
RESEARCH ARTICLE

Analysis of the Implementation of Article 42 Of UUPMI No. 18/2017 on the Duties and Responsibilities of Village Governments Affecting the Vulnerability of Violence and Trafficking in Persons (TPPO) for Women Migrant Workers in Lampung Province

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ABSTRACT

Most migrant workers in Lampung are women from the informal sector; they suffer issues such as non-procedural departure, unpaid salaries, fraud, harassment, and trafficking as a result of working in Lampung, Indonesia's sixth largest province, for placing migrant workers. UUPMI No. 18/2017 was passed to ensure the safety of migrant workers and their families. The purpose of this research is twofold: first, to learn more about how Article 42 of UUPMI No. 18/2017 on local government responsibilities is practiced, and second, to learn more about what obstacles hinder the implementation of the law. Secondary and primary data from literature research, field investigations, and qualitative analysis are utilized to inform both normative and empirical legal approaches. Partially implemented is Article 42 of UUPMI No. 18/2017, which discusses the government's duty to safeguard the rights of migrant workers and to stop violence and TPPO against women in Lampung Province. Article 42 of UUPMI No. 18/2017 is not being implemented by village administrations due to a lack of personnel. Migrant farm workers from rural areas lack access to social programs, education, and resources due to a lack of financial support. Provincial, district, and municipal governments do not coordinate or share statistics with one another.

KEYWORDS

Indonesian Migrant Workers, Implementation of UUPMI, TPPO.

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1. Introduction

According to a 2017 World Bank report, Indonesia's remittances from its 9 million or so migrant workers totaled 118 trillion rupiah in 2016. A rise in migrant workers' remittances was cited by Bank Indonesia as a factor in the 127.6 trillion rupiah (about US\$ 8.8 billion) in foreign money that Indonesia received in 2018.

Lampung ranks as the fifth most popular destination for foreign workers in Indonesia. There were 11,023 migrant workers placed in May 2022, with 3,987 male migrant workers accounting for roughly 36% and 7,036 female migrant workers accounting for 64% across the formal and informal sectors. The top five countries of placement were Hong Kong, Taiwan, Singapore, South Korea, and Italy.¹

Data on case complaints released by the Indonesian Migrant Workers Protection Agency (BP2MI) in May 2022 Lampung province entered the sixth largest province in Indonesia; there were 42 cases with the types of cases of migrant workers wanting to be

¹ Vina Oktavia, "Perlindungan Pekerja Rumah Tangga Migran Masih Lemah," Kompas.com, 2023,

<https://www.kompas.id/baca/nusantara/2023/06/22/perlindungan-pekerja-rumah-tangga-migran-masih-lemah>.

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repatriated, illegal departures, unpaid salaries, fraud, and trafficking in persons, the highest case complaints from East Lampung district as many as 15 cases.

The majority of migrant workers in Lampung province, particularly those employed in the domestic home sector, are predominantly female. Consequently, they are susceptible to instances of torture, assault, sexual exploitation, as well as physical and emotional abuse, and criminal acts of trafficking in Indonesia. The legal protection for Indonesian Migrant Workers is governed by Law Number 18 of 2017 UUPMI. Nevertheless, this rule does not particularly address the regulation of Indonesian Migrant Workers in the non-procedural domestic sector who have fallen victim to trafficking. Every Indonesian Migrant Worker, regardless of their adherence to procedures, is entitled to protection as a constituent of Indonesian citizenship.

In the informal sector, East Lampung Regency has a total of 5,469 workers, 10 of whom are men and 3,794 of whom are women, according to data from the Lampung Center for Placement and Protection of Indonesian Workers (BP3TKI). There are 1,665 people employed in the "proper" economy. Accordingly, it is crucial to carry out the mission of UUPMI Number 18 of 2017 to ensure the enforcement of human rights and the fulfillment of the rights of migrant workers, particularly women migrant workers.

The implementation of the protection of Indonesian migrant workers before, during, and after work, in addition to the ability to support legal provisions, will return to the issue of whether the laws governing have actually been made and implemented for this purpose.² Not to mention that the rule of law is dealing with very rapid developments in all fields, not only law but economic and social aspects.

