

Solving The Problem of Indonesian Migrant Workers in Taiwan: An Analysis of Indonesian Government Response

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ABSTRACT

The problems faced by Indonesian Migrant Workers (PMI) in Taiwan, there are still several problems such as unpaid salaries, work accidents, Indonesian Migrant Workers repatriation, sexual harassment, abuse, and illegal/runaway Indonesian Migrant Workers. This problem has prompted Indonesia and Taiwan to renew the Memorandum of Understanding (MoU) between the two countries to resolve Indonesian Migrant Worker problems. There are 3 (three) ways to solve the problem, namely conducting Indonesia-Taiwan cooperation, recruiting/re-collecting Indonesian Migrant Worker' data, and protecting Indonesian Migrant Workers. These efforts have been made since the reforms in 2018; this is because previous actions did not go well; therefore, the two countries agreed again so that Indonesian Migrant Workers in Taiwan get protection and the problem can be resolved quickly. Then, after the cooperation renewal, the issues experienced by Indonesian Migrant Workers in Taiwan in 2020 were determined with a percentage of 83.3%. It means Indonesia has succeeded in resolving the Indonesian Migrant Workers problem with the efforts that have been agreed upon by Taiwan.

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KEYWORDS

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INTRODUCTION

Indonesian workers, or better known as Indonesian migrant workers (PMI) are one of the largest contributors to the country's foreign exchange [4]. In 2020, the Indonesian Migrant Workers Protection Agency (BP2MI) noted that the incoming money from PMI was around 157.6 trillion rupiahs [9]. This can not be separated from so many PMI worked abroad. This trend occurs due to the difficulty of available job opportunities in Indonesia, especially the limited level of education so that it is difficult to compete with scholars who are looking for work. In other words, prospective workers eventually choose to work abroad, even as manual laborers and domestic helpers [10]. In addition, the factors that encourage prospective workers to choose to work abroad are caused by the large salaries received by workers. This trend has a positive value because it can reduce unemployment which is accounted in high number in Indonesia [11]. The Central Statistics Agency (BPS) noted that the open unemployment rate (TPT) in February 2020 fell to 4.99 percent. This figure is lower than the last two years, 5.13 percent in February 2018 and 5.01 percent in February 2019.

One of the destinations for PMIs is Taiwan. Although Indonesia and Taiwan do not have diplomatic relations, their relations are quite good, especially in the economic field. The two countries have close economic and trade relations. In addition, Indonesia is one of the largest contributors to foreign workers in Taiwan. The fact that Taiwan is one of the countries with a very dynamic economic level, with GDP growth reaching 8% over the last 3 decades, makes them need a lot of migrant workers to be placed in many sectors, both as factory workers, nursing home nurses, household assistant, and as a nurse for the surviving parents, considering that Taiwan has been classified as an aging society [8].

Based on data released by the Directorate General of Budget, Accounting, and Statistics of Taiwan in 2019, 271.000 PMIs were working in Taiwan. This has implications for the number of violations that occur against PMI. Based on statistical data from the Taiwan Immigration Agency, there are 24.176 workers, or about 9.02% of the total number of workers fleeing from the total number of PMIs in Taiwan. In detail, this number includes about 20.000 female workers and 4.000 male workers [6].

In addition, there are 6 (six) problems faced by Indonesian migrant workers in Taiwan, namely unpaid salaries, work accidents, repatriation of Indonesian migrant workers, sexual harassment, abuse, and illegal Indonesian migrant workers [1]. Then, those problems, from 2014-2018, had been experienced by a total of 1.160 people, in which each problem has a different number. For example, the most common problem faced by Indonesian migrant workers is the problem of unpaid salaries with the highest amount of 577 people, after that is work accidents in which this problem also often occurs in a job and the total affected by this problem reaches 157 people, besides the problem of returning PMI with a total of 122 problems [7]. Furthermore, there is also the issue of sexual harassment, in which is often faced by female PMI with a total of 107 people, in the fifth position there is abuse amounting to 104 people, and the last problem is illegal PMI with a total of 93 people [8].

