



The Efforts of UPT BP2MI Nunukan, Indonesia, in Protecting Indonesian Migrant Workers Rights During COVID-19 Outbreak

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Abstract. The phenomenon of international migration has occurred in Indonesia for a long time, mostly related to the economic aspect called workers migration. The Indonesian migrant workers (IMWs) have an important role in the country's economy through their remittances but ironically they face problems, especially during the Covid-19 pandemic. Therefore the state has a responsibility to protect and fulfill the migrant workers' rights. Nunukan as the northernmost district of Kalimantan and directly bordered by Malaysia become a transit area for IMWs to Malaysia. Due to the complexities of border area problems, particularly migrant workers' issues, UPT BP2MI Nunukan was formed. Thus, this study has the objective to examine the efforts made by UPT BP2MI Nunukan in protecting the migrant workers' rights, especially in the Indonesia-Malaysia border area during the Covid-19 pandemic. This study was conducted through a mixed-method, namely literature research and field studies, by conducting interviews, informal discussions, and observations. The result of this study found that the Government through UPT BP2MI Nunukan has carried out protection efforts as mandated by Law Number 18 of 2017, both for IMWs and their families, before, during, and after work, and from legal, economic, and social aspects. And to realize optimal protection, cooperation through multi-stakeholder diplomacy is needed.

Keywords: Indonesian migrant workers · international migration · human rights · state responsibility · multistakeholder diplomacy

1 Introduction

Work is a form of human right, in accordance with Article 23 of the Universal Declaration of Human Rights (UDHR) in 1948 which states that “everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment” [1]. Indonesia itself has signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As a country that ratifies that convention, the Indonesian Government has a responsibility to protect, respect, promote and fulfill the rights of all migrant workers and their family members, which in the end is expected to fulfill their welfare [2]. But in fact, the poverty

rate is still high due to the lack of job opportunities. The citizens who do not have jobs tend to migrate both internally and internationally to get a better standard of living than before [3].

Indonesia itself is known as the ‘important’ origin country of migrant workers in the Asian region, both because of the large number of workers, low wages, submissive attitude, and the various problems that often arise because of it [4]. Malaysia is the highest destination country for Indonesian Migrant Workers due to the similarity of language, culture, and majority of the religion [5]. In addition, the border between Indonesia and Malaysia is quite easy to pass in various ways. However, this does not mean that Indonesian migrant workers who work in Malaysia have never experienced problems. In 2020, a total of 15,075 Indonesian migrant workers returned from Malaysia, some of whom experienced problems such as unpaid wages, overstay, deportation, trafficking in persons, illness, death, violence from employers, pregnancy, illegal recruitment, falsification of documents, and others [6].

Nowadays all continents faced the Covid-19 pandemic. Based on Worldometers data, as of August 26, 2021, there were 214,669,534 cases of Covid-19 in the world, 4,474,991 people died [7]. This situation encourages every country to take measures to handle the spread of the virus by stopping almost all lines of activity. The Covid-19 pandemic has an impact on working relations where many workers are finally fired and sent back to their respective countries. Moreover, it also resulted in a drastic decrease in the placement of Indonesian migrant workers abroad due to the closure of destination countries in line with the increasingly widespread Covid-19 pandemic in that country. Data from the Indonesian Migrant Workers Protection Agency (BP2MI) shows that the placement of Indonesian Migrant Workers in 2020 was 113,220 people while in 2019 it was 277,216 people. This is in line with the issuance of the Decree of the Minister of Manpower of the Republic of Indonesia Number 151 of 2020 concerning the Temporary Termination of the Placement of Indonesian Migrant Workers in March 2020.

Many migrant workers choose border areas to be the entry point, one of which is Nunukan. Nunukan is the northernmost district of North Kalimantan Province which is directly bordered with Malaysia. The distance from Nunukan—Malaysia is only 1 h and from Sebatik (sub-district)—Malaysia is only 10 min by speed boat [8]. This makes Nunukan becomes a transit area for Indonesian migrant workers to Malaysia, both through official channels (according to government procedures) and illegal routes. Those who migrate through official channels, mostly work in plantations and the timber industry, while migrants who cross the border illegally do not go through government procedures, working in various sectors: oil palm plantations, domestic workers and workers in the sex or prostitution industry [9].

Based on data from the Technical Implementation Unit of the Indonesian Migrant Workers Protection Agency (UPT BP2MI) Nunukan, during 2018 to September 2021 the number of Indonesian Migrant Workers reported deported in Nunukan was 9,434 people [10]. Before being deported to Indonesia, they were put in crowded detention [11]. The deportation process carried out during the pandemic is very vulnerable for migrant workers to be infected with Covid-19.