The previous research related to this research was conducted by Irvantio Danang Suko R and Arinto Nugroho with the research title "The Role of the Branch Leadership Council of the Indonesian Migrant Workers Union on the Legal Protection of Indonesian Migrant Workers Before Working in Banyuwangi Regency". Through their efforts to assist in the escorting of CPMI, PMI, and their families, as well as their cooperation with government agencies BP2MI and private institutions P3MI, the DPC SBMI (Branch Leadership Council of the Indonesian Migrant Workers Union) in Banyuwangi plays a pivotal role in protecting PMI prior to their employment in the Banyuwangi Regency, as shown in this study. When preparing to safeguard PMI in Banyuwangi Regency, DPC SBMI Banyuwangi finds two types of obstructions: internal and external.

Internal obstacles, the low education level of SBMI Banyuwangi DPC members, have led to weak PMI supervision. In addition, 180 registered members pay membership dues of IDR 10,000 per month, which is voluntary. This makes the monthly funds of DPC SBMI Banyuwangi unpredictable. Although SBMI Banyuwangi DPC will implement various PMI protection programs in the district. Furthermore, weak facilities and infrastructure make mobilization difficult and prevent DPC SBMI Banyuwangi from escorting PMI before operating in the district.

External obstacles: the Banyuwangi government's indifference to the problems of migrant workers and the lack of fighting for migrant workers' rights has resulted in substandard facilities and a lack of implementation of regulations in the field. Due to unimplemented regulations, such as the exemption of placement fees, the government does not accommodate or facilitate the DPC SBMI Banyuwangi, making it difficult for SBMI movement and escort. Due to laws and regulations, DPC SBMI Banyuwangi must use state facilities.³

Then, the research was conducted by Sriwiyanti Eddyono with the title "Women Non-Regular Migrant Workers: Legal Conflicts in the Regulation of Trafficking and People Smuggling". In this study, legal arrangements related to trafficking in persons are contained in the PTPPO Law, and people smuggling is contained in the Immigration Law. The PTPPO Law has a victim protection approach, while the Immigration Law, besides victim protection, has a security approach. Non-regular PPMI are regulated in the PPMI Law, but it does not clearly and specifically regulate protection for those who are non-regular. There is a spread of arrangements with elements that distinguish between trafficking in persons and human smuggling. However, while on the one hand, this clarifies the distinction between trafficking and people smuggling, on the other hand, as Bassiouni points out, it ignores the unusual situations of covert exploitation that also arise and are characteristic of people smuggling. There are different consequences of distinguishing between trafficking and human smuggling, especially when it is experienced by non-regular Indonesian women migrant workers. As long as exploitation persists, the PTPPO Law considers non-regular PPMI victims. According to Immigration Law, irregular PPMI is problematic and unlawful. This research found various vulnerabilities to trafficking practices that lead people to become irregular migrant workers, especially women, at the Kalimantan Malaysia border. Migrant workers travel unprocedurally when trafficked or transported. Irregular female migrant workers can easily fall victim to trafficking and people smuggling or immigration law violations in Malaysia and Indonesia. This results in irregular migrant workers becoming

² Hartono Widodo and R. Jossi Belgradoputra, "Perlindungan Pekerja Migran Indonesia," *Binamulia Hukum* 8, no. 1 (2019): 107–116.

³ Irvantio Danang Suko Rahayuanto, "Peran Dewan Pimpinan Cabang Serikat Buruh Migran Indonesia Terhadap Pelindungan Pekerja Migran Indonesia Sebelum Bekerja Di Kabupaten Banyuwangi," *NOVUM: Jurnal Hukum* 9, no. 2 (2022): 1–10.

victims of problematic migrant labor. Unfortunately, problem migrant workers lose their rights as victims of trafficking and smuggling. Differential treatment-detained in Malaysia and deported. These conditions are not regulated and do not stop exploitative labor placement practices and smuggling.⁴

In previous research, no one has discussed the duties and responsibilities of village governments that have an impact on the vulnerability of violence and trafficking in persons (TPPO) for women migrant workers, especially in Lampung province. The goal of this study is twofold: first, to learn more about how Article 42 of Law on the Protection of Indonesian Migrant Workers (UUPMI) No. 18 of 2017 (which deals with the responsibilities of local governments) is being put into practice; and second, to learn more about the barriers that have been put up to prevent this law from being put into practice.

2. Research Method

In this study, we adopt a normative juridical strategy, which means we look at preexisting rules and regulations to see how they apply to our research question. The method is designed to amass a range of relevant legal provisions, theoretical frameworks, and published works that address the issue under investigation.

This research uses literature studies (Library Research) to obtain data by first searching and collecting books and literature that are closely related to the problems being discussed so as to collect secondary data by reading, recording, and summarizing for further analysis.

