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Legal Assistance (Social Advocacy) on The Civil Rights of Indonesian Migrant Workers in The Sumber Gede Community

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ABSTRACT

The phenomenon of migrant workers in Indonesia is one of the issues that often cause public unrest. Migrant workers are considered foreign exchange heroes for the country. However, often the problems that afflict these migrant workers are unknown and even untouched while still working or after working as a migrant workers. The purpose of the activity is to provide legal assistance (social advocacy) to the village government and migrant workers to ensure the fulfillment of the rights of migrant workers and increase the capacity of both knowledge and legal information for migrant workers and former migrant workers once a month, provide legal protection information and improve the competence of PMI families and increase the ability and competence of PMI candidates in Sumber Gede Village community every three months. The method used is the Participatory Rural Appraisal (PRA) method. It is carried out in Sumber Gede Village, East Lampung Regency, through the stages of problem identification, activity planning, coordination with partners, implementation of activities, and supervision and evaluation. The exercises are strengthening legal literacy through the socialization of the law. No. 18 of 2017 on the protection of Indonesian migrants and Sumber Gede Village Regulation No. 4 of 2021 on the protection of Indonesian migrants, Genderresponsive Case Management Training and Paralegal Training in case handling for women migrant workers. The result of this activity is to increase competence and knowledge for migrant workers, former migrant workers and migrant workers' families both in terms of regulatory knowledge, legal assistance, and improving entrepreneurial skills.

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1. Introduction

Indonesia is a developing country with a substantial population, which in November 2020 reached 272.68 million people (Rizaty, 2022). The process of population mobility (migration) in a country is a natural process that will channel surplus labor in the regions to modern industrial sectors in cities with higher employment (Maryam, 2022).

According to Muslihatiningsih et.al., (2020), international labor migration is the movement of labor from the area of origin to the destination area that crosses the national border intending to work, providing many benefits, especially in terms of the economy. We know there are government regulations to make that happen. Through this regulation, the government protects migrant workers from discrimination at home and abroad. The birth of Law Number 18 of 2017 is a consideration of human rights law which is guaranteed to be enforced as a mandate of the 1945 Constitution. On its basis, the state guarantees the right to opportunity and protection for its citizens to obtain decent employment and income based on skills, skills, talents, interests, and abilities. In this regard, the state protects migrant workers from various forms of trafficking, avoiding Slavery, Forced Labor, victims of violence, arbitrariness, and crimes against the dignity and dignity of humanity. Similarly, the state is obliged to fix the entire protection system, which includes not only migrant workers but also their families. It is a reflection of respect for human dignity and dignity. Starting from going to work, during work, and after work. Therefore, it needs to be integrated, from the central government to the smallest government, namely the village, and even community involvement.

An Indonesian Migrant Worker (PMI) abroad must go through various procedures, and incorrect information will leave unlawfully, and the impact will be even worse. Sumber Gede Village is a densely populated village whose work is dominated by PMI. Sadly, the village, crowded initially with farming and trading livelihoods, had to change after experiencing a major fire in 2000, until many residents turned their backs and wanted to earn an income quickly as a form of economic recovery. This reality has been running until now. As well as PMI workers, most of whom are married women who have children and have children and work without capital (skills), or we know as factory workers or domestic servants. In 2017, the National Agency for the Placement and Protection of Indonesian Workers (BNP2TKI) succeeded in placing as many as 148,285 migrant workers in several placement destination countries, where the workforce sent mainly as women, with a total of 93,641 workers. (Hardum, 2017). Many manage to have a high income, and the proceeds or salary while abroad are always sent to the family for the sake of life and saved as savings later PMI returns and no longer works. They hope to improve the economic level of their families in the village. Limited access to information, low levels of education, and an understanding of migration are often obstacles for migrant workers abroad. Likewise, countries that were once pockets of migrant workers seem unable to withstand the flow of migrants. There are several reasons rural communities tend to migrate abroad, especially during the pandemic in 2019 that we experienced. The lack of employment in villages, agricultural land that does not provide results, domestic production that is not comparable to the expected results, and global flows have triggered rural communities to get a more decent life.