Indonesian Migrant Workers are often referred to as ‘pahlawan devisa’ through their remittances that help the country’s economy. According to Bank Indonesia data

in 2019, foreign exchange from Indonesian Migrant Workers remittances reached US\$ 11.4 billion or equivalent to Rp. 159.6 trillion of the total 3.742.440 Indonesian migrant workers [12]. But sadly, they are faced with various problems in the field. The problems experienced by Indonesian Migrant Workers and their families so far are vulnerability to exploitation, abuse, and the snares of syndicated trafficking in persons. This indicates that the state is not yet fully present to provide protection for workers and their families as a whole.

A number of studies related to the protection of migrant workers have been carried out, but none have focused their research on border areas particularly during the Covid-19 pandemic in which it has a big impact on migrant workers. Moreover, the border area also has its own uniqueness with all the complexity of the problems of migrant workers. The lack of research that examines the role of the government in protecting migrant workers, prompted the writer to carry out field research at the agency that directly handles the problems of migrant workers, namely the Indonesian Migrant Workers Protection Agency (BP2MI), precisely UPT BP2MI Nunukan. This study can be used as one references for other Indonesian governmental institutions related with migrant workers.

2 Research Question

Based on the elaboration of the phenomena in the previous section, therefore this paper will come up with the question, “What are the efforts of UPT BP2MI Nunukan in protecting Indonesian Migrant Workers’ rights in Indonesia-Malaysia border area during Covid-19 pandemic?”.

3 Research Methods

This research was conducted through a mixed method, namely literature research and field studies, by conducting interviews, informal discussions and observations. Mixed methods are needed to avoid subjective bias when relying on only one piece of information [13]. The data obtained from field research is then strengthened by a literature review. During this research, the researcher examined several policy documents at the national and international levels. The researcher also reviewed some news, books, reports and research journals related to the migrant worker protection and border area issues.

1. Interview

Interview is a method of collecting data using face-to-face meetings through a question and answer process between research participants and researchers. Interviews were conducted to collect more comprehensive data from the participants. Detailed information and experience stories from each participant can enrich and sharpen the data obtained. The combination of interview and discussion data is important to answer research questions more accurately.

Interviews were conducted through formal interviews and/or informal discussions. Formal interviews were conducted to obtain data from government stakeholders, while informal discussions were conducted with respondents from the community and/or civil

Table 1. Observation Activity

Area	Location	Date	Number of Locations
Nunukan	UPT BP2MI Nunukan	27 Sept–27 Oct 2021	3
	Rusunawa for migrant workers	20, 21, 22 Oct 2021	
	Tunon Taka Harbor	6, 20, 21 Oct 2021	

society organizations. This informal approach was used to encourage participants to speak openly. Some of the key questions in this interview were about the problems of migrant workers, especially in border areas and their role in responding to these issues.

Interviews were conducted in four research locations with a total of 5 participants consisting of representatives from local governments, non-governmental organizations, Badan Pelindungan Pekerja Migran (BP2MI) and the migrant workers themselves. One resource person was located at the office of UPT BP2MI Nunukan, one resource person at the Regent's Office, two resource persons at Rusunawa and one resource person at Tunon Taka Nunukan Harbor.

2. Observation

Observation is a data collection method commonly used in empirical research. In this study, the observations made were qualitative observations that were naturalistic, meaning that the observations were made directly in locations that were considered interesting and important for the participants to enrich the research results. The location selection for this observation process is based on data obtained from discussions or interviews. Below are the locations for this observation (Table 1).

Observations allow researchers to match data obtained from discussions and interviews with real conditions at the location. The observations will help researchers to understand the efforts to protect migrant workers in border areas.

4 The Profile of UPT BP2MI Nunukan

4.1 History of UPT BP2MI Nunukan

The history of migration of Indonesian workers abroad has occurred in the period before Indonesia's independence which was carried out by the Dutch government. In 1890, the Dutch government began to send a large number of Javanese contract laborers to work on plantations in Suriname (which was also a Dutch colony), as a substitute for the duties of African slaves who had been released on July 1, 1863 as a form of implementing the policy of abolishing slavery so that the slaves change the profession as desired. The impact of the liberation of the slaves left plantations in Suriname abandoned and resulted in the Surinamese economy dropping dramatically. The basis for the Dutch government to choose Indonesian migrant workers from Java is the low level of the economy of the Javanese population due to the eruption of Mount Merapi and the dense population

on the Java Island. The first batch of sending Indonesian migrant workers as many as 94 people by the Netherlands departed from Jakarta on May 21, 1890 and arrived in Suriname on August 9, 1890 [14].