Qualitative judicial analysis, also known as descriptive analysis or simply the observation of arguments from the data acquired in the study, is used to conduct the analysis. The analysis is then proceeded by deducing more conclusions; this is a mode of thinking in which broad observations are followed by narrow ones, all of which are aided by the findings from the relevant literature.

3. Result and Discussion

3.1 The Concept of Constitutional Law and the Concept of Protection of Indonesian Migrant Workers

Immanuel Kant said that the purpose of law is to protect human rights. In addition, the purpose of the law is also to protect the freedom of its citizens. According to Immanuel Kant, humans are beings who have reason and can will freely. This makes the state have the duty to uphold the rights of its citizens. In addition, the state is also tasked with upholding the freedom of its citizens.⁵

The state and the law have the same goal. That goal is to increase the prosperity of its people. When prosperity has occurred, then the happiness of the people will be obtained. Therefore, the prosperity and happiness of the people is the goal of the state and the law. In other words, the pursuit of justice, legal certainty, order, and benefit necessitates the rule of law, and the rule of law serves multiple purposes in a community.⁶

One of the functions of law is to effect social change, and this function is consistent with the idea of law as a tool for social engineering.⁷ One of the functions of law, according to Roscoe Pound, is to effect social change, or "social engineering," through the imposition of norms and expectations.⁸ To that end, the law serves as a social engineering tool. An understanding of the significance of society's role in law development and legal direction may be found in both positivism (the belief that the establishment of legal certainty is primarily motivated by the requirements of the legal community) and living law.⁹

Law as a tool of social control is examined in depth by Lawrence M. Friedman. Every aspect of public life is under the strict supervision of the legal system. According to Lawrence M. Friedman's legal system theory, there are three parts to law because it is part of a social system.

⁴ Sriwiyanti Eddyono, "Perempuan Pekerja Migran Non-Reguler: Konflik Hukum Dalam Pengaturan Perdagangan Orang Dan Penyelundupan Orang," *Jurnal Hukum & Pembangunan* 51, no. 4 (2021): 1045–1073.

⁵ Agus Hamzah and Septiana Dwiputri Maharani, "LGBT Dalam Perspektif Deontologi Immanuel Kant," *Jurnal Filsafat Indonesia* 4, no. 1 (2021): 100–110.

⁶ Nazaruddin Lathif, "Teori Hukum Sebagai Sarana Alat Untuk Memperbaharui Atau Merekayasa Masyarakat," *PALAR (Pakuan Law Review)* 3, no. 1 (2017).

⁷ Jefik Zulfikar Hafizd and Theguh Saumantri, "Hukum Dan Perubahan Sosial Di Tengah Pandemi Covid-19," *Mahkamah: Jurnal Kajian Hukum Islam* 7, no. 2 (2022): 161–173.

⁸ Sudjana Sudjana, "Pelindungan Paten Dalam Perspektif Fungsi Hukum Sebagai Kontrol Sosial Dan Rekayasa Sosial:," *Dialogia Iuridica* 13, no. 1 (2021): 61–78.

⁹ Munir Fuady, "Teori-Teori Besar (Grand Theory) Dalam Hukum," *Jakarta: Kencana*, 2013.

1. Legal Substance includes the results of the legal system, such as rulings they issue or new laws they produce, as well as the rules, conventions, and patterns of actual human conduct within the system.
2. Legal Structure is what's left, what gives law enforcement agencies their structure and limits, the framework.
3. Legal Culture: How people use, avoid, or abuse the law depends on the mentality of the system and other social influences.¹⁰

Based on the description above, it can be seen that the role of law as a means of social control can be seen when the law is projected to create changes in society. One form of realization of the legal system in state administration is the existence of administrative activities in regulating the course of a country's government.

In the opinion of Prajudi Atmosudirdja S, the principle of efficiency is that the target must be pursued as optimally as possible with cost savings by achieving high productivity. Meanwhile, effectiveness is an activity that must hit the target or goal that has been set or planned.¹¹

Based on the description above, the purpose and function of constitutional law are:

1. Describe the meaning contained in the constitution or the 1945 Constitution of the Republic of Indonesia after the fourth amendment.
2. Creating awareness among Indonesians of their human rights and obligations as legal subjects in the Indonesian state system.
3. Helping young people to understand the outline of the scope of constitutional science.
4. Unify Indonesian society in the knowledge of law within the scope of state administration.
5. Encourage further development of existing constitutional law in Indonesia.

The function of the law can be used as a means of order and order in society. In addition, it is a means of realizing social and physical justice, a driving force for development.¹² Constitutional law is critically reviewed as the working power of law. This law is not merely an oversight of law enforcement officers.