METHODS

This research is descriptive qualitative research, which is conducted to describe the problem being studied and objectively integrate the data in the research location. Qualitative research methods are a series of research procedures that produce descriptive data in the form of words both written and oral about the nature of individuals, situations, symptoms of groups or even specific groups that are being observed [5]. Researchers choose to use this method because it is very suitable to be used in the process of finding data to answer existing problems and support research needs. The author uses a descriptive type of research that describes Indonesia's Efforts in Resolving the Problems of Indonesian Migrant Workers in Taiwan 2018-2020. The data analysis technique used is qualitative data analysis. The types of data used, namely primary and secondary data obtained from the results of the study of literature studies such as books, journals, theses, newspapers, internet articles, state documents, and so on.

RESULTS AND DISCUSSIONS

Indonesia-Taiwan Cooperation

The cooperation between the two countries has been agreed upon so that cooperative relations between countries can accelerate the process of improving welfare and be able to resolve these problems. This is also one of Indonesia's efforts to solve the problems experienced by Indonesian Migrant Workers (PMI). Indonesia's efforts in solving PMI problems can be analyzed using the framework of international cooperation. In using the analysis of international cooperation, this collaboration is carried out so that the government can satisfy the related parties so that they can achieve a common interest [2]. In addition, a problem will be negotiated by the two countries orally and in writing so that it can create a friendly relationship with mutual understanding through reciprocal relationships [3]. If the renewal of this MoU is implemented in Indonesia's efforts to resolve the problems of PMIs in Taiwan, then the Indonesian government through the Indonesian Economic and Trade Office in Taipei (IETO) undertakes this cooperative effort with the desire to improve friendly relations that exist through cooperation in the field of employment. Then, cooperation between Indonesia and Taiwan has occurred since 2004, where the previous collaboration discussed "protection and placement of Indonesian Workers Abroad" [13].

However, in 2018 the two countries have agreed to renew the Memorandum of Understanding (MoU) on the "Recruitment, Placement and Protection of Indonesian Migrant Workers". The renewal was because the cooperation in the previous year had not succeeded in solving the problems frequently faced by PMIs in Taiwan. The contents of the latest MoU related to recruitment, placement, and protection for PMI are to strengthen cooperation to provide opportunities for further mutually beneficial relationships, and make both parties agree to promote bilateral collaboration and carry out activities, such as developing skills, getting job assistance, learn the culture and language of the host country, create a start-up, and build capacity for disability through an international organization platform [14].

In addition, Indonesia-Taiwan also agreed to prevent workers from becoming victims of exploitation, abuse and security issues, and personal freedom of PMIs. Then, workers who are allowed to work in the area represented by the Taipei Economic and Trade Office (TETO) are entitled to protection based on laws and regulations during the applicable working period. Matters related to the repatriation of illegal workers will be the responsibility of TETO, but following the law, the costs of shelter must be paid by the illegal workers. If the illegal workers are unable to pay the fees, then the IETO is obliged to assist to facilitate the settlement (Article 15 paragraph 1, 2020). This cooperation agreement was agreed upon by the Indonesian Ministry of Manpower, namely Muhammad Hanif Dhakiri on December 14, 2018, together with the Minister of Manpower of Taiwan Hsu Ming Chun. Then, this MoU was signed by the head of TETO, namely Jhon Chen, and the head of IETO Didi Sumedi as representatives of the two governments.

This cooperation is valid for four years from the date of signing and can be extended by mutual agreement of both parties. Then, either party may terminate this MoU within its validity period by giving written notice and no later than three months before the expiration date of the MoU. This cooperation can also strengthen efforts to improve the protection and welfare of migrant workers working abroad and prevent the entry of unprocedural and undocumented illegal migrant workers.

