

MECHANISM AND PROCEDURE FOR THE PLACEMENT AND PROTECTION OF INDONESIAN MANPOWER (Study at PT. Berkas Sukses Makmur Sejahtera, Malang City)

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Abstrak: *Mekanisme dan Prosedur Penempatan dan Perlindungan Tenaga Kerja Indonesia (Studi Pada PT. Berkas Sukses Makmur Sejahtera, Kota Malang).* Banyaknya kasus pengiriman TKI ilegal oleh PPTKIS bermasalah atau tidak memiliki kelengkapan dokumen. Sehingga pandangan masyarakat Indonesia secara umum terhadap PPTKIS menjadi buruk. PT. Berkas Sukses Makmur Sejahtera, Kota Malang merupakan PPTKIS yang menjadi tempat untuk menampung, memberikan pendidikan dan pelatihan kerja kepada TKI. Yang telah mendapatkan izin pengerahan, penempatan dan BLK-LN dari DISNAKERTRANS, kota Malang. Dengan berpedoman pada UU nomor 39 tahun 2004 dan dua peraturan pemerintah sebagai hukum pendukungnya, yaitu: peraturan pemerintah nomor 3 tahun 2013 dan nomor 4 tahun 2013. Dapat diketahui dari hasil penelitian, mekanisme dan prosedur penempatan dan perlindungan TKI sudah berjalan dengan baik dan benar sesuai hukum terkait, adanya sosialisasi dari DISNAKERTRANS, petugas lapangan, BLK-LN, dan program pelatihan bahasa. Namun, PT. Berkas Sukses Makmur Sejahtera tidak memiliki perwakilan di luar negeri (perwalu), tetapi PT. Berkas Sukses Makmur Sejahtera tidak lepas tanggung jawab dan tetap memberikan perlindungan terhadap TKI lewat agen resmi di negara penempatan (sesuai MoU) dan akan terus mengevaluasi untuk membentuk tim perwalu sesuai hukum yang ada.

Kata kunci: *tenaga kerja Indonesia (TKI), penempatan dan perlindungan, mekanisme dan prosedur dan PT. Berkas Sukses Makmur Sejahtera*

Abstract: *Mechanism and Procedure for the Placement and Protection of Indonesian Manpower (Study at PT. Berkas Sukses Makmur Sejahtera, Malang City).* Many of dispatch cases of TKI illegal by PPTKIS who have problems or do not have completeness of the documents. So that the views of the people of Indonesia in general to PPTKIS be bad. PT. Berkas Sukses Makmur Sejahtera, Malang city is PPTKIS which became the place to accommodate, provide education and job training to TKI. Who have obtained a permit of the recruitment, placement and BLK-LN from DISNAKERTRANS, Malang city. With reference to the act number 39 year 2004 and the two government regulations as supporting the laws, namely: government regulation number 3 year 2013 and number 4 year 2013. It can be seen from the results of the research, mechanism and procedure for the placement and protection of Indonesian manpower has been going well and correctly according to related laws, the existence socialization by DISNAKERTRANS, field officers, BLK-LN, and the programs of language training. However, PT. Berkas Sukses Makmur Sejahtera does not have representatives abroad (perwalu), but PT. Berkas Sukses Makmur Sejahtera not escape responsibility and still provide protection to TKI through the official agent in the destination country (appropriate MoU) and will continue to evaluate to form a perwalu team appropriate existing law.

Keywords: *Indonesian manpower (TKI), placement and protection, mechanism and protection, PT. Berkas Sukses Makmur Sejahtera*

Introduction

The problem of Indonesian manpower (TKI) today is inseparable from globalization (Suharto, 2005, h.179). Globalization was also encouraging movement of manpower between countries. World population moves left their homeland to the other countries that offer jobs

with higher wages. While the economic difficulties, the narrowness of jobs and low wages in developing countries to encourage residents to venture into the developed countries though without provision (skills, preparation, document) is adequate.