Van Metter and Van Horn define policy implementation narrowly as the steps taken by government agencies or private organizations to carry out the goals established by earlier policy choices. Both the initial and ongoing efforts to bring about the big and little adjustments mandated by policy decisions fall under this category of activities.¹³

Based on the description of the definition of policy above, it can be seen that policy is a determination of government actions. That is, there is a process in which choices are made to change or not change an existing condition. Choosing the right series of actions to achieve a desired goal and to reduce the risks of uncertainty and the expenditure of resources in pursuit of that goal, government policy is not enough to be stated but must be implemented in real form and government policy, whether to do something or not to do something must have and be based on certain goals and objectives and policies must really be based on and intended for the interests and welfare of many people and not related groups.

3.2 Protection of Indonesian Migrant Workers

The Republic of Indonesia's Constitution from 1945 ensures that all citizens have the same, nondiscriminatory opportunity to work and earn a living wage. Maintaining, respecting, and guaranteeing the right to work is a fundamental human value. All citizens, without exception, are afforded the same opportunities and protections from the state so that they may pursue and succeed in gainful employment at home and abroad that makes use of their unique set of strengths and interests.¹⁴

The Indonesian government has a duty to protect migrant workers and their families in a manner that is consistent with Indonesia's commitment to human dignity at all stages of the employment relationship. Effective placement and protection of Indonesian migrant workers requires close collaboration between national and local levels of government, as well as involvement from the local population.¹⁵

¹⁰ Lawrence M Friedman, *Sistem Hukum: Perspektif Ilmu Sosial* (Nusamedia, 2019).

¹¹ Samsul Hadi, "Perencanaan Pembangunan Daerah Dalam Pandangan Asas-Asas Penyelenggaraan Pemerintah Daerah," *Varia Hukum* 28, no. 34 (2018): 1121–1139.

¹² Arpan Zaman, "Usaha-Usaha Memasyarakatkan Hukum Di Dalam Masyarakat," *JCH (Jurnal Cendekia Hukum)* 3, no. 2 (2018): 108–115.

¹³ Muhammad Irfan and Isril Isril, "Kebijakan Rumah Layak Huni Pemerintah Kota Pekanbaru Dalam Mengatasi Kemiskinan Tahun 2016" (Riau University, 2017).

¹⁴ Ida Hanifah, "Peran Dan Tanggung Jawab Negara Dalam Perlindungan Hukum Tenaga Kerja Indonesia Yang Bermasalah Di Luar Negeri," *De Lega Lata: Jurnal Ilmu Hukum* 5, no. 1 (2020): 10–23.

¹⁵ Damasus Ndarujati, "Peran Kementerian Ketenagakerjaan Republik Indonesia Dalam Mengatasi Masalah Pekerja Migran Indonesia Di Taiwan," *Jurnal Sosial Dan Sains* 1, no. 1 (2021): 17–29.

Article 1 point 5 of UUPMI No. 18 of 2017 states, "Protection of Indonesian Migrant Workers is all efforts to protect the interests of prospective and/or current Indonesian migrant workers and their families in realising their guaranteed rights in legal, economic, and social aspects before, during, and after work".

3.3 Principles and Objectives of Indonesian Migrant Worker Protection

The protection of Indonesian migrant workers is governed by Article 2 of UUPMI Number 18 of 2017, which is grounded in principles such as integration, equal rights, recognition of human dignity and rights, democratic principles, social justice, gender equality and justice, non-discrimination, anti-trafficking, transparency, accountability, and sustainability.¹⁶

1. Cooperation and coordination among all necessary parties in accordance with the principle of integration are key to the Protection of Indonesian Migrant Workers.
2. Both existing and potential in accordance with the idea of equal rights, migrant workers from Indonesia should be given the same opportunities to find stable employment and earn a decent living wage as any other worker in the country.
3. Protecting Indonesian migrant workers is based on the principle that they have value and are entitled to fundamental human rights. The idea behind this stems from the conviction that every person has inherent worth because they were made by a higher power.
4. A crucial principle of democracy is guaranteeing the freedom of Indonesian migrant workers to speak their minds, form associations, and peacefully assemble without fear of reprisal.
5. The rights and obligations of Indonesian migrant workers are safeguarded on the basis of the principle of social justice.
6. When women and men have equal access to education, training, and employment, each can reach their full potential.
7. Preventing discrimination against Indonesian migrant workers includes not treating them differently based on their religion, race, ethnicity, socioeconomic status, gender, language, or political ideology.
8. The anti-trafficking principle prohibits any form of recruitment, transportation, sending, transferring, or receiving of prospective Indonesian Migrant Workers or Indonesian Migrant Workers through means such as violence, force, abduction, harbouring, falsification, deception, abuse of power or vulnerability, coercion of money, or providing benefits to obtain consent from individuals who have control over others. This applies both within a country and between countries, with the aim of preventing.
9. Protection of Indonesian Migrant Workers is open, straightforward, and honest in accordance with the idea of transparency.
10. Accountability is providing public documentation of all steps taken and outcomes achieved during the Protection of Indonesian Migrant Workers' implementation, as required by law.
11. When it comes to protecting Indonesian migrant workers, it's important to keep in mind that sustainability means prioritising their well-being not just now but also in the long term.