July 3, 1947 became a historic date, through Government Regulation No. 3/1947 an agency was formed to deal with labor issues in Indonesia under the name of the Ministry of Labour. Furthermore, during the Indonesian independence period until the late 1960s, the placement of Indonesian Migrant Workers abroad did not involve the government, but was carried out individually, kinship, and was traditional. The main destination countries were Malaysia and Saudi Arabia. For Saudi Arabia, Indonesian workers were generally brought in by those who take care of people going on Hajj/Umrah or by Indonesians who lived in Saudi Arabia for a long time. As for Indonesian citizens who work in Malaysia, most of them just come to the territory of Malaysia without bringing any documents, because in the past there have been traditional cross-borders between the two countries.

In 2004, Law No. 39/2004 concerning the Placement and Protection of Indonesian Migrant Workers Abroad, which in article 94 paragraphs (1) and (2) mandates the establishment of the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI). This is followed by the issuance of Presidential Regulation (Perpres) No 81/2006 concerning the Formation of BNP2TKI whose operational structure involves elements of central government agencies related to Indonesian migrant workers services, including the Ministry of Foreign Affairs, Ministry of Transportation, Ministry of Manpower and Transmigration, Police, Ministry of Social Affairs, Ministry of Education, Ministry of Health, Immigration, Ministry of Law and Security, State Secretariat and others. With the presence of BNP2TKI, all matters concerning the placement and protection of Indonesian Migrant Workers are under the authority of BNP2TKI, which is coordinated by the Minister of Manpower and Transmigration, but the responsibility of the task is to the President.

In 2017, Law No. 18 of 2017 was issued regarding the Protection of Indonesian Migrant Workers and followed by Presidential Regulation No. 90 of 2019 concerning the Indonesian Migrant Worker Protection Agency, which appointed BNP2TKI to transform into the Indonesian Migrant Worker Protection Agency (BP2MI) as a non-ministerial government agency tasked with implementing policies in the integrated service and protection of Indonesian Migrant Workers.

In the new era of BP2MI, the policy direction has a big theme of protecting, namely fighting non-procedural migrant workers' syndications. With strategic targets, among others: increasing the protection and welfare of Indonesian Migrant Workers and their families, as well as increasing good governance. The aim is to realize the protection of PMIs through the placement of skilled and professional PMIs in order to improve the welfare of PMIs and their families as national assets, as well as the implementation of efficient, effective, and accountable organizational governance improvements.

4.2 The Organizational Structure of UPT BP2MI Nunukan

To strengthen the role of BP2MI in accordance with the mandate of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and the duties and

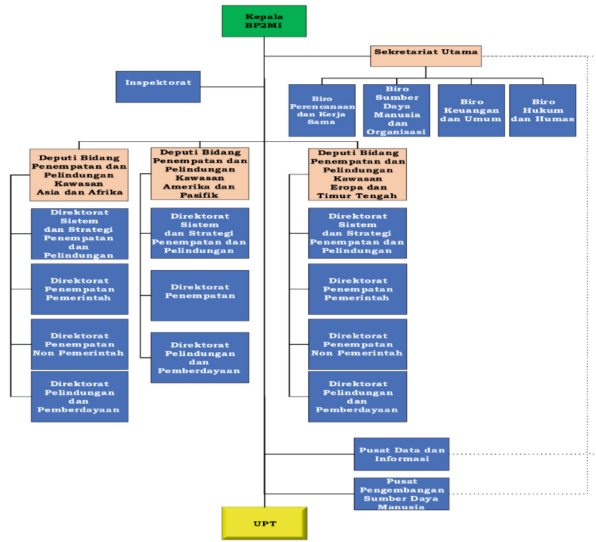


Fig. 1. BP2MI Organizational Structure

functions of BP2MI based on Presidential Regulation Number 90 of 2019 concerning the Agency for the Protection of Indonesian Migrant Workers, the organizational structure of BP2MI is based on a substance approach by dividing the deputies based on the area so that all personnel can understand and execute from the placement process to protection. Three deputies based on regional regions, namely:

1. Deputy for Placement and Protection of the Asian and African Regions;
2. Deputy for Placement and Protection of the Americas and the Pacific Region;
3. Deputy for Placement and Protection of the European and Middle Eastern Region.

The following is the organizational structure of BP2MI (Fig. 1).

Meanwhile, to carry out the operational technical duties of Indonesian Migrant Workers' placement and protection services in the regions, it was formed a Technical Implementation Unit (UPT). The existence of UPT BP2MI in the region is very strategic as the front line of Indonesian Migrant Workers' protection services. Until now, there are 23 UPT BP2MI spread across 23 provinces in Indonesia, one of them is in North Kalimantan, on the Indonesian-Malaysian border area, namely UPT BP2MI Nunukan.

UPT BP2MI Nunukan has several sections that are responsible for carrying out their duties, namely:

1. Administration Subdivision

This division has the task of carrying out program and budget preparation, evaluation and reporting, personnel affairs, finance, correspondence, archives, equipment and other internal affairs.