Push and pull factors above is actually a reasonable economic law if the process is passed by the required criteria. The issue becomes different when manpower sending countries migrate illegally or without the necessary skills and preparation. Coupled with the bad news is exaggerated in the media about TKI and Many of dispatch cases of TKI illegal by PPTKIS who have problems or do not have completeness of the documents. So that the views of the people of Indonesia in general about TKI and / or PPTKIS be bad or negative, like human trafficking, sexual harassment, etc.

PT. Berkas Sukses Makmur Sejahtera, Malang city is one of official Implementing Private Placement of Indonesian Manpower (PPTKIS) which became the place to accommodate, provide education and job training to TKI. Who have obtained a permit of the recruitment, placement and BLK-LN from DISNAKERTRANS, Malang city.

The mechanism and procedure at PT. Berkas Sukses Makmur Sejahtera which includes placement and protection of TKI. Placement consisting of, the pre of placement, the period of placement and the post of placement. While for the protection consists of the protection for the pre of placement, the protection for the period of placement and the protection for the post of placement. In carrying out mechanism and procedure, PT. Berkas Sukses Makmur Sejahtera guided by the provisions of act No. 39 year 2004 about placement and protection of Indonesian manpower abroad. In addition there are also two government regulations as supporting the laws, namely: government regulation number 3 year 2013 about the protection of Indonesian manpower abroad and government regulation number 4 year 2013 about procedure for the implementation of the placement of Indonesian manpower abroad by the government.

Thus the author formulate the problem, what is the mechanism and procedure for the placement and protection of Indonesian manpower are carried out by PT. Berkas Sukses Makmur Sejahtera, Malang city and what are the supporting and constraining factors for the placement and protection of Indonesian manpower are carried out by PT. Berkas Sukses Makmur Sejahtera, Malang city. From the formulation of the problem is the author aims to analyze and to interpret mechanism and procedure for the placement and protection of Indonesian manpower are carried out by PT. Berkas Sukses Makmur Sejahtera, Malang city and to analyze and to interpret supporting and constraining factors in implementation of placement and protection for Indonesian

manpower are carried out by PT. Berkas Sukses Makmur Sejahtera, Malang city.

Literature Review

1. The Concept of Organization

According to Terry et al. 2012, there are four real components of organizing and components that can be remembered with the word WERE, which means "Work, Employees, Relationships and Environment".

2. The Concept of Human Resource Management (HRM)

According to Gomes (2011, h.1), HRM if surgery will be found two main understanding, respectively: a. Management and b. Human Resources (HR).

a. Management. Management is derived from the verb to manage (English), which means taking care of, organize, implement and manage.

b. Human Resources (HR). HR is one of the resources contained within the organization, covering all the people who perform the activity. In general, the resources contained within an organization can be grouped into two kinds, namely: 1) Human Resources and 2) Non-Human Resources. Which belongs to a group of non human resources, among others, capital, machinery, technology, materials (materials), and others.

In a simple definition of HRM is managing human resources. Of the overall resources available within an organization, both public and private organizations, that human resources are important and crucial.

3. The Concept of Manpower

According to act No. 13 year 2003 about Manpower in article 1, paragraph 2, states that manpower is any person who is able to work in order to produce goods and / or services, both for subsistence and for the community.

Meanwhile, according Manullang (1990), manpower is in the working age population which includes the labor force and not the labor force. The labor force consists of those working and groups who are unemployed or looking for work. Groups not the labor force consists of classes in school, taking care of the household and other groups or recipients of income.

4. The concept of Indonesian Manpower (TKI)

Accordance with the acts of the republic of Indonesia number 39 year 2004 about the placement and protection of Indonesian manpower abroad in article 1, paragraph 1, government regulation the republic of Indonesia No. 3 year 2013 about the protection of Indonesian manpower abroad in article 1,

paragraph 2, or government regulations the republic of Indonesia No. 4 year 2013 about the procedure for the implementation of the placement of Indonesian manpower abroad by the government in article 1, paragraph 2, mention similarities sense of Indonesian manpower, namely, Indonesian manpower hereinafter referred to Indonesian manpower (TKI) is any Indonesian citizens who are eligible to work abroad in the employment relationship for a given period of time with pay.