3.4 Implementation of Article 42 of the Law on the Protection of Indonesian Migrant Workers (UUPMI) Number 18 of 2017 on the Duties and Responsibilities of the Village Government

The Protection of Indonesian Migrant Workers Act (UUPPMI) (Law No. 18/2017) mandates the protection of Indonesian migrant workers and their families. The inclusion of protections for migrant workers and their families is evidence that the government of Indonesia is following through on its commitment to the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990*, which it ratified by Law No. 6 of 2012.¹⁷

DPC SBMI (Branch Leadership Council of the Indonesian Migrant Workers Union) Banyuwangi has played a pivotal role in ensuring the safety of prospective migrant workers in the region, as evidenced by the efforts it has made to monitor CPMI, PMI, and their families in tandem with government institutions and agencies like BP2MI and private sector organisations like P3MI.¹⁸

Before, during, and after work, the Village, Regency/City, Province, and Centre all play a part in the Regional Government's responsibility to protect Indonesian Migrant Workers and their Families in Lampung Province.¹⁹ According to Article 42 of the PPMI

¹⁶ Dian Ratu Ayu Uswatun Khasanah, Nurma Khusna Khanifa, and Rina Elsa Rizkiana, "Analisis Yuridis Undang-Undang Nomor 18 Tahun 2017 Terhadap Pelaksanaan Desmigratif," *Integralistik* 34, no. 1 (2023): 20–32.

¹⁷ Naek Siregar and Ahmad Syofyan, "Perlindungan Hak Pekerja Migran Dalam Hukum Internasional Dan Implementasinya Di Indonesia," 2014.

¹⁸ Rahayuanto, "Peran Dewan Pimpinan Cabang Serikat Buruh Migran Indonesia Terhadap Pelindungan Pekerja Migran Indonesia Sebelum Bekerja Di Kabupaten Banyuwangi."

¹⁹ "Pasal 1 Angka 5 Undang-Undang Nomor 18 Tahun 2017 Tentang Pelindungan Pekerja Migran Indonesia,".

Law, the Village Government is authorised to act as a clearinghouse for information, check CPMI data, aid in the completion of administrative procedures, and keep tabs on PMI's arrival and departure.²⁰

Table 1 Description of Implementation of Article 42 by Village Governments in East Lampung Regency

Article	Policy Implementation Related to Village Government Duties and Responsibilities
<p>Article 42 point (a) Receive and provide information and job requests from agencies that organize government affairs in the field of manpower.</p>	<ul style="list-style-type: none"> • According to Yatino, the head of Sumber Agung village, Batanghari sub-district, East Lampung Regency, has been carried out through the socialization of information and safe migration to the community. • According to Sukendar, the head of Margototo village, Metro Kibang sub-district, Lampung district, has conducted a socialization on employment and the vulnerability of unsafe migration, which has an impact on violence, harassment and human trafficking. In addition, the Margototo village government has made implementation efforts by developing a village regulation on the protection of PMI and allocating village funds to expand the delivery of information to the community in Margototo village. • According to Suradal, the head of Sumber Gede village, Sekampung sub-district, East Lampung district, has been carried out through socialization and delivery of information related to migration requirements and safe migration to CPMi, PMI Purna and PMI families in Sumber Gede village and has issued perdes no 4 of 2020 concerning the protection of PMI in Sumber Gede village. • According to Darusman, the Head of Beraja Asin Village, the implementation of Article 42 paragraph 1 has been carried out through strengthening problematic PMI and PMI families in Beraja Asin Village.
<p>Article 42 point (b) Conduct data verification and recording of prospective Indonesian migrant workers.</p>	<p>In the implementation of article 42 point (b), verifying data and recording prospective migrant workers from the results of interviews in Sumber Agung, Margototo, Sumbergede, and Beraja Asin villages in East Lampung Regency has begun to be carried out but has not been carried out comprehensively and there is no disaggregated data on CPMI and PMI in the village.</p>
<p>Article 42 point (c) Facilitate the fulfillment of population administration requirements for prospective Indonesian migrant workers.</p>	<p>The implementation of Article 42 point (c) has been carried out by the governments of Sumber Agung, Sumber Gede, Margototo and Beraja Asin villages.</p>
<p>Article 42 point (d) Monitoring the departure and return of Indonesian Migrant Workers; and</p>	<p>In monitoring the departure and return of Indonesian Migrant Workers it is only carried out by Sumber Gede village, Sekampung sub-district, East Lampung Regency through efforts to record PMI Purna and monitor CPMi who will leave the country by asking the PT (sponsor) to come to the village by showing a recruitment permit (SIP) from the PT and a letter of assignment from the PT if this is not done by the CPMI and the companion, the work administration requirements are not issued by the village. According to Suradal, this is done as a village effort to maintain the security of CPMI so as not to enter into unsafe migration, which has an impact on vulnerability, harassment and TPPO.</p>

