

**THE ROLE OF INDONESIAN WORKERS SERVICE,
COOPERATIVE, SMALL AND MEDIUM ENTERPRISES BANYUMAS
REGENCY IN PROTECTION THE INDONESIAN WORKERS**

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ABSTRACT

In order to reduce unemployment, the government needs to provide employment opportunities. And one of the government program is to carry out the cooperative of later country by involving the private sector, that is PPTKIS (The Implementation of Placement Of Private Indonesian Workers). The problem that often a rise in placement of the Indonesia workers is unresponsibility of private workers requitment and not meet requirements as a manager of Indonesian workers services, cooperative and small and medium enterprises in regency of Banyumas in the implementation of placement of the Indonesian workforce to other country specifically in protection as well before, being, and after working in abroad. That his research has aim to know how the role of employment agencies, cooperative and small and medium enterprises in protection the Indonesian workforce. The used research method in arrange the preparation of this thesis is based on the method of descriptive qualitative, the data collection technique is done by interviewing the related paries, direct observation and document recording. From the result of this research can be known that Indonesia works service, cooperative and small and medium enterprises in Regency of Banyumas is carrying out the Role in protection to Indonesia workers is based on constitution no 39/2004 about the placement and protection of Indonesia workers and local Regulation of Banyumas Regency no. 2/2015 about the protection of Indonesia workers.

Keywords; protection, role, workers.

A. INTRODUCTION

Basically, every human being needs a job to fulfill their living needs, but not everyone can get a job. Many Indonesians prefer to become entrepreneurs, there are also those who choose to become unemployed because there are no more jobs to be found. However, quite a few Indonesian citizens choose to work abroad to get work and earn higher wages than working domestically.

One of the reasons someone chooses to work abroad is because of the high income. However, Indonesian citizens who work abroad often do not pay attention to

safety and accuracy. Not a few Indonesian Migrant Workers (TKI) abroad experience problems with their employers or with their employment services companies. The problems that most Indonesian Workers (TKI) often face are violence and wages. The component in industrial labor relations is the government which acts as the authority. The government's role in Employment Law is more intended to create fair employment relations, because if the relationship between employers and workers are socio-economically different, if it is left to the parties then the goal of creating justice therein is very difficult to achieve. This is because essentially the strong party wants to dominate the weak. Government intervention is usually through statutory regulations to provide greater certainty regarding the rights and obligations of the parties.

Article 27 paragraph (2) of the 1945 Constitution states that every citizen has the right to work and a living worthy of humanity. Law Number 39 of 1999 Article 38 paragraph (2) concerning Human Rights states that citizens have the right to freely choose the job they like. Therefore, Indonesian citizens cannot be prohibited from working anywhere, including abroad, provided that they have fulfilled all the requirements set by the government for the safety, comfort and welfare of Indonesian workers from the time they leave, during the placement period and after becoming workers.

Poverty is a driving factor for many women and men to work abroad to become Indonesian Migrant Workers (TKI). Economic factors, limited job opportunities and lack of opportunities to earn a decent income at home are the main reasons for working abroad. The opportunity to earn a greater income abroad than at home is an attractive factor for Indonesian Migrant Workers (TKI) to work abroad.

Working abroad as an Indonesian Migrant Worker (TKI) is a choice that carries the risk that Indonesian Workers in general and female Workers in particular continue to be objects of exploitation, abuse and discrimination to this day. This situation has become a concern for the government, because the government, through the Manpower Service, is unable to overcome the unemployment rate, which always increases from year to year. One effort to overcome this situation is to create jobs within the country so that people can live prosperously and have enough.

The Constitution of the Republic of Indonesia of 1945 after the amendment regulates Regional Government in Chapter VI, namely Article 18, Article 18A and

Article 18B. Regional Autonomy Regulations for Regional, Provincial and Regency/City Governments are regulated in Article 18 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which explains "The Unitary State of the Republic of Indonesia is divided into Provincial Regions, and the Provincial Regions are divided into Regency and City, where each Province, Regency and City has a Regional Government to regulate and manage its own government affairs according to the principles of autonomy and assistance duties.

The transfer of authority from the central government to regional governments is called decentralization. Decentralization is related to regional autonomy, because regional autonomy is the authority of a region to regulate and manage its own household affairs. The authority relationship between the Central and regional governments is regulated in the 1945 Constitution of the Republic of Indonesia Article 18A paragraph (1) explains, "Relationships authority between the central government and provincial, district and city regional governments, or between provinces and districts/cities is regulated by law taking into account regional specificities and diversity and paragraph (2) explains "Financial relations, public services, utilization of natural resources and other power. Between the central government and regional governments, it is regulated and implemented fairly and in harmony based on the law.