Data Collection/Re-recruitment of Indonesian Migrant Workers

Re-data collection or recruitment of PMI is another effort to solve the problems experienced by PMI abroad, especially PMI in Taiwan. This can also help Indonesian representatives through BP2MI and the Indonesian Economic and Trade Office in Taipei (IETO) to register or re-recruit to reduce PMI problems, one of which is the illegal status which is unprocedural and undocumented. However, to overcome this problem, Indonesia-

Taiwan has now agreed to shorten procedures, simplify documents to give priority to the Re-Entry Hiring program, and expand the types of workers in the Direct Hiring program. Re-entry and Direct Hiring are direct recruitment or it can also be referred to as re-registration of the recruitment system. This can be said to be an extension of the work contract between PMI and the same provider without going through a Taiwanese agent or the services of the Private Indonesian Migrant Worker Placement (PPTKIS) in Indonesia. The management method is also easy, employers can contact or come directly to the service counter in Taipei (reentryhiring.kdei-taipei.org, 2020). There are also requirements to apply for the recruitment. The requirements are as follows:

1. Employers are required to apply to carry out the Direct Hiring process four months before the end of the employment contract, by attaching the following documents:
 - a. Application letter for re-entry hiring from employer (via online at <http://reentryhiring.kdei-taipei.org>);
 - b. Letter of recommendation from the Council of Labor Affairs (CLA);
 - c. A photocopy of the employer's ID card/ID and a photocopy of the ID card/ID being treated;
 - d. Foto copy of your passport and ARC PMI;
 - e. Two work agreement files that have been signed by the employer with PMI (8 pieces each)
 - f. A statement signed by PMI with the employer that there is no charge for re-entry hiring;
 - g. Proof of payment slip for the endorsement fee of NT\$ 1,000 from the bank (3 copies);
 - h. Envelopes accompanied by the full address of the employer where PMI works.
2. The documents that have been collected are then sent to the Direct Hiring Center for data collection, then the Direct Hiring Center sends the documents to the Indonesian Economic and Trade Office (IETO) by post. After that, at IETO, the documents are verified and the re-entry hiring document is ratified.
3. After the process is complete, the document will be sent back to the employer according to the address on the envelope with a re-entry hiring statement signed by the head of IETO.
4. After the process in Taiwan is complete, this data collection is also carried out in Indonesia, then for PMI who follow the re-entry hiring process, they must also apply for a VISA at the Taipei Economic and Trade Office (TETO). In managing the VISA, there are several requirements as well, as follows:
 - a. Passport that is still valid for more than 6 months;
 - b. Alien Resident Certificate (ARC);
 - c. Certificate of re-entry hiring;
 - d. Paying the VISA fee at TETO of Rp. 607.000,- In addition to applying for a VISA, PMI must also arrange for an extension or take care of an Overseas Manpower Card (KTKLN), this card is an identity card for PMIs who work abroad. Things that must be done in the management of making KTKLN, as follows:
 - a. Fill out the form;
 - b. Pay the PMI insurance premium of Rp.290,000,- to the bank and get a payment slip and get an insurance participant card ;
 - c. After filling out the form and paying for the insurance, then the process is submitted to the BP2MI officer and at that time also gets the KTKLN
 - d. After all, processes are completed, this KTKLN is free of charge (free) but must pay insurance while working in Taiwan for 2 years. This is done to make it easier for PMIs to return to Taiwan.

The reason for implementing this direct hiring program is to be able to recruit PMI so that they are more comfortable and easier to work in Taiwan. This program was initiated by the Taipei Economic and Trade Office (TETO) which issued the first batch of visas for migrant workers in manufacturing to go through the process. This program has also been agreed upon and discussed at the time of cooperation between Indonesia and Taiwan [15]. Meanwhile, this program is under the auspices of the Taiwan Ministry of Manpower and the Indonesian Economic and Trade Office (IETO). The two offices carry out this direct hiring process by issuing recruitment letters, as well as providing information and legalizing recruitment documents to get permission to enter Taiwan. The advantage of doing this program is not only to reduce the burden of travel costs but PMIs can also get health insurance, and apply for a change of employer if they feel uncomfortable with their previous employer or if there is a problem. After carrying out several recruitment processes mentioned earlier, PMIs can wait for calls from Indonesian representatives and wait for an invitation from the agency to be placed in the placement country with the appropriate skills, abilities, and jobs that have been registered by each PMI.