²⁰ Rahayunto, "Peran Dewan Pimpinan Cabang Serikat Buruh Migran Indonesia Terhadap Pelindungan Pekerja Migran Indonesia Sebelum Bekerja Di Kabupaten Banyuwangi."

Article	Policy Implementation Related to Village Government Duties and Responsibilities
Article 42 point (e) To empower prospective Indonesian workers, Indonesian migrant workers, and their families.	Not yet done by the three research villages.

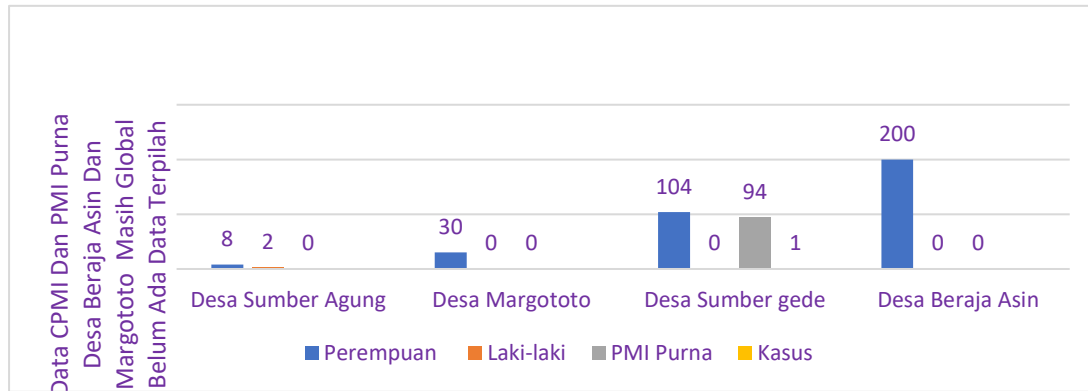


Figure 1 Data on CPMI and PMI After Beraja Asin and Margototo Villages Are Still Global, No Disaggregated Data Yet
Source: Village government interview data

As explained in the policy theory of Thomas R. Dye, whatever governments choose to do or not to do means *whatever the government chooses to do or not to do*. From the description above, how the implementation of article 42 of UUPMI Number 18 of 2017 concerning the duties and responsibilities of the village government in providing protection of rights for migrant workers in East Lampung district has been carried out?

3.5 Inhibiting Factors for the Implementation of Article 42 of the Law on the Protection of Indonesian Migrant Workers (UUPMI) Number 18 of 2017 Concerning the Duties and Responsibilities of Village Governments Affecting the Vulnerability of Violence and Criminal Acts of Trafficking in Persons (TPPO) for Women Migrant Workers in Lampung Province

Previous studies conducted by DPC SBMI Banyuwangi revealed many challenges that hampered the agency's efficiency in protecting PMI in Banyuwangi Regency.

3.5.1 Internal Obstacles

The lack of knowledge possessed by SBMI Banyuwangi DPC members is due to their low level of education, resulting in less than optimal oversight of PMI. In addition, the main funding only relies on membership dues of IDR 10,000 every 1 month from 180 registered members, where the dues are not forced but voluntarily from members. This makes the amount of funds received by DPC SBMI Banyuwangi every month uncertain, even though there are many programs that will be implemented by DPC SBMI Banyuwangi to protect PMI in Banyuwangi Regency. Then, the facilities and infrastructure are very lacking, making it difficult or hampering mobilization and becoming an obstacle for DPC SBMI Banyuwangi in escorting PMI before working in Banyuwangi Regency.