2. The Preparation and Placement Section

This section has the task of verifying documents for the placement and protection of Indonesian Migrant Workers (IMWs), registration and selection of prospective IMWs and Pre-Departure Orientation (OPP), as well as harmonizing the quality of IMWs.

3. The Institutional and Correctional Program Section

This section has the task of fostering, monitoring, and evaluating the performance of placement institutions, outreach programs, fostering information management systems and networks, monitoring foreign cooperation and promotions, as well as monitoring the supply of IMWs candidates.

4. The Protection and Empowerment Section

This section has the task of protecting and advocating, assisting in the management of IMWs insurance claims, empowering and coaching retired IMWs, monitoring departure and repatriation services, and monitoring remittances [15].

4.3 The Vision and Mission of UPT BP2MI Nunukan

In accordance with its duties, functions and authorities, BP2MI carries the vision: “BP2MI is reliable, professional, innovative, and has integrity in service to the President and Vice President of the Republic of Indonesia to realize the protection of Indonesian Migrant Workers in order to improve their welfare and its families, in support of a developed Indonesia that is sovereign, independent, and have a personality based on gotong royong” [16].

To realize this vision, the missions that will be carried out by BP2MI are as follows:

1. Provide technical and administrative support as well as quick, accurate and responsive analysis to the President and Vice President of the Republic of Indonesia in making policies on the administration of state government;
2. Provide technical and administrative support to the President and Vice President of the Republic of Indonesia in the implementation of the placement and protection of Indonesian Migrant Workers;
3. Organize effective and efficient services in the fields of supervision, general administration, information, and institutional relations; and
4. Improve the quality of human resources and infrastructure of BP2MI.

4.4 The Tasks and Functions of UPT BP2MI Nunukan

Based on the Regulation of the Indonesian Migrant Workers Protection Agency Number 04 of 2020 concerning the Organization and Work Procedure of the Indonesian Migrant Workers Protection Agency, BP2MI has the task of implementing service policies in the context of the placement and protection of Indonesian Migrant Workers in an integrated

manner. To carry out the said task, BP2MI carries out functions according to article 3 as follows:

1. Implementation of policies in the field of placement and protection of Indonesian Migrant Workers;
2. Implementation of services and protection of Indonesian Migrant Workers;
3. Issuance and revocation of Indonesian Migrant Workers recruitment permit;
4. Implementation of placement services;
5. Supervision of the implementation of social security services;
6. Fulfillment of Indonesian Migrant Workers' rights;
7. Implementation of Indonesian Migrant Workers' document verification;
8. Implementation of Indonesian Migrant Workers' placement on the basis of a written agreement between the central government and the government of the Indonesian Migrant Workers' employer country and/or legal entity employer in the country of placement destination;
9. Proposing the revocation and extension of the permit for the Indonesian Migrant Workers' placement company to the minister who carries out government affairs in the manpower sector to the workers' placement company;
10. Implementation of protection while working in coordination with the Indonesian Representative in the country of placement destination;
11. Implementation of facilitation, rehabilitation, and reintegration of the retired Indonesian Migrant Workers;
12. Implementation of social and economic empowerment the retired Indonesian Migrant Workers and their families;
13. Coordination of task implementation, guidance, and administrative support to all organizational units within BP2MI;
14. Implementation of substantive support to all organizational elements within BP2MI;
15. Internal supervision of the implementation of BP2MI's duties [17].

As a Technical Implementing Unit located in the border area, precisely at the Indonesia-Malaysia border, UPT BP2MI Nunukan, under the Protection and Empowerment Section, has a specific task to assist migrant workers returning from Malaysia, including those who return due to illegal status or victims of violence and crime.

5 Finding

5.1 Nunukan and the Potrait of Border Area

As the northernmost district of North Kalimantan Province, Nunukan is directly bordered by several areas of Malaysia. In the west, it is bordered by Sarawak and in the north, it is bordered by Sabah [18]. The distance from Nunukan–Malaysia is only 1 h and from Sebatik sub-district—Malaysia is only 10 min by speed boat (Fig. 2).

The border area becomes the front terrace of the country, where the existence of the people who live there is very important in relations between countries, because they interact directly, both in social and economic relations. However, in fact, several



Fig. 2. The Map of Nunukan District, North Kalimantan

problems are faced by border areas, such as the not-optimal development and utilization of potential and the lack of basic facilities/infrastructure [19]. As a result, this area is often left behind, with a lack of accessibility, especially access to border areas with government centers, public service centers, or other more developed areas.

Border areas are also vulnerable to transnational crimes such as illegal border crossers, smuggling of goods for public consumption, drug smuggling and illegal trading. As a district that has border areas between countries, Nunukan is well-known as a transit area for Indonesian Migrant Workers to Malaysia through the Nunukan and Sebatik ports, both legal and illegal [20], which gives its own color in international relations.