5. Mechanism and procedure for the Placement and Protection of TKI

Still divided into two more, namely:

a. Mechanism and Procedure for The Placement of TKI

Mechanism and procedure for the placement of TKI abroad have had a legal basis, legal laws used include: Act No. 39 year 2004 about the placement and protection of Indonesian manpower abroad and government regulation for the republic of Indonesia No. 4 year 2013 about the procedure implementation for the placement of Indonesian manpower abroad by the government.

In the mechanism and procedure for the placement of Indonesian manpower abroad, the placement itself divided into 3 is the pre of placement, the period of placement and the post of placement.

b. Mechanism and Procedure for The Protection of TKI

Mechanism and procedure for the protection of TKI abroad have had a legal basis, legal laws used include: Act No. 39 year 2004 about the placement and protection of Indonesian manpower abroad and government regulation for the republic of Indonesia No. 3 year 2013 about the protection of Indonesian manpower abroad.

In the mechanism and procedure for the protection of TKI abroad, the protection itself divided into three (3), namely the protection for the pre of placement, the protection for the period of placement and the protection for the post of placement.

Research Method

Type of research in this research used a qualitative methods with descriptive approach. While the focus of the research there are two, namely: mechanism and procedure for the placement and protection of Indonesian manpower are carried out by PT. Berkas Sukses Makmur Sejahtera, Malang city and the supporting and constraining factors for the placement and protection of Indonesian manpower are carried out by PT. Berkas Sukses Makmur Sejahtera, Malang City.

The location of research conducted in Malang City. While the research site at PT. Berkas Sukses Makmur Sejahtera, as executor in the placement and protection of TKI. While the data in this research were collected in various ways to suit the desired information by Arikunto (2002, h.135), among others, by: interview, observation and documentation.

Discussion

1. Mechanism and Procedure for The Placement and Protection of TKI

PT. Berkas Sukses Makmur Sejahtera as shelters for TKI, in addition there are some activities of placement and protection in it. Placement consists of: the pre of placement, the period of placement and the post of placement. While the protection consists of: the protection for the pre of placement, the protection for the period of placement and the protection for the post of placement. Of course, all activities of the placement and protection of Indonesia manpower in accordance with uu number 39 of 2004 about the placement and protection of Indonesian manpower abroad and also two government regulations as supporting the laws, namely: government regulation number 3 year 2013 about the protection of Indonesian manpower abroad and government regulation number 4 year 2013 about procedure for the implementation of the placement of Indonesian manpower abroad by the government.

a. The Placement of TKI:

1) The Pre of Placement

Mechanisms and procedures that must be passed TKI in the pre of placement at PT. Berkas Sukses Makmur Sejahtera, such as: recruitment and selection, psychological and health check up (medical test), education and job training, documents processing and departure.

2) The Period of Placement

Since TKI arrived at the airport and the port of destination country of placement, during work, to return to the airport debarkation Indonesia. Every TKI is obliged to report the arrival of the representatives of the Republic of Indonesia in the destination country. When TKI arriving at the airport and the port of destination country or placement, usually TKI picked up by official agent (who has done a MoU with PT. Berkas Sukses Makmur Sejahtera). At Agent, TKI awaiting a work permit until down. Letter of work permit is under license from the Ministry of Manpower (MoM) if in Singapore. It also TKI make ID card (KTP) local, conduct medical test again and engage TKI on health and work safety insurance.