Protection of Indonesian Migrant Workers in Taiwan

Initially, Indonesia had made efforts to cooperate with Taiwan and carried out data collection/re-recruitment efforts for Indonesian Migrant Workers (PMI) through direct hiring and re-entry hiring programs, one of which was to protect Indonesian Migrant Workers (PMI) in Taiwan. The protection in question is Indonesia's effort to

provide a sense of security to PMIs so that if the PMIs get into trouble, they will get help from legal institutions [17]. In addition, to increase PMI protection in Taiwan, some things must be done by PMIs, namely :

1. Conducting directives in the pre-placement period of workers;
2. Discussing the implementation of the Mandarin language competency test for PMI candidates;
3. Coordinate more incentives related to PMI data;
4. Socializing the rules; and
5. Organizing PMI working duration

However, according to Philipus M Hadjhon, legal protection is the protection of human rights owned by law based on provisions in a regulation that can protect others. This means that in protection some rights and rules must be obeyed by PMIs so that they always feel comfortable and feel protected by the Indonesian government. The forms of protection rights for PMIs in Taiwan are as follows:

1. Court Assistant
This assistance was provided by IETO in Taipei and provided a lawyer for PMIs who had problem, besides that they were also given an interpreter to make the court process easier. Then, those who assist PMI with problems, namely the agency and this process are not charged because IETO is the one who finances the process.
2. Direct Hiring
Taiwan conducts this direct hiring program so that PMIs can extend the work contract process and can return to work with the same employer. This applies as long as PMI has worked for more than 3 years.
3. Information Rights
This right is intended so that PMIs can use communication through social media or call centers. This right to information can be exercised freely, but some adjust working hours. It is used to communicate with family or relatives. If PMIs had problems in their place of work, then PMIs could contact the IETO call center in 1955.
4. Leave entitlement
This right has been agreed upon during the agreement between the two countries, with an agreement that the right to leave is only 1 time a week and PMIs also get a bonus in 1 year 7 days x NT \$ 567 (per day IDR 285,000).
5. Right to Worship
The right to worship in Taiwan is freely granted because in principle it has been agreed by both countries that every employer must respect the religion and beliefs of others. In addition, employers must also agree not to force their workers to eat non-halal food (for Muslims) [18].

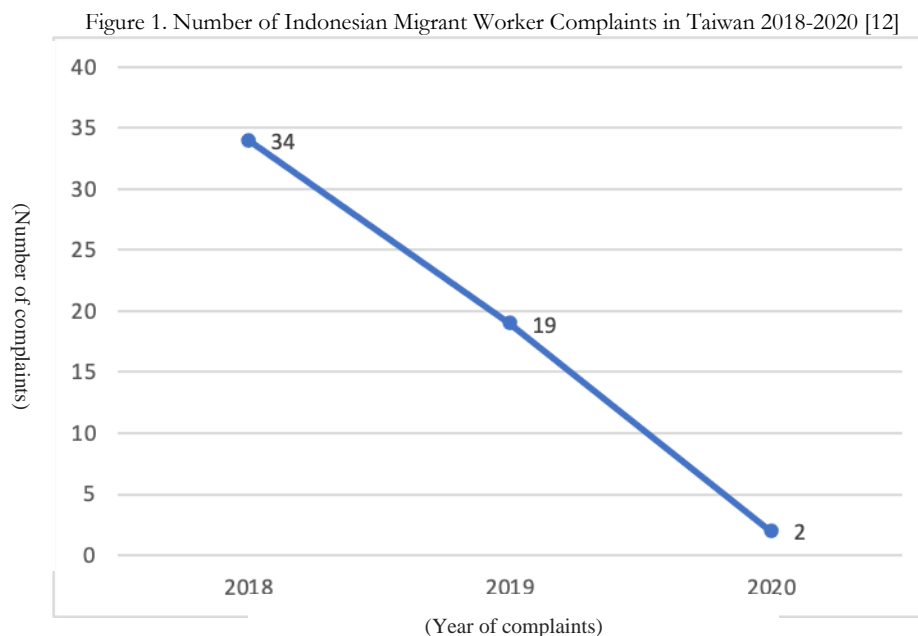
In addition, in the form of protection rights for PMI not only as mentioned above, but also there are other things that the Indonesian government does to solve the problems faced by Indonesian Migrant Workers abroad, one of which is by protecting PMIs based on the Law No. 18 of 2017 concerning the protection of Indonesian Migrant Workers, which reads as follows:

1. That work is a human right that must be upheld, respected, and guaranteed its enforcement;
2. That the state guarantees rights, opportunities, and protects every citizen without discrimination to obtain decent work and income, both at home and abroad by their expertise, skills, talents, interests, and abilities;
3. That Indonesian Migrant Workers must be protected from human trafficking, slavery, and forced labor;
4. Whereas the placement of Indonesian Migrant Workers to realize equal rights and opportunities for workers to obtain decent work and income;
5. That the state is obliged to fix the entire system of protection for Indonesian Migrant Workers;
6. Whereas the placement and protection of Indonesian Migrant Workers need to be carried out in an integrated manner between the government and regional agencies;
7. Whereas the provisions stipulated in Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Migrant Workers Abroad are no longer by the development needs of the protection of Indonesian Migrant Workers [16].

The article above implies that Indonesian Migrant Workers (PMI) have the right to the obligation to protect and uphold their honor so that they can guarantee the rights and opportunities to obtain work and a decent living. In addition, as stated in point (g) that the provisions of Law no. 39 of 2004 concerning the Placement and Protection of Indonesian Migrant Workers abroad, the government took the initiative to revise it to protect PMIs. However, the reality is not by the development needs so that in 2017 the DPR-RI officially ratified the

Draft Law (RUU) related to the Protection of Indonesian Migrant Workers to replace the previous Law, and replaced it with Law No. 18 of 2017 about placement and protection of Indonesian Migrant Workers.

After the government revised Law no. 39 of 2004 became Law no. 18 of 2017, the problems faced by PMIs began to decrease. This is due to the efforts that have been given by Indonesia to PMIs, especially the problems in Taiwan, here is the data on the number of PMI complaints in Taiwan, from 2018-2020 (April period):



It can be seen from the table above, that complaints about problems, especially in Taiwan in 2018-2020 now is 55 complaints, of which can be compared with the previous year, in 2014-2018, at which time the number of complaints about the problem was 1.887 complaints. In addition, complaints of problems that are often experienced by PMIs in Taiwan are mostly those who work in the informal sector or who are often referred to as domestic assistant workers, factory workers, and or other individual workers.

CONCLUSIONS

There are several remaining problems faced by Indonesian Migrant Workers (PMI) in Taiwan, such as unpaid salaries, work accidents, PMI repatriation, sexual harassment, abuse, and illegal/runaway PMI. This problem has prompted Indonesia and Taiwan to renew the Memorandum of Understanding (MoU) between the two countries, to make efforts to resolve PMI problems. There are 3 (three) ways to solve the problem, namely conducting Indonesia-Taiwan cooperation, recruiting/re-collecting PMI data, and protecting PMIs. These efforts have been made since the renewal in 2018, this is because the previous efforts did not go effectively, therefore the two countries agreed again so that PMIs in Taiwan get protection and the problems can be resolved quickly. Then, it was proven that after the renewal of the collaboration, the problems experienced by PMI in Taiwan in 2020 could be resolved with a percentage of 83.3%. This means that Indonesia has succeeded in resolving the PMI problem with the efforts that have been agreed upon by Taiwan.

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