2. Methods

The method used in this service activity is the Participatory Rural Appraisal (PRA) method which involves the full participation of partners in implementing their activities. Conceptually, the PRA method is a set of approaches and techniques that encourage rural communities to participate in improving and analyzing their competence and knowledge in drawing up plans and actions for their lives (Chambers, 1994). The location of the service is Sumber Gede Village, East Lampung Regency, and the target of this service activity is the Sumber Gede Village community consisting of PMI Candidates, PMI, Former PMI, and PMI Families. This service activity was held out together with partners, namely the Indonesian Migrant Workers Protection Agency (BP2MI), the Sumber Gede

Village Government, the Indonesian Migrant Workers Union (SBMI), Sebay Women's Solidarity (SP), and LBH. The PRA method is applied through the stages of planning, implementation and supervision, as well as evaluation (Wood et al., 2021). The stages carried out in this service activity include: 1) Identifying problems related to PMI, 2) Preparation of activity plans according to the difficulties associated with PMI, 3) Coordination with the Government and partners related to the implementation of activities, 4) Performance of assistance activities in PMI problems, and 5) Supervised and Evaluation of PMI assistance activities. The data collection techniques used are preliminary observation, interviews, and analysis of documents related to problems and phenomena associated with PMI.

The purpose of conducting social assistance to the Sumber Gede village is to reduce the number of residents who work abroad and to reduce the risk to families left behind, both husbands and children, because most of the PMs experience divorce and losses because the money generated as PMI runs out in vain due to the absence of good management on the part of the family. Therefore, village apparat and government and private agencies should supervise the implementation of PMI so that no more migrant workers go abroad in unclear ways.

3. Results and discussion

3.1. Overview of Sumber Gede Village, East Lampung Regency

The World War II outbreak impacted the weakening of the power of the Netherlands and its allies. The most felt by the Dutch government was the war against its own neighboring country, Belgium. Therefore, to strengthen the power of the kingdom of the Netherlands, The Queen of the Netherlands ordered to improve the budget in the face of World War II by utilizing the colonies, without exception in this archipelago.

At that time, the island of Java, with its very dense population conditions, while other large islands in the archipelago, lacked human resources, with a significant location of forests and sleeping land. Therefore, the Transmigration program was carried out by the colonizers to optimize the results of their colonies. At that time, it was known on the island of Sumatra as "Ke Delli."

According to memory, precisely on Friday, Kliwon, in 1941 ad, departed as many as approximately 500 families in the forest clearing in Central Lampung with Order No. 56, while it arrived at the location to coincide with the 10th of Suro.

The arrival of the System Colonies in the opening area was sad for them because even huts for shelter and temporary shelter were not yet available, only large trunks had collapsed in the wind, and small logs were placed to put leaves as a roof so that they were only used to sleep at night. Furthermore, the worry and fear in their feelings are because, at all times, there are always the voices of wild animals, including Tigers, Bears, Elephants, and other beasts that are endless, so they can only ask for prayers to ask for God's protection.

Ultimately, the system's colonies inevitably had to be determined to open up the forest that would be made into a village for mutual prosperity in the future. Therefore, they began to grow various crops, including Rice, Corn, and cassava. Meanwhile, to get cassava seedlings and others in, it must be on foot for two days and two nights. Then the clearing land is distributed for yards as a residential or residential location.

The clearing of the forest had shown great hope. It became a place of residence for them, so it was composed of 56 beds at that time, and because there have been many discoveries (large springs in this village, springs in Javanese are SUMBER and BIG in Javanese is GEDE, in its development in 1949, the village officials agreed to name this village with the name "SUMBER GEDE."

Sumbergede has leadership under the Lurah. From 1941 to 1917 and until now, it had 16 lurahs, and who was inaugurated in 2017 until now 2022 is Mr. Suradal. SP. The village secretary already has 14 changes, and currently, the village secretary is controlled by Mr. Zainal Arifin, SH.

Sumber gede has an area and boundaries: Village / Kelurahan Area: 404,880 ha. With Regional Boundaries: North: Sukadana District and Batanghari District, South: Girikelopomulyo Village, Sukoharjo and Sidodadi Villages, West: Batanghari District, East of Sambikarto Village and Mataram Marga District. Sumbergede has a Geographical Condition with a land level of 50 mdl. Amount of rainfall:350 mm/th As for Topography: Low Land with Average air temperature: 28 - 30 C.

Residents in the law of the Republic of Indonesia Number 10 of 1992 are individuals, family members, community members, and citizens with a set quantity residing within the boundaries of the state administration area within a specific time. In the context of national development, the population is one of the essential components in action because in addition to being a development actor as well as an object of development that concerns the welfare of humanity as a whole. Here are the total population of Sumber Gede village: Total population by gender: Male: 3,552 inhabitants, Female: 3,442 inhabitants, total: 6,994 inhabitants. While the total population by age: 0-12 months: 94 people, > 1 year - < 5 years: 328 people, > 5 years - < 7 years: 328 people, 7 - 15 years: 806 people, > 15 - 56 years: 4446 people, > 56 and above: 992 people. Furthermore, the number of inhabitants according to Education: for General Education Graduates: Elementary School: 283 people, Junior High School: 487 people, High School: 243 people, S1: 92 people. Furthermore, in Special Education, Graduates: in Islamic Boarding Schools: 103 people and Madrasah: 61 people.

