implementer of policies, it is important to evaluate every regulation and policy that taken. In addition, the government also needs to establish clear coordination lines, so that there is no overlapping of authorities between government agencies (e.g., the BNP2TKI and Ministry of Foreign Affairs or other related ministries).⁵⁴ Because, under certain conditions, cooperation and responsibilities of all parties or stakeholders are required, especially in issues related to PMI.⁵⁵

On the other hand, the private sector can synergize and coordinate well with the government. Especially in the PMI placement process (both pre, during, and post) because the private sector is the government's liaison in helping to maximize the efforts that have been made. One of them is to be able to facilitate PMI with clear information,

⁴⁸ Afandi Sitamala, 2020, *Polemik Perlindungan Hukum dan Peran Negara Atas Tenaga Kerja Indoneisa di Luar Negeri*. *Hukum dan Keadilan* Vol. 7 No. 2 – September 2020. 291-307

⁴⁹ Lalu Husni, 2011, *Perlindungan hukum terhadap tenaga kerja Indonesia di luar negeri*. *Mimbar Hukum-Fakultas Hukum Universitas Gajah Mada*, 2011, 23.1: 150-167.

⁵⁰ *Ibid*

⁵¹ Dea Aviolita Puspitasari, 2019, *Peran Pemerintah dalam Implementasi Undang-undang Nomor 18 Tahun 2017 tentang Perlindungan Pekerja Migran Indonesia: Peran DISNAKERTRANS Kota Malang dalam Menjamin Perlindungan Hukum, Ekonomi dan Sosial Pekerja Migran Indonesia di Luar Negeri*. Universitas Brawijaya.

⁵² Lalu Husni, 2011, *Perlindungan hukum terhadap tenaga kerja Indonesia di luar negeri*. *Mimbar Hukum-Fakultas Hukum Universitas Gajah Mada*, 2011, 23.1: 150-167.

⁵³ The National Board for the Placement and Protection of Indonesia Overseas Workers (BNP2TKI), 2019. *Data Penempatan dan Perlindungan Pekerja Migran Indonesia*. Accessed on 10 April 2021. https://bp2mi.go.id/uploads/statistik/images/data_12-07-. 24-238

⁵⁴ Afandi Sitamala, 2020, *Polemik Perlindungan Hukum dan Peran Negara Atas Tenaga Kerja Indoneisa di Luar Negeri*. *Hukum dan Keadilan* Vol. 7 No. 2 – September 2020. 291-307

⁵⁵ Dian Cahyaningrum, 2019, *Perlindungan Hukum Bagi Pekerja Migran Indonesia di Hong Kong*. *Info Singkat Bidang Hukum Kajian Singkat Terhadap Isu Aktual dan Strategis* Vol. XI, No. 16/II/Puslit/Agustus/2019. https://berkas.dpr.go.id/puslit/files/info_singkat/Info%20Singkat-XI-16-II-P3DI-Agustus-2019-191.pdf. 3-5

especially related to their rights both as workers and as citizens. Finally, from the PMI side, it is necessary to seek clear information regarding its placement. Don't just focus on the job and make money. However, its safety in the destination country, by knowing and being aware of this, is expected to increase PMI's desire to undergo or go through a safe process, officially recorded, by applicable procedures.

3. CONCLUSION

The role of coping strategies for PMI is necessary. Because, during the migration processes, both men and women migrant workers are a vulnerable group. They are vulnerable to exploitation or even ill-treatment in the country of placement. In this case, coping strategies play an important role. As a form of coping mechanism carried out by PMI individually and socially in dealing with their problems and obstacles, they faced. Meanwhile, the role of legal protection carried out by the government through laws, policies, and or regulations are forms of government efforts to protect PMI. Although in its implementation the role of the regulations itself is still limited. However, the implementation can be optimized with the cooperation of all parties. Because it is not only the task of the authority as a policymaker but also the private sector as the executor of the placement and PMI. Considering is not uncommon for problems or obstacles in work to protect the law against PMI, triggered by these parties. So, it takes good cooperation and commitment from all stakeholders in the legal protection of PMI.

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