The regional autonomy policy in Law Number 23 of 2014 concerning Regional Government article 1 paragraph (6) explains "Regional Autonomy is the right, authority and obligation of autonomous regions to regulate and manage government affairs and the interests of local communities within the system of the Unitary State of the Republic of Indonesia. The transfer of authority for government affairs by the central government to regional governments can be divided into mandatory government affairs and optional government affairs. Law Number 23 of 2014 concerning Regional Government Article 1 paragraph (14) explains, "Compulsory government affairs are government affairs that must be carried out by the region in accordance with the potential of the region, Article 1 paragraph (16) explains that basic services are public services for meet the basic needs of citizens.

The authority in the field of employment by regional governments is part of mandatory government affairs that is not related to basic services. Constitution Number 23 of 2014 concerning Regional Government Article 12 paragraph (2)

explains, "The mandatory matters that fall under the authority of regional governments for districts/cities that are not related to basic services include:

1. Labor
2. Women's empowerment and child protection
3. Food
4. Land
5. Living environment
6. Population administration and civil registration
7. Empowerment of communities and villages
8. Population control and family planning
9. Relations
10. Communication and informatics
11. Cooperatives, Small and Medium Enterprises
12. Capital Investment
13. Youth and sports
14. Statistics
15. Coding
16. Culture
17. Library and
18. Archives

Law Number 23 of 2014 concerning Regional Government Article 12 paragraph (2) in the field of employment is the mandatory authority of regional government affairs. The employment sector is a very crucial factor for economic development in every region.

The influence of regional autonomy is of course very large considering that regional government intervention is very large in the context of regional development, one of which is from the aspect of labor absorption. The employment sector, which is a mandatory regional government authority, must be managed well in the regions to carry out national economic development through the regions.

In accordance with the provisions of Article 5 paragraph (1) of Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Workers Abroad, the government's duties are:

- Arrange
- Building
- Implement and supervise the implementation of the placement and protection of TKI.

In carrying out the tasks referred to in paragraph (1) the government can delegate some of its authority and/or legislative assistance tasks. The Department of Manpower, Cooperatives and SMEs is an implementing element of regional autonomy. The Department of Manpower, Cooperatives and SMEs is led by a Head of Service who is under and responsible to the Regent, through the Regional Secretary, who has the authority as stated above. Likewise, in Banyumas Regency it is the authority of the Department of Manpower, Cooperatives and Small and Medium Enterprises.

Based on the description above, the author is interested in compiling legal writing with the title: The Role of the Department of Manpower, Cooperatives and Small and Medium Enterprises of Banyumas Regency in the Protection and Development of Workers.

B. METHOD

The approach method used in this research is normative juridical, namely an approach that uses a positivistic legal conception. The positivistic legal concept is written norms created and promulgated by authorized officials and views law as an independent normative system, independent of and apart from real life. In this research, descriptive analytical research is used, namely research that attempts to describe and explain the problem being studied, then analyze and conclude the data obtained.

C. RESULTS AND DISCUSSION

According to Satjipto Raharjo, what is meant by legal protection is an effort to protect a person's interests by allocating a power to him to act in the context of those interests. Muchsin said that legal protection is an activity to protect individuals by harmonizing the relationship between values or rules which are manifested in attitudes and actions in creating order in social interactions between human beings. Legal protection can be interpreted as protection given to legal subjects in the form of legal

instruments, both preventive and repressive, both written and unwritten. In other words, legal protection is an image and function of law, namely a concept where law can provide justice, order, certainty, benefit and peace.

The protection of TKI is all efforts to protect the interests of prospective TKI/TKI in ensuring the fulfillment of their rights in accordance with statutory regulations, both before, during and after work. Protection of Indonesian Migrant Workers is based on Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Workers Abroad. Based on Article 2 of Law Number 39 of 2004, the placement and protection of TKI is based on integration, equality of democratic rights, social justice, gender equality and fairness, anti-discrimination and anti-human trafficking.

The objectives and protection of TKI as stated in Article 3 of Law No. 39 of 2004 are as follows:

- a. Empower and utilize optimally and humanely
- b. Guarantee and protect prospective TKI/TKI from within the country, in the destination country until returning to their place of origin in Indonesia.
- c. Improving the welfare of migrant workers and their families.