On February 17, 2022, together with PBMI Lampung and the Foundation, the Sumbergede village government, PMD, women empowerment, and Child Protection, Disnaker, Sekampung Udik Sub-District Head, DPW SBMI also opened a discourse on how important Perdes is to be used to protect its citizens in the village. The event was held at Pugung Raharjo Village Hall, Sekampung Udik East lampung. The Event explained the procedure for making perdes. The legal umbrella in the making of the perdes is the prime of East Lampung in 2016, said I Made MiraSari (Deputy Head of legal products East Lampung village). In addition, The Making of Perdes is regulated by the Minister of Home Affairs and the law on the existence of village authority. The preparation of the Perdes on protecting migrants and their families is aimed at avoiding brokers, and sponsors who are not responsible, especially the illegal delivery of PMI and the crime of trafficking in Persons with PMI delivery mode.

Preparing and establishing a Rural Regulation on legal protection for migrants involves the Indonesian Migrant Workers Union (SBMI), SP & Village Government, Cooperative & MSME Manpower Office, BP3MI, PPA, Police, LBH, 3 Districts & 9 Target Villages. On March 9, 2021, the ratification of Sumber Gede Village Regulation Number 4 of 2021 concerning the Protection of Indonesian Migrant Workers was carried out by the Village Head and Secretary of Sumber Gede Village.



Figure 1. Validation of Sumber Gede Village Regulation Number 4 of 2021 (Source: Sumber Gede Village Government, 2021)

3.2. The Standing of Village Regulation Number 4 of 2021 concerning the Protection of Indonesian Migrant Workers against Indonesian Migrant Workers in Sumber Gede Village Community

The development of the phenomenon of migrant workers in the people of Sumber Gede Village does not mean that there are no problems. The unrest of the people of Sumber Gede Village, both those still working as PMI and former PMI, is a social problem that is important for various attention and assistance in finding the best solution. The Sumber Gede Village Government has responsively seen and made efforts by establishing Sumber Gede Village Regulation 4 of 2021 concerning the Protection of Indonesian Migrant Workers. This Rural Regulation gave responsibility to the Village to accompany and guarantee PMI and retired PMI candidates in facing problems both at work and after finishing work abroad. Some of the things regulated in this Rural Regulation include:

- a. Information Services which include: Job Market, Placement Procedures, and Working Conditions Abroad;
- b. Data Verification and Registration of Prospective Indonesian Migrant Workers;
- c. Service for Fulfilling Population Administration Requirements for Prospective Indonesian Migrant Workers;
- d. Complaints Services;
- e. Fulfillment of Family Rights of Indonesian Migrant Workers;
- f. Social empowerment, which includes: Facilitation of Repatriation, Rehabilitation and Social Reintegration, Facilitation of Fulfillment of Social Security Claim Documents, and Strengthening the Family Resilience of Indonesian Migrant Workers;
- g. Economic Empowerment through financial management education activities and entrepreneurship education; and
- h. Organizing PMI Protection Team.

Sumber Gede Village is the first village in Lampung that already has a Village Regulation (Perdes) on protecting Indonesian migrant workers. As stated by the Acting Deputy of BP2MI Placement for the American and Pacific Region Dwi Yanto, mentioning that Sumbergede Village is the only one that has a Rural Regulation on the protection of Indonesian Migrant workers in Lampung. as a form of protection and provides education to the community is also a way to stop unemployment from increasing employment, departing from the issue and handling of PMI and improving services that can provide guarantees for the safety and comfort of migrant workers and their families (Suryanto, 2021).

On the same occasion, Sumber Gede Village received an award from the Indonesian Migrant Workers Protection Agency (BP2MI), which was handed over by the Head of BP2MI, Benny Rhamdani, through the Acting Deputy for Placement and Protection of the American and Pacific Region, Dwi Yanto and received by the head of Sumber Gede Village as the only village in Lampung Province that already has a Village Regulation (Pedes) on the Protection of Indonesian Migrant Workers (Afrizal, 2021).