5.2 The Complex Problems of Indonesian Migrant Workers in Nunukan

The writer conducted an interview with the spokesman for the Nunukan Regency Government, Mr. Hasan Basri, strengthened by references related to the history of labor migration in Nunukan. Migration of Indonesian workers to Malaysia began in the 20th century where there was a massive migration process in the context of the colonial economy which required a lot of labor in Malaysia. During the colonial period, the use of the services of Indonesian Migrant Workers in Malaysia in various sectors turned out to be a tradition and custom to migrate. However, in mid-2002, there was a mass deportation of undocumented workers under the 2002 Immigration Act, which caused the humanitarian crisis at Nunukan and became a critical point in the management of Indonesia's migration flows to Malaysia.

In the third quarter of 2021, the troubled Indonesian Migrant Workers from Sabah Malaysia who were deported to Nunukan and handled by UPT BP2MI Nunukan totaled 161 people, consisting of 126 men and 35 women. Seeing from the area of origin, South Sulawesi was the highest origin area with 87 people, followed by North Kalimantan with 16 people and East Nusa Tenggara amount 7 people [21] (Table 2).

From this data, South Sulawesi is the origin of most Indonesian Migrant Workers deported from Malaysia. South Sulawesi, which is dominated by the Bugis tribe, is indeed known as the "Reliable Sailor" who often travels to find a new life, so it is not surprising that many workers from the Bugis tribe become Indonesian migrant workers in Malaysia. The large number of migrant workers is due to the role of the Bugis diaspora

Table 2. Data on Regions of Origin of IMWs Deportation UPT BP2MI Nunukan in July-September 2021

No.	Origin	Quantity
1	South Sulawesi	87
2	North Kalimantan	16
3	East Nusa Tenggara	7
4	West Sulawesi	8
5	Southeast Sulawesi	3
6	Other	40
Total		161

Table 3. Data on the Types of Causes IMWs Deportaded

Types of Causes	Quantity
Illegal departure	86
Stay permit expires/overstay	37
Passport lost/expired	16
Born in Sabah and never had an Indonesian passport	13
Drugs	22
Criminal	19
Victims of Human Trafficking	4
Total	197

itself, which invites their relatives to become Indonesian migrant workers in order to improve the family's economy.

In normal times, migrant workers are very vulnerable to becoming victims of unpaid salaries, inhumane conditions, and even death. With this pandemic, migrant workers are getting more difficult. There is a reality of migrant workers being affected during the pandemic in Malaysia. They are migrant workers who cannot return to Indonesia and because Malaysia has implemented a lockdown policy they are also unable to work for several months. The Malaysian government is also increasingly massive in conducting document checks and placing migrants in crowded detention for immigration violators, especially during the process on their way to Indonesia they are vulnerable to infecting Covid-19.

Table 3 shows the types of causes Indonesia Migrant Workers detained at the Depot Imigresen Tawau (DIT) and then deported from Malaysia to Nunukan on 21 October 2021.

Illegal departure becomes the major cause of problems experienced by IMWs such as unpaid wages, deportation, trafficking in persons, violence from employers, and others.

Employers tend to recruit illegal migrant workers because they get many advantages, they do not need to use insurance and work agreements, on the other hand, migrant workers are aggrieved because there is no guarantee of protection during work.

During the observation, the writer found that the geographical proximity of Indonesia and Malaysia, which was supported by smooth transportation and the availability of many alternative routes/ 'jalur tikus', as well as weak cross-border security, encouraged migrant workers to depart illegally. Another factor is the lack of information about official departures among the public, coupled with the fear of high handling fees and complicated administration. As a result, many Nunukan people became 'calo' in illegally distributing Indonesian migrant workers to Malaysia, with the lure of a fast work process and high salaries, but the reality is the contrast.

Based on the results of interviews with several migrant workers,[22] they said that the reason for returning to Malaysia was because many of their families had lived there for a long time, even they had children who were born there. It could be said that there was a strong bond of primordialism from Indonesian migrant workers who invited their relatives to illegally migrate to Malaysia.

5.3 UPT BP2MI Nunukan's Efforts in Realizing the Protection of Indonesian Migrant Workers

Protection efforts carried out by BP2MI as mandated by Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers must be comprehensive, both for Indonesian Migrant Workers and their families, before, during, and after work, and from legal, economic and social aspects. Indeed, the placement of Indonesian Migrant Workers is an effort to realize equal rights and opportunities for workers to obtain decent work and income. In addition, this Law also mandates to provide protection for Indonesian Migrant Workers and their families from human trafficking, slavery and forced labor, victims of violence, arbitrariness, crimes against human dignity, and other treatments that violate human rights. Therefore, strengthening the protection function is very important, both for those who work in the formal sector especially in the informal sector and for vulnerable jobs, both land based and sea based. The efforts made by BP2MI are as follows.