Efforts to protect prospective migrant workers and migrant workers are an activity that must be carried out continuously as long as the placement of migrant workers is still ongoing. Meanwhile, placing migrant workers abroad as a solution to overcome the large number of workers in Banyumas Regency must be carried out in order to avoid unemployment in the country. Interest in becoming a workforce shows an increasing trend, especially in ASEAN countries such as Singapore, Malaysia, Hong Kong, Taiwan.

Based on the research results of points A.1, A.2, A.3, A.4, it can be seen that from 2012 to 2016 it shows an increase and if we look at gender it turns out that there are more female workers than male workers. . Seeing these conditions, there will be more cases of employment by female workers who work in the informal and household sectors, because their place of work is with new employers in households who are difficult to monitor. On the other hand, informal class workers are filled with migrant workers with very low education so their ability to defend themselves (self protection) is also very weak. Based on the research results in position A.2, it can be seen that

the role of the Banyumas Regency DinnakerKop and UKM in protecting TKI begins during pre-placement, placement and post-placement of TKI, as follows:

2. Pre-Placement of TKI Banyumas Regency

Protection for the pre-placement period is carried out from the data collection, recruitment, selection, training, accommodation and departure of prospective migrant workers in Banyumas Regency.

a. Data Collection, Recruitment and Selection of Banyumas Regency TKI

To find out the number of prospective migrant workers in Banyumas Regency, data collection is first carried out. Data collection on prospective TKI in Banyumas Regency is carried out by the Village Head/Lurah where the prospective TKI in question resides. The data collection carried out by the Village Head/Lurah is then reported to the Subdistrict Head to be forwarded to the Department. In Table 1, the number of TKI who have worked abroad has shown an increase over a period of 5 years (from 2012 to 2016). The destination country most popular with workers from Banyumas Regency is Taiwan. Of the number of migrant workers working abroad, around 70% are women, who generally work in the informal sector such as housemaids, shop assistants and so on. This sector is quite vulnerable to labor problems due to inadequate wages, arbitrary actions/violence from employers. Average education from elementary school to high school and inadequate skills are the reasons why migrant workers return to their areas of origin.

Based on the research results in point A.4 in table 2 above, it shows that cases of returning workers occupy a fairly high number when compared with other cases. Meanwhile, the process of recruiting prospective TKI for Banyumas Regency is carried out by providing complete and correct information to prospective TKI. PPTKIS makes and signs placement agreements with prospective TKI who are declared to fulfill the administration and the placement agreement must be ratified by the department.

b. Education and Job Training for Prospective Indonesian Workers

Before departure, prospective migrant workers in Banyumas Regency are required to attend education and training at the Job Training Center (BLKI) belonging to the Banyumas Regency Government with material according to

the needs of the destination country. Education and job training for prospective migrant workers in Banyumas Regency with the aim of:

1. Equip, improve and develop the work competencies of prospective migrant workers.
2. Provide knowledge and understanding about the situation, conditions, customs, culture, religion and risks of working abroad.

Education and training can also be carried out by PPTKIS.

3. Banyumas Regency TKI Placement Period

Abroad, protection for migrant workers is carried out by representatives of the Government of the Republic of Indonesia, where the protection is based on statutory regulations as well as international laws and customs. As regulated in Article 32 paragraph 1 of Banyumas Regency Regional Regulation Number 2 of 2015 concerning Indonesian Workers, protection during the placement period of Banyumas Regency TKI includes: (a) Providing legal assistance in accordance with the provisions of laws and regulations in the destination country, and (b) Defending the fulfillment of rights in accordance with the work agreement and/or provisions/regulations in the country where the TKI are placed.

3. Post-Placement Period for Indonesian Workers

The role of the Government in the post-placement period is to facilitate the return of migrant workers and in the event of war, natural disasters, disease outbreaks and deportation, the Regional Government (Pemda Banyumas Regency), in collaboration with Representatives of the Republic of Indonesia, the National Agency for Placement and Protection of Migrant Workers (BNPTKI) Banyumas Regency, The government is working together to arrange the return of TKI from Banyumas Regency to the TKI's residence.