According to Salabi (Head of UPT BP2MI Lampung), the prudence of the village is very instrumental in guiding the protection of migrant workers by strengthening the three pillars of the village, namely the village government, PKK, and taruna reefs, from problems that occur in the community, regarding the number of people who depart from migrants illegally. Furthermore, through strengthening the role of villages, as a form of responsibility of village officials together with a team from BP2MI who have initiated the realization of the Sumber Gede Village Rural Area, an educational, parenting, and parent approach is carried out to be able to increase family resilience, and not become an illegal PMI. According to Ulfa Mubarika, the initiator of the program explained that PMI's unrest was caused by economic and personal factors such as incompatibility with spouses and families, household problems, following spouses, wanting to follow trends that occurred for generations, as well as family disputes that also used to be PMI. This is an opening for scalpers to

recruit migrant workers with promising promises to solve problems and improve living standards. Apart from that, becoming a migrant worker is also due to descendants who feel they have succeeded in finding a livelihood abroad until the descendants are reluctant to only a mediocre lifestyle. With the birth of Rural Regulation Number 4 of 2021, it wants to bring order to the condition of the PMI family in Sumbergede Village, Sekampung Lampung Timur.



Figure 2. Award Presentation to the Head of Sumber Gede Village (Source: Sumber Gede Village Government, 2021)

3.3. Capacity Building And Legal Advocacy For Prospective PMI, PMI, Former PMI, And PMI Families In Sumber Gede Village Community.

Through Sumber Gede village regulation number 4 of 2021 concerning the protection of indonesian migrant workers, in its implementation, the village government, together with the people of sumber gede village, have carried out various activities in conducting socialization, capacity building and training in responding to problems faced by PMI and former PMI in Sumber Gede village. Various activities that the service team has carried out in collaboration with the village government, bp2mi, legal aid institutions, and the people of Sumber Gede village include:

3.3.1. Socialization Of Law Number 18 Of 2017 Concerning The Protection Of Indonesian Migrant Workers And Sumber Gede Village Regulation Number 4 Of 2021 Concerning The Protection Of Indonesian Migrant Workers.

This socialization activity was held by the indonesian migrant workers protection agency (BP2MI) and the Sumber Gede village government, which was also attended by the Regent Of East Lampung, M. Dawam Rahardjo, at the BPU Sekampung District on February 23, 2021. In this activity, it was conveyed that through Law Number 18 of 2017 Concerning The Protection of Indonesian Migrant Workers, it is hoped that it can facilitate and provide certainty to people who want to work abroad. In addition, there was also an explanation related to the problem of illegal PMI, which was allegedly due to the high cost of the money they had to spend and the difficulty in administrative management, so people were desperate to work abroad illegally.

In addition, it was also conveyed to the participants the socialization regarding Sumber Gede Village Regulation Number 4 of 2021 Concerning The Protection of Indonesian Migrant Workers as a form of legal for village authority in protecting migrants and their families to avoid scalpers, and irresponsible sponsors, especially the illegal delivery of migrant workers and trafficking with the mode of sending migrant workers.

According to the head of sumbergede village, mr. Suradal mentioned that the village regulation related to protecting families and migrant workers is included in the village regulation. Several items are urgent to be put in order, one of which is related to migrant workers who still have children aged

three years and under and are prohibited from leaving for migrants because there will be many problems in the future. Children aged three years still have to be breastfed. Otherwise, it will affect the psychology of children's behavior. Pmi candidates who are about to leave must be present at the village office, which is a step to avoid fake signatures and permits that may cause problems.

An incident like this can cause one spouse or the other family to sue the village because the couple feels they have never given permission. According to Mr. Suradal, this is possible when the household is experiencing a tenuous relationship. Another prevention sought is to create a cooperative managed by a former PMI in the form of UMKM products, culinary, and handicrafts. In addition, the village has prepared a reading library for children left behind by parents who live as migrant workers. This will make it easier to provide supervision to underage children.

Present as socialization participants were the Sumber Gede community consisting of PMI candidates, PMI, and former PMI and their families to get information and a clearer understanding of how to protect laws for migrant workers in Sumber Gede village in the future.



Figure 3. Documentation of Socialization Activities (Source: Sumber Gede Village Government, 2021)

3.3.2. Gender Responsive Case Management Training

This training was carried out by SBMI and the MRC Community in collaboration with the Service Team on January 16-18, 2022, at the Grand Sktumum Hotel, Yosorejo, East Metro District, Metro City, Lampung. MRC is a collaborative program between the Ministry of Manpower, ILO-UN Women's Safe and Fair Program, Indonesian Migrant Workers Union (SBMI), Sebay Women's Solidarity (SP), Lampung and Women Crisis Center (WCC) Mawar Balqis, Cirebon with the big goal of making labor migration safe and fair for all women in the ASEAN region.