Eradicating Syndication and Preventing Non-procedural Indonesian Migrant Workers Shipments

The dispatch of non-procedural Indonesia Migrant Workers is generally carried out through a syndicate, ranging from fraud by 'calo' since the beginning of recruitment, the Indonesian Migrant Worker Placement Company (P3MI) which acts as a mafia, to the involvement of certain 'oknum', especially in the identity verification stage. Non-procedural Indonesian Migrant Workers are very vulnerable to becoming victims of exploitation who are vulnerable to various problems and even become victims of human trafficking. For this reason, this is a problem that needs special attention and handling.

One of the efforts made by BP2MI is to establish 'Satgas Sikat Sindikat', through the Decree of the Head of BP2MI Number 174/2020 concerning the Task Force for Eradicating the Illegal Shipping Syndicate of Indonesian Migrant Workers. In addition, as an entry point, UPT BP2MI Nunukan also conducts sweeping to prevent Indonesian



Fig. 3. Handling the deportation of IMWs from Tawau, Malaysia

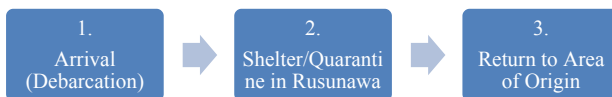
migrant workers who are indicated to be departing non-procedurally via ‘jalur tikur’ to Malaysia. Sweeping was carried out at a number of points, one of which was at Tunon Taka Harbor, and had succeeded in rescuing hundreds of non-procedural Indonesian Migrant Workers candidates.

Handling Indonesian Migrant Workers Repatriation During the Covid-19 Pandemic

BP2MI plays an active role in handling the Covid-19 pandemic in the country, especially in providing services to Indonesian Migrant Workers affected by Covid-19. The facilitation of migrant workers’s return from debarkation to the area of origin is carried out by BP2MI through coordination and cooperation with the relevant Provincial/Regency/City Governments by implementing the PMI return service protocol according to the health protocol (Fig. 3).

UPT BP2MI Nunukan itself assists migrant workers returning from other countries—mostly from Malaysia, including those who return due to illegal status or victims of violence and crime, starting from picking up, collecting data, fulfilling the needs and providing alternative solutions for migrant workers. UPT BP2MI Nunukan has a protocol for the return of migrant workers, including medical examinations as well as other health protocols adapted to the currently applicable regulations.

The following is the flow of deportation handling of IMWs.



1. Arrival (Debarcation)

At this stage, the deportants arrived at Tunon Taka Port from Tawau Port and were picked up by UPT BP2MI officers and related agencies. After that, they headed to the queue for



Fig. 4. Coordination Meeting UPT BP2MI Nunukan with Koalisi Buruh Migran Berdaulat

medical examination and data administration for PCR SWAB. Followed by inspection of Travel Letters Like Passports (SPLP) and luggage by Immigration. After finishing, IMWs prepared to go to Rusunawa for quarantine.

2. Shelter/Quarantine in Rusunawa

On the first day, the deportants rested and their health was monitored. If anyone is sick, they will be referred to Nunukan Hospital. On the second day, the necessary information was collected. On the third day, a health test was held again, if the results were positive for Covid, they would undergo further quarantine, if negative, they were ready to be sent home.

3. Return to Area of Origin

The deportants who meet the requirements for repatriation will be dispatched with documents such as: a negative PCR result letter, a certificate of having carried out an international travel quarantine, a certificate of having vaccines and population data from the Disdukcapil of Nunukan Regency. The repatriation to the area of origin is carried out from the Tunontaka Nunukan Port to the Pare-Pare Port accompanied by BP2MI, Manpower and Security Officers.

Coordinating with Relevant Stakeholders to Create Synergy in Handling Indonesian Migrant Workers

To realize protection for Indonesian migrant workers, the government encourages the existence of agreements through regional and bilateral cooperation. One of them, a meeting held by BP2MI with the Representative of the Minister of Cultivation and Commodity Companies of Malaysia which discussed the latest Memorandum of Understanding (MoU) between the Governments of Indonesia and Malaysia which regulates Migrant Workers, which until February 2022 has been running 60% [23] (Fig. 4).

In the case of handling migrant workers, Indonesian government through UPT BP2MI Nunukan cooperate with state representatives in Malaysia, as the placement country, i.e. Consulate of the Republic of Indonesia (KRI) Tawau. UPT BP2MI Nunukan

also collaborates with domestic agencies in the central government such as the Ministry of Foreign Affairs, Ministry of Manpower and Transmigration, Ministry of Social Affairs, Directorate General of Immigration, as well as the Nunukan District Government and agencies at the regional level such as Nunukan Manpower and Transmigration Office, Social Service Nunukan, Nunukan Immigration Office, Nunukan Port Health Office (KKP), Indonesian Red Cross, Nunukan Police and Military District Commander, etc. Besides that, several non-governmental organizations are also involved including the International Labor Organization (ILO), International Organization for Migration (IOM), Migrant Care, and Koalisi Buruh Migran Berdaulat (KBMB).