3) The Post of Placement

When TKI have completed employment agreements contract in the country of placement, so TKI return to the place of origin of TKI's live. PT. Berkas Sukses Makmur Sejahtera also give facilitate like post center in the embarkation and debarkation at the airport and pick up TKI or give information return of TKI to family too. It is referred to in order to avoid the practice of brokering. For return of TKI to Indonesia, there some kinds and reasons return of TKI, like: whether due to completion of contract work, work accident or severe illness, layoff, leave, die, there is an outbreak of disease or warfare in the country of placement.

b. The Protection of TKI:

1) The Protection for The Pre of Placement

The protection for the pre of placement for TKI at PT. Berkas Sukses Makmur Sejahtera consist of two protection, namely the protection of the administrative and technical protection. The protection of the administrative, include: fulfillment document of placement, determining of placement fee and determining of condition and prerequisite work. While The protection of the technical, include: socialization and dissemination information, improving the quality of TKI Candidate, a defense for the fulfillment of the rights of TKI and coaching and supervision

2) The Protection for The Period of Placement

Keep in mind that candidate of users and companies that will hire TKI to work in place should also be arrange administrative documents required by the agent, for example arrange deposit, home photos and letters of stamped employment agreement made in 2 languages, ie languages of the country of origin and language of placement of TKI, besides the agent and the candidate of users and companies conducting interviews to TKI (prior to contract), and other requirements. It is intended for distribution services of TKI to candidate of users and companies can ensure the protection of TKI in the country later during work placements as actually conducted by an official or legal path.

3) The Protection for The Post of Placement

The forms of protection for the post of placement for TKI at PT. Berkas Sukses Makmur Sejahtera, ei, there is a case that had ever happened to TKI have been sent by PT. Berkas Sukses Makmur Sejahtera to the country of placement, ever have cases, it is the case in the factory (formal sector), so TKI had an work accident in the country of placement and then by PT. Berkas Sukses Makmur Sejahtera, agent and user's TKI service decide to carry out treatment at local hospital until TKI get well again. Other

forms of assistance or protection for TKI, PT. Berkas Sukses Makmur Sejahtera provide also a facilitation of post center for returning TKI at Juanda airport, various forms of assistance or protection for the post of placement for TKI, depending on status cases of TKI.

2. The Supporting and Constraining Factors for The Placement and Protection of TKI

a. The Supporting Factors for The Placement and Protection of TKI, such as:

1) The acts number 39 year 2004 about placement and protection of Indonesian Manpower Abroad, these act guiding PT. Berkas Sukses Makmur Sejahtera in conduct mechanism and procedure placement and protection of TKI. In the act there article about placement and protection for TKI.

2) The existence socialization by Dinas Ketenagakerjaan dan Transmigrasi, Malang city, based on interview researcher with one of employee at DISNAKERTRANS, as follows:

"At Dinas Ketenagakerjaan dan Transmigrasi, we have several tasks related TKI, for example, make a recommendation letter for a passport at the immigration office, giving Deployment license, provide permit of shelter or placement for TKI candidate, giving license BLK-LN, made yellow cards (cards for job seekers), supervision and coaching, revocation shelter TKI candidates and/or give penalties if found to prime violation as the provisions of the legislation (in this case the legislation in question is act number 13 year 2003 about manpower, act number 39 year 2004 about the placement and protection of Indonesian manpower abroad and regulations minister of manpower and transmigration number PER.07 / MEN / IV / 2005 about standard shelters Indonesian manpower candidate), in addition we also undertake monitoring and evaluation, Mr. Wibowo". (The interview was conducted on April 21, 2014, at 09:00 am, at Dinas Ketenagakerjaan dan Transmigrasi, Malang city).

3) The existence field officers (Sponsor), field officers is partner PT. Berkas Sukses Makmur Sejahtera. The duty of field officers is for recruiting TKI and help arrangement of documents belonging to workers. So the field officers down the field directly to the villages to recruit migrant TKI, both inside Malang and or outside Malang. Field officers directed to TKI about what documents are to be filled

and dispatch to PT. Berkas Sukses Makmur Sejahtera.