3.5.2 External Obstacles

The lack of seriousness of the Bayuwangi Regency Government in providing protection to PMI in Banyuwangi where the government only responds to the problems faced by PMI without any follow-up and seems to only respond without fighting for PMI's rights so that the facilities that should be obtained by PMI are less than optimal, plus the lack of implementation of rules in technical or field implementation. Because there are still regulations that have not been implemented in the field, for example, related to the exemption of placement fees, then the lack of synergy between the government and DPC SBMI Banyuwangi where the government does not accommodate or facilitate DPC SBMI Banyuwangi, making it difficult for the movement and escort carried out by SBMI. Basically, DPC SBMI Banyuwangi still has to use state facilities because it has been regulated in laws and regulations.²¹

²¹ Rahayunto.

Based on the results of research conducted directly in the government of East Lampung Regency, there are factors inhibiting the implementation of article 42 of UUPMI No. 18 of 2017 concerning the duties and responsibilities of the village government, among others:

3.5.3 Internal Factors

Based on interviews with informants, the internal causal factors are as follows:

- a. Due to a lack of resources (both human and financial) at the local level, the East Lampung district's village government has been unable to distribute and disseminate information to CPMI and PMI in accordance with article 42 point (a) of UUPMI No. 18 of 2017.
- b. There is no systematic and disaggregated database system available to the East Lampung District village government for checking data and documenting potential Indonesian migrant workers in compliance with Article 42 point (b).
- c. The departure and return of Indonesian migrant workers is not being monitored as thoroughly as it should be, merely on the basis of case information provided by the Village Government or on a case-by-case basis, as required by Article 42 point (d).
- d. Because the village does not have a village regulation or has not been able to harmonise the village regulation on PMI protection as outlined in the village level programme planning, the empowerment of prospective Indonesian Migrant Workers, Indonesian Migrant Workers, and their families in accordance with Article 42 point (e) has not been carried out optimally.
- e. Coordination and communication mechanisms of the government at the provincial, district and village levels in implementing the mandate of UUPMI No. 18 of 2017 are still not systematic and regular.

3.5.4 External Factors

Based on interviews with the village government of East Lampung Regency, there are still things that hinder the implementation of Article 42 of the UUPMI caused by factors from the lack of legal awareness of the community itself, where people still think that the village government in implementing the UUPMI is considered to make it difficult for people to work abroad. In addition, brokers who are people in the village and work with PT. Labor distributors still often carry out non-procedural recruitment, which has the potential to violate the rights and vulnerability of violence to trafficking in persons (TPPO) for migrant workers, especially women.²²

Based on Lawrence M. Friedman's opinion on the function of law as a means of social control of society, the analysis of the implementation of Article 42 of the UUPMI on the duties and responsibilities of village governments that have an impact on the vulnerability of violence and human trafficking crimes for women Indonesian migrant workers in Lampung Province is the operation of the legal components said by Lawrence M. Friedman namely:

1. Legal Substance
Article 42 of Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers outlines the responsibilities of local governments in protecting the rights of migrant workers and their families from threats of violence and human trafficking (TPPO) in Lampung Province.
2. Legal Structure
As part of the East Lampung district government's and society at large's responsibilities, protecting Indonesian migrant workers entails making sure they and their families are taken care of before, during, and after they work. This includes making sure their legal, economic, and social rights are respected at every stage of the process, but in its implementation, there are still obstacles such as limited human resources implementing the law itself, limited budget to socialize safe migration and empowerment of PMI and not maximizing the data collection system and coordination mechanisms between government levels ranging from Provincial, District to Village levels. This has an impact on the number of cases of rights violations, vulnerability to violence and trafficking in persons (TPPO) in every stage of the migration process experienced by migrant workers, especially women from Lampung Province.
3. Legal Culture
The concept of "legal culture" refers to how people view the law and the judicial system. Beliefs, values, concepts, and expectations are all part of the public's perspective on the law. Implementasi UUPMI No 18 of 2017 is an attempt to protect the rights of Indonesian migrant workers in the province of Lampung, and its successful implementation and compliance are contingent on the ideas and social forces of the local population. The implementation of the law will be hampered without a strong legal culture.