Through this activity, three interrelated specific goals will be achieved. First, women migrant workers are better protected by a gender-sensitive labor migration governance framework. Second, women migrant workers are less vulnerable to violence and trafficking and benefit from coordinated, responsive, quality services. Third, data, knowledge, and attitudes about the rights and contributions of women migrant workers are increasing. In achieving this goal, material and case management are given so that participants can advocate policy and advocacy for cases experienced by Indonesian migrant workers and their families (SBMI, 2022).

The results of this training are expected that participants will be able to analyze and advocate for cases experienced by women migrant workers, starting from the pre-employment process, during

work, and after work, and understand how to collect case data to be used in advocating for policies that can prevent unsafe and fair migration, as well as to prevent trafficking in persons.



Figure 4. Photo with Gender Responsive Case Management Trainees (Source: SBMI Lampung, 2020)



Figure 5. Gender Responsive Case Management Trainees (Source: SBMI Lampung, 2020)

3.3.3. Paralegal Training and Case Management for Women Migrant Workers and Their Family Members

This activity was organized by the Indonesian Migrant Workers Union (SBMI) with the Service Team on March 5, 2022, with the theme of Labor Rights & Gender Equality, Harassment of the World of Work, Women, and Leadership, Organizing Women Migrant Workers and Trade Unions.

This activity was attended by PMI Candidates and Former Migrant Workers who aimed to increase their knowledge and capacity in understanding the rights of female migrant workers, improving the attitudes of leadership and organizations of female migrant workers, as well as problems and actions in acts of harassment in the world of work experienced by female migrant workers.

In this activity, participants were allowed to start problems and conduct discussions, and discuss with speakers related to the problem of female migrants. In addition, participants were divided into

groups to compile or write posters about developments and issues experienced by female migrant workers. Then a presentation was held to the signs that had been written.



Figure 6. Paralegal Training Participants (Source: Migrant Worker Resources Centre, 2020)



Figure 7. Delivery of Paralegal Training Materials (Source: Migrant Worker Resources Centre, 2020)

3.3.4. Assistance, Legal Consultation, And Empowerment Of Former PMI In Entrepreneurship.

Other activities provided to Purna PMI and PMI families, in particular by the service team, are legal assistance, consultation, and empowerment of Purna PMI in entrepreneurship.

Legal assistance and consultation activities are carried out regularly and given by former PMI and PMI families experiencing legal problems. The activities were carried out face-to-face by former PMI and their families in conducting legal consultations with the Service Team assisted by the legal aid agency.

In addition, the empowerment of former PMI and PMI families is also carried out to improve the economy. The entrepreneurial training given is to process Koro Pedang beans into organic flour. In addition, training was also given on how to process Koro Pedang beans as a material for making tempeh. At the end of the activity, the service team provided assistance ranging from BPOM management, trademark registration (IPR), and legal entity business creation, as well as conducting product innovation demos every month



Figure 8. PMI Family Conducts Legal Consultation (Source: Community Service Team, 2022)



Figure 9. Koro Pedang Beans Before And After Processing Into Organic Flour (Source: Community Service Team, 2022)



Figure 10. Photos Of Product Innovation Exhibition Participants (Source: Community Service Team, 2022)

4. Conclusions

This activity aims to increase competence and knowledge for migrant workers, former migrant workers, and migrant workers' families in terms of regulatory expertise, legal assistance, and improving entrepreneurial skills. This mentoring activity also produces paralegals who will help assist with legal issues such as violence against female migrants and other labor cases. The form of activity carried out is the Socialization of the Law. No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Sumber Gede Village Regulation No. 4 of 2021 concerning the Protection of Indonesian Migrant Workers, Employment Rights & Gender Equality, Harassment of the World of Work, Women and Leadership, Organization of Women Migrant Workers and Trade Unions, Gender Responsive Case Management Training and Paralegal Training and Case Management for Women Migrant Workers and His family members. Furthermore, the activities of forming the management of Purna PMI, this program in the future can become a livelihood for PMI families and former migrant workers so that they can live independently and hopefully open up job opportunities.

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6. Authors Note

The authors declare that there is no conflict of interest regarding the publication of this article. Authors confirmed that the paper was free of plagiarism.

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