6 Analysis

The phenomena of international migration, especially labor migration, has long occurred in Indonesia, precisely during the Dutch administration, namely the sending of Indonesian migrant workers to Suriname [24]. The International Organization for Migration (IOM) defines labor migration as the movement of persons from their home State to another State for the purpose of employment [25]. According to Olivier, there are several push and pull factors that promote worker migration such as a particularly population in search of job opportunities and the need for livelihood support [26]. Simply, the main reason people migrate is to get a better standard of living than before.

The role of Indonesian migrant workers through their remittances is very influential for the country's economy. Ironically, many Indonesian migrant workers face problems such as discrimination, exploitation and violence. As 'pahlawan devisa', the state should guarantee the protection and fulfillment of the rights of migrant workers. Migrant worker rights are human rights granted to migrant workers based on the fact that they are human [27]. These rights are provided by sending countries and destination countries. Therefore, these governments have a responsibility to protect these rights.

The human rights of migrant workers and their families include the following universal and interdependent human rights: (1) right to work and receive wages; (2) right to freedom from discrimination in all aspects of work; (3) right to freedom from forced labor; (4) right to protection against arbitrary expulsion from the country of employment; (5) right to return home if the migrant wishes; (6) right to a standard of living adequate for the health and well-being of the migrant worker and their family; (7) right to safe working conditions; (8) right to freedom from sexual harassment in the workplace; (9) right of migrants and their families to reunification, etc. [28].

Manfred Nowak formulated that the state's responsibility included three things, namely responsibility to respect, to fulfill and to protect human rights [29]. There are a number of legal instruments at the international level related to the protection of migrant workers, one of which is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) which was ratified by Indonesia in 2012. Indonesia also has Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers which contains several responsibilities that must be fulfilled by the government including social, economic and technical protection from pre-placement, during working and post-placement [30].

To realize the optimal protection of the rights of migrant workers, multi-stakeholder cooperation is needed. In the study of International Relations there is the term multi-stakeholder diplomacy.

- Multistakeholder Diplomacy

The concept of multi-stakeholder diplomacy explains that there are many other actors who can play a role in the diplomatic process besides the government [31]. In practice, this concept can be implemented through dialogue between the government and various non-government actors in dealing with certain issues, one of which is migrant workers' rights issues. Through this mechanism, several human rights activists have influence in determining the policies that will be taken by the government.

According to Nandyatama, the concept of multi-stakeholder diplomacy has three specific criteria, namely the existence of institutional space, the involvement of non-state actors and also the recognition of legitimate stakeholder institutions for the actions of these actors [32].

1. Institutional Space

Institutional space is defined as the interactions that occur within an international organization. The institutional space allows for the involvement of non-state actors which is more complex than the interaction of international organizations in general. In the international sphere, non-state actors can easily transform and participate in certain topics of discussion.

2. Involvement of Non-State Actors

The involvement of non-state actors in the concept of stakeholder diplomacy is narrowed into the process of negotiation, advocacy, and engagement. The negotiation process is defined as a process in which non-state actors seek to change existing rules and procedures in international organizations. The advocacy process is often carried out by civil society in voicing their thoughts on policy-making actors. Meanwhile, involvement is defined as the active participation of non-state actors in the organizational process of an international organization.

3. Recognition from Stakeholder Actors

'Recognition' of the participation of non-state actors makes them a recognized group as 'stakeholders' in the organization and has a formal position to be involved in the processes in the organization. The existence of recognition as stakeholders makes non-state actors participating in these international organizations no different from countries that have long been actors in the organization.

Based on this explanation, we can formulate a definition of stakeholder diplomacy in international politics. Stakeholder diplomacy refers to "the participation of non-state actors, recognized as 'stakeholders', in international organizations whose institutional

space has developed in a complex manner". It is called diplomacy because it has a dimension of involvement in institutionalization processes; and recognized by the agency facilitating the institution.

In the case of handling migrant workers, multi-stakeholder cooperation is needed. The Indonesian government through UPT BP2MI Nunukan in cooperation with Malaysia, as the placement country, also through state representatives there, i.e. Consulate of the Republic of Indonesia (KRI) Tawau. UPT BP2MI Nunukan also collaborates with domestic agencies in the central government such as the Ministry of Foreign Affairs, Ministry of Manpower and Transmigration, Ministry of Social Affairs, Directorate General of Immigration, as well as the Nunukan District Government and agencies at the regional level such as Nunukan Manpower and Transmigration Office, Social Service Nunukan, Nunukan Immigration Office, Nunukan Port Health Office (KKP), Indonesian Red Cross, Nunukan Police and Military District Commander, etc. Besides state actors, non-state actors like non-governmental organizations are also involved including the International Labor Organization (ILO), International Organization for Migration (IOM), Migrant Care, and Koalisi Buruh Migran Berdaulat (KBMB).