²² Novia Anisawati, "Perlindungan Dan Penegakkan Hak Asasi Manusia Untuk Tenaga Kerja Indonesia," *Konstruksi Sosial: Jurnal Penelitian Ilmu Sosial* 2, no. 4 (2022): 129–136.

Rule-making institutions, rule-implementing institutions, and legal role holders all play a part in the law's ability to achieve its goal of protecting migrant workers and their families, according to Lawrence M. Friedman's theory of the operation of the legal function as a means of social control.²³ Without backing from role holders—in this case, the community and other related agencies—the goal of protecting the rights of Indonesian migrant workers will not be realised, no matter how well the regulations on their protection are implemented. This is because the dysfunction of the community component is influenced by the legal culture of the community.

Article 42 of the Indonesian migrant worker protection law (UUPMI) number 18 of 2017 addresses the duties and responsibilities of village governments, which affect the susceptibility of women migrant workers to violence and criminal acts of trafficking in persons (TPPO). Based on the description of the data above, it can be deduced that there are 2 (two) factors that inhibit the implementation of Article 42, namely internal factors and external factors.

In the effort to protect and fulfill the rights of PMI through the implementation of Article 42 of UUPMI Number 18 of 2017, it is still not maximally carried out because there are many obstacles or inhibiting factors in the application of the legal substance itself. Limited human resources in the implementation of the UUPMI mandate, the lack of budget availability to disseminate information on safe migration and empowerment of PMI and the data collection system and the coordination mechanism between government levels starting from the provincial level to the village level.²⁴

Many women migrant workers in the informal sector avoid registering themselves formally through procedural channels, making them susceptible to cases of torture, sexual violence, physical and emotional exploitation, and criminal acts of trafficking at all stages of the migration process. This is because of the lack of information obtained by the community regarding information and governance of safe migration.

Furthermore, the community's weak legal culture is an external inhibiting factor that is less dominant, and without support from role holders, in this case, the community and other related agencies, the implementation of regulations on the protection of Indonesian migrant workers will not succeed in its goal of protecting the rights of PMI.

4. Conclusion

The following is deduced from what has been discussed and researched regarding the issue at hand. Although article 42 of UUPMI Number 18 of 2017 42, which outlines the responsibilities of the village government in protecting the rights of East Lampung migrant workers from being subjected to violence, violations of rights, and criminal acts of trafficking in persons (TPPO), has been implemented, it has not been implemented in a holistic or comprehensive way due to obstructing factors.

Factors inhibiting the implementation of Article 42 of UUPMI No. 18/2017 on the duties and responsibilities of village governments are still not maximally carried out because there are obstacles in the implementation of legal substance, among others, limited human resources in the village government structure in implementing the mandate of UUPMI No. 18/2017. The lack of budget availability to conduct socialization and safe migration information services and empowerment of PMI Purna at the village level. As well as, the data collection system and coordination mechanism between provincial, district and village government levels have not been carried out in an integrated manner.

As a result of these various inhibiting factors, there is a lack of information obtained by the community regarding information and governance of safe migration at the village level; consequently, many women who work in the informal sector opt for the more expedient route, avoiding official registration through procedural channels, leaving them open to torture, sexual violence, physical and emotional exploitation, and criminal acts of trafficking at every stage of the migration process, beginning with preparations for leaving and continuing through working and returning home.

5. Suggestion

The government of East Lampung Regency is urged to implement the solutions proposed after much deliberation and investigation of the issue:

²³ Siti Humulhaer, "Kepatuhan Hukum Kawasan Dilarang Merokok Menurut Teori Lawrence M. Friedman," *Supremasi Hukum* 15, no. 02 (2019): 10–17.

²⁴ priskila Yemima Karinda, "Pertanggungjawaban Pidana Pelaku Tindak Pidana Perdagangan Orang Di Kapal Asing (Studi Kasus Benjina)," *LEX PRIVATUM* 10, no. 2 (2022).

- a. Strengthening the coordination mechanism of the Central Government, Local Government, and the community in the service and protection of PMI in Lampung Province is essential for the effective implementation of Law No. 18/2017.
- b. The East Lampung Regency Government is advised to strengthen safe migration governance by establishing a one-stop integrated service (LTSA) to optimize information services, data collection and also procedural placement as a protection effort for migrant workers and PMI families in East Lampung Regency to avoid the vulnerability of violence, harassment, rights violations and trafficking as a result of unsafe migration (Non procedural).
- c. The Lampung Provincial Government is advised to socialize legal products, in this case, UUPMI Number 18 of 2017, to the wider community so that awareness of the legal culture of the community in carrying out and complying with regulations is well developed.

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