- 4) The existence overseas job training center (BLK-LN), at PT. Berkas Sukses Makmur Sejahtera there are BLK-LN which is led by the head of BLK-LN and there are four job-training instructor. At BLK-LN there are practices taught for TKI, such as: cooking practice, practice caring for elderly grandmother, baby care, laundry practices, house keeping practice. And all of them are supporting tools for practice. Two weeks mid exam and the final exam when TKI will finishing the duration of education and job training. BLK-LN is also make cooperation with professional certification institute (LSP), it is intended that PT. Berkas Sukses Makmur Sejahtera can determine the level of understanding of TKI to the material of practice that has been taught and the results of test indicated the presence of a certificate. And
- 5) The programs of language training for TKI, the existence of a special room for TKI, ie, language classes are usually used as language training (In form of language lab). Language training is tailored to the country in destination placement of TKI, includes, HongKong, Taiwan, Singapore and Malaysia. In language classes, there are English, Mandarin and Cantonese class. Every two weeks there are a language competency exam held that bring testers of implementing a certification Institute (LSP) and the end of competency exam, TKI get a certificate of graduation.

b. The Constraining Factors for The Placement and Protection of TKI, seperti:

- 1) There isn't representation of PT. Berkas Sukses Makmur Sejahtera abroad, when TKI arriving at the airport or the port of debarkation, TKI reported coming to government representatives abroad. During TKI working in the country of placement based on an employment contract, PT. Berkas Sukses Makmur Sejahtera still be able to monitor progress and provide protection to TKI, although it does not have representation abroad (Perwalu), namely through the official agent in the destination country (which has done MoU) other than through telephone also through social media such as skype, by giving counseling guidance. The rest full authority handed over to KBRI, KJRI, KDEL, foreign minister who instantly became vice president. However, PT. Berkas Sukses Makmur Sejahtera will continue to evaluate

to form a team Perwalu appropriate existing law.

- 2) Constraints exist of TKI, the level of education of TKI at PT. Berkas Sukses Makmur Sejahtera, the average graduates from SMP and SMA or SMK, but this does not become an obstacle. Remind that TKI at PT. Berkas Sukses Makmur Sejahtera has a soul of optimism, hard work and fighting spirit. However, this will be an constraining, when the concerned TKI do not want to attempt to learn the local country's laws and international law and practice. It is expected to TKI knowing the local country's laws and customary international law, when TKI are facing problems with their employers or users and companies, TKI can be more independent and daring. Not always bestow full and all of the government. With knowledge TKI about the local country's laws and customary international law, at least, can cooperate assist the government in an effort to provide protection against, especially when in country of placement, TKI could meet his needs independently, do not always rely and ends blame the government, if it does not match expectations.

Conclusion

It can be seen from the results of the research, mechanism and procedure for the placement and protection of TKI has been going well and correctly according to relevant laws, the existence socialization by Dinas Ketenagakerjaan dan Transmigrasi, field officers, BLK-LN, and the programs of language training. However, PT. Berkas Sukses Makmur Sejahtera does not have representatives abroad (perwalu), so PT. Berkas Sukses Makmur Sejahtera not be able to fully monitor the progress of TKI abroad, but PT. Berkas Sukses Makmur Sejahtera not escape responsibility and still provide protection for TKI in the country of placement through official agents (according MoU) and will continue to evaluate to form a perwalu team appropriate regulatory ministry of manpower and transmigration of the republic of Indonesia number 6 year 2013 about the procedure for the establishment of representatives of Implementing Private Placement of Indonesian Manpower abroad. This is weighing on act No. 39 year 2004 about the placement and protection of Indonesian manpower abroad, Article 20 paragraph 1 and 2, which states that, (1) To represent the interests, Implementing Private Placement of Indonesian Manpower (PPTKIS) required to have a representative in the state placed Indonesian Manpower. And (2) Representative of

Implementing Private Placement of Indonesian Manpower (PPTKIS) referred to in paragraph

(1), must be a legal entity formed under the laws and regulations in the country of destination.

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