To fulfill the criteria for multi-stakeholder diplomacy, the institutional space in case study of handling migrant workers in border areas during the Covid-19 pandemic conducted by BP2MI is realized in various collaborations with international institutions, one of which is the International Organization for Migration (IOM). Reporting from the BP2MI website, BP2MI is collaborating with IOM through the Indonesian Migrant Worker Empowerment Program and Capacity Building at Entrances in Indonesia (PMPMI) to provide hygiene kits to returning PMIs through various BP2MI Technical Service Units (UPT) in seven regions, one of which is at UPT BP2MI Nunukan.

Another criterion is the involvement of non-governmental actors, in this case study it can be seen from the participation of non-governmental organizations, one of which is Koalisi Buruh Migran Berdaulat (KBMB). KBMB is a coalition of civil society groups such as Solidaritas Perempuan, Legal Aid Institutions, etc., which focuses on issues of fulfillment and protection of the rights of Indonesian migrant workers. This coalition was formed in response to various conditions faced by Indonesian migrant workers in the Covid-19 pandemic situation. The involvement of KBMB in the protection of migrant workers in the form of active participation in handling the deportation of migrant workers from Tawau, Malaysia together with UPT BP2MI Nunukan and other relevant agencies on October 21, 2021. KBMB also provides health education about skin diseases (scabies) which the majority of workers experience. Migrants as well as facilitating ointments to cure the disease. In addition, KBMB also negotiates and advocates with the Malaysian Government regarding the low protection of Indonesian migrant workers, especially during the pandemic.

In research by KBMB, KBMB found that the handling of Covid-19 had neglected the safety and human rights of Indonesian migrant workers and their families [33]. Instead of immediate repatriation to Indonesia, undocumented migrant workers experienced prolonged detention at the Temporary Detention Center (PTS), or Immigration Depot, in Sabah, Malaysia due to complicated deportation procedures. The deportees also experienced torture in detention, which had been a problem for a long time. Therefore, KBMB

advocated and urged the Malaysian government to: (1) stop immediately all forms of torture and other cruel, inhuman and degrading treatment or punishment; (2) prevent protracted detention and ensure a brief deportation process and respect the inherent rights of all deportants; (3) ensure that all stages of the repatriation process always pay attention to the health conditions of the deportees by prioritizing the principles of human safety.

Nowadays, the role of non-state actors in International Relations is developing. Transnational studies, in contrast to traditional approaches, believe that non-state actors can influence national and international political systems. In addition to the central role of non-state actors in international politics, non-state actors also have the ability to transfer tangible or intangible items across state boundaries [34]. Non-state actors are able to turn material facts and non-material facts (social phenomena) into international issues through their advocacy.

7 Conclusion

The phenomenon of labor migration has occurred in Indonesia for a long time. The motive is mostly related to the economy, simply to get a better standard of living. The Indonesian migrant workers have an important role in the country's economy through their remittances, thus they are called 'pahlawan devisa'. However, many of them face problems such as discrimination, exploitation, and violence, especially during the pandemic, their problems have multiplied, due to the deportation and the risk of being infected with Covid-19. Therefore, the state has responsibility to protect and fulfill the migrant workers' rights. Through Indonesian Migrant Worker Protection Agency (BP2MI), the government has carried out protection efforts as mandated by Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, both for Indonesian Migrant Workers and their families, before, during, and after work, and from legal, economic and social aspects. To realize the optimal protection of migrant workers' rights, multi-stakeholder cooperation is needed.

As the northernmost district of Kalimantan and directly bordered by Malaysia, Nunukan is well-known as a transit area for Indonesian Migrant Workers to Malaysia, both legal and illegal. Due to the complexities of border area problems, particularly migrant workers' issues, the UPT BP2MI Nunukan was formed to carry out the operational technical duties of BP2MI in the border area. Some of the efforts made by UPT BP2MI Nunukan to realize the protection of Indonesian Migrant Workers' rights during the Covid-19 pandemic include: 1) eradicating syndication and preventing non-procedural Indonesian Migrant Workers shipments through 'Satgas Sikat Sindikat'; 2) handling Indonesian Migrant Workers' repatriation during the Covid-19 pandemic through coordination with the relevant local governments by implementing the protocol; 3) increase cooperation with relevant stakeholders to create synergy in handling Indonesian Migrant Worker and encourages the existence of agreements through regional and bilateral cooperation.

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