4. Carry out coaching

The Banyumas Regency Government, in this case the DinnakerKop and UKM, provides guidance on all activities related to the implementation and protection of migrant workers abroad. In carrying out this guidance, DinnakerKop and UKM involve the implementation of the placement of private, organizational and/or community TKI. This training is carried out in an

integrated and coordinated manner. The training as mentioned above is carried out in the areas of:

a. Information

Guidance in the information sector is carried out by:

1. Establish an integrated information system and network regarding the overseas job market that can be widely accessed by the public.
2. Provide information on the entire process and procedures regarding the placement of TKI abroad, including the risks of danger that may occur during the period of TKI placement abroad.

b. Human Resources

Development in the field of Human Resources, carried out internally and externally. Internal development, staff meetings are held in the DinnakerKop and UKM environment which are held once every 1 (one) month, with the aim of increasing the ability and professionalism of local government civil servants in carrying out their official duties, especially those related to the smooth implementation of the task of implementing the placement of prospective TKI/TKI and the protection of TKI. Meanwhile, external guidance carries out coordination meetings with sub-district heads, village heads and implementers of the placement of private Indonesian workers (PPTKIS), with the aim of improving coordination and common perception, especially those related to laws and regulations regarding employment and laws and regulations governing the protection of migrant workers. .

c. Protection of migrant workers

In the field of TKI Protection, the Banyumas Regency DinnakerKop and UKM have the task of supervising the implementation of the protection of prospective TKI/TKI Banyumas Regency. This supervisory task is very important, especially in relation to the licensing of labor placement service companies that are detrimental to prospective workers (illegal labor), including monitoring the shelter and training of prospective migrant workers carried out by PPTKIS whether they meet

the requirements in accordance with the provisions of the law or not.
including supervision of documents held by migrant workers.

Obstacles and Efforts to Overcome Problems in the Placement and Protection
of Indonesian Migrant Workers in Banyumas Regency. Obtacles:

1. Low education of prospective migrant workers

It is increasingly difficult to get a job in the country, because the available job vacancies are not balanced with the number of the workforce. So that the unemployment rate continues to increase, job seekers tend to look for work abroad and generally work in the informal sector in general, working in the informal sector as domestic servants which is dominated by female workers with low levels of education. This situation is very vulnerable to problems that are very detrimental to migrant workers, ranging from abuse to sexual violence and even death.

2. System for recruiting prospective TKI by field officers or brokers

Based on interviews with officials at the Banyumas Regency DinnakerKop and UKM who are in charge of Workforce Placement issues, that so far there has often been recruitment of prospective TKI through Field Officers or brokers whose job is to find someone in a certain area to become a Prospective TKI to work abroad. However, it is not related to field officers or prospective migrant workers who have bad intentions who are solely looking for their own profit, who recruit through door to door by persuading, seducing and even falsifying documents. So it is very detrimental to migrant worker brokers because they feel they have been cheated by these candidates. It is very clear that the recruitment system has no legal supervision and administrative checking process from the Banyumas Regency DinnakerKop and UKM and PPTKIS.

b. Efforts to Overcome Obstacles

1. More intensive socialization and coaching will be held

The socialization was carried out by DinnakerKop and UKM Banyumas Regency together with PPTKIS and by involving the Village/Subdistrict Heads by inviting prospective TKI in the work/residence areas of the prospective TKI. This socialization is in the form of counseling or information regarding test

systems and procedures for the requirements for being able to work abroad in accordance with the provisions of the Banyumas Regency Regional Law/Regulation which regulates the Protection of Indonesian Migrant Workers. Apart from that, coaching is provided for prospective migrant workers in the form of Job Training in collaboration with PPTKIS, to further improve their skills and abilities to work abroad.

2. Discipline prospective workers who have bad intentions, including companies employing workers who do not have operational 12 M from the Government, and further increase supervision of the activities of brokers and the performance of PPTKIS as well as implementing strict sanctions, both criminal and administrative, for violations of the Law. or Regulations governing the Protection of Indonesian Workers.

D. CONCLUSION

Based on the results of the research and discussion, it can be concluded that the role of the Banyumas Regency DinnakerKop and UKM in providing protection for TKI from Banyumas Regency who will work abroad begins before departure, during the placement period and post-placement period, as well as providing guidance on activities related to protection migrant workers. Obstacles in Labor Protection due to the low level of education of prospective migrant workers/TKI, recruitment of prospective migrant workers carried out by field officers (brokers) which is carried out illegally. Efforts to overcome obstacles carried out by DinnakerKop and UKM Banyumas Regency include conducting outreach and coaching in the form of job training/training, and controlling illegal brokers and providing strict sanctions.

Based on these conclusions, the author suggests increasing more adequate facilities and infrastructure and the number of personnel in order to improve service quality. then there is a need to improve the quality of Human Resources and types of training so that prospective migrant workers have adequate provisions and abilities. and the need for additional budget in the Banyumas Regency APBD for outreach and training activities. An online

information system needs to be established to find out the conditions of migrant workers working abroad.

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