

Eduvest – Journal of Universal Studies Volume 4 Number 06, June, 2024 p- ISSN 2775-3735<u>-</u> e-ISSN 2775-3727

Prevention Strategy for Human Trafficking in the Issuance Process of The Republic of Indonesia Passport for Prospective Indonesian Migrant Workers

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ABSTRACT

The rapid development of technology in the current era is also utilized in creating environmentally friendly products, amidst the industrial world that is beginning to have social and environmental impacts, which can influence lifestyle and societal behavior, influenced by factors such as economic ability, awareness, and the abundance of goods proportional to the increasing needs of individuals, where appearance is a very important factor to be considered to enhance beauty. With increasingly fierce competition, the Somethinc brand creates quality and environmentally friendly beauty products while still considering the impact on the environment in the future. To address this challenge, this study aims to investigate the factors influencing the purchase intention of Somethinc products. Research data were obtained through an online survey involving 200 respondents. Data analysis was conducted using Structural Equation Model (SEM) with the SmartPLS 4 analysis tool. The results show that Product Innovation does not affect purchase intention, while green marketing and brand awareness influence purchase intention. Brand image mediates the influence of product innovation, green marketing, and brand awareness on purchase intention for Somethinc products among Generation Z in Indonesia.

KEYWORDS

Product Innovation, Green Marketing, Brand Awareness, Brand Image, Purchase Intention



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Atika Ariyani Saraswati (2024). Prevention Strategy for Human Trafficking in the Issuance Process of the Republic of Indonesia

Passport for Prospective Indonesian Migrant Workers. Journal Eduvest.

How to cite: 4 (6): 5326-5336 **E-ISSN:** 2775-3727

Published by: https://greenpublisher.id/

INTRODUCTION

In an effort to fulfill the needs of life, humans need work to support financially in order to survive. Working is one way for humans to get a source of income so that their lives and families are fulfilled. Based on Article 27 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, every Indonesian citizen has the right to work and a decent livelihood for humanity. The essence of the article is that the State is obliged to provide protection for its citizens who will exercise their right to obtain employment. (1945 CONSTITUTION)

There are many ways and types of work that a person can do to earn income. The limited job opportunities in the territory of Indonesia make it difficult for job seekers to earn income. As a result, job seekers look for other alternatives by looking for work abroad. Indonesian citizens who work abroad are called Indonesian Migrant Workers (PMI). The state is obliged to protect its citizens wherever they are, and PMI is no exception. The state must be present to protect and fulfill the rights of Indonesian workers abroad as stated in Law Number 18 Year 2017 on the Protection of Indonesian Migrant Workers. (UU18 2017)

The large number of migrant workers from year to year can be seen from the data of the report on the placement and protection of migrant workers from the Indonesian Migrant Workers Protection Agency (BP2MI) in the last 4 (four) years. The number of PMIs placed abroad in 2020 was 113,436 workers. Then in 2021 this figure decreased to 72,624 workers. The number of PMI reports increased significantly again in 2022 to 200,761 workers. (www.bp2mi.go.id 2022) The latest data shows that in 2023 the number of migrant workers was recorded at 274,965 people, an increase of 37% from the number in 2022. (www.ekon.go.id 2024)

The enthusiasm of prospective migrant workers to work abroad has both negative and positive impacts. The negative impact of working abroad is that there are opportunities for inhumane treatment such as slavery, violence and forced labor and even opportunities for human trafficking of PMI, especially for those who work informally. (Rhamdani 2020) The positive side of working abroad is that the placement of workers abroad has reduced the problem of unemployment in Indonesia. Another positive side is the addition of foreign exchange for the Indonesian state from PMI if the PMI returns to Indonesia, because the salary they get is in foreign currency. (Ismah Rustam 2022)

The existence of negative impacts on migrant workers who work abroad requires the Indonesian government to act decisively in protecting migrant workers. Protection for PMI can start from the process of making Travel Documents of the Republic of Indonesia, followed by the PMI departure process, then the process of job placement abroad, until the process of returning back to the homeland. This is to reduce the risks faced by prospective migrant workers abroad. Recent cases of migrant workers have even shifted towards human trafficking and human organ trafficking, which are organized crimes against humanity. (BPHN 2016)

The Indonesian state aims to protect all Indonesian citizens both at home and abroad, so there are no exceptions, including migrant workers. The parts of the government that are authorized to protect PMI and take part in every process carried out by PMI are the Ministry of Manpower (MOM), the Ministry of Foreign Affairs and BP2MI. Each agency is tasked with protecting the rights and safety of PMI in accordance with their main duties and functions. These agencies. Each agency works together to make efforts to protect PMI, manage the implementation of PMI placement, provide PMI candidates with knowledge, provide skills training, education, and enlarge the utilization of financial services for PMI. (PP 2015)

In addition to the agencies mentioned above, the part of the government that is also related to the process of prospective PMI is the Directorate General of Immigration (DGIM) in the process of issuing Travel Documents of the Republic of Indonesia in the form of national passports. For prospective PMIs, a passport is a required document that must be owned to travel abroad. Immigration is responsible for selecting who can be given a passport , because the passport will be proof of identity for Indonesian citizens when abroad . So the screening and selection of PMI eligibility can also be done earlier, namely in the passport issuance process.

In the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia (Permenkumham) Number 8 of 2014 concerning Ordinary Passports and Travel Letters as Passports Article 6 Paragraph (1) states that prospective migrant workers who are domiciled or residing in the territory of Indonesia, applications for ordinary passports are submitted to the Minister or a designated Immigration Officer at the Immigration Office which is still in the same Province as the domicile concerned. In Article 6 Paragraph (2) letter h, the application as referred to in paragraph (1) shall be made by filling out the data application and attaching the following requirements: recommendation letter for passport application of prospective migrant workers issued by the Provincial or District / City Manpower Office.(Permenkumham 8 2014)

The conclusion in the article of the Permenkumham above is that passport applications for prospective PMI must be made at the Immigration Office in accordance with the domicile of the KTP of prospective PMI. For example, the domicile of the KTP owned by prospective PMI is Bandung, so prospective PMI can only make passports at the Immigration Office in the West Java region. Prospective PMIs are also required to attach a recommendation letter from the Ministry of Manpower as one of the complementary documents that can strengthen the purpose of the planned departure abroad. This is so that PMI can be monitored and recorded properly in the province. So if there is an incident that harms PMI abroad, the government can be present in the case and can protect Indonesian citizens. This is one of the government's efforts to protect PMI. (www.wartaperiksa.bpk.go.id 2023)

In 2022 the Minister of Law and Human Rights issued new rules regarding the Passport of the Republic of Indonesia through Permenkumham Number 18 of 2022 concerning Amendments to Regulation of the Minister of Law and Human Rights Number 8 of 2014 concerning Ordinary Passports and Travel Letters as Passports. In the Permenkumham, the requirement for a Ministry of Manpower recommendation

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letter for prospective migrant workers is eliminated and the provisions for the location of making passport applications for prospective migrant workers are not determined based on the domicile of the KTP owned, in other words, applications can be made at any Immigration Office.

The policy was also explained by Silmy Karim as Director General of Immigration, he said that PMI does not need to attach a recommendation letter from the relevant Ministries and Institutions in terms of passport making. There is even another convenience for prospective PMIs who are first-time PMIs, namely the application of zero rupiah or free rates. This is in accordance with what is stated in the Circular Letter (SE) of the Director General of Immigration Number IMI-GR.01.01-0252 of 2023 which confirms the procedure for applying for a zero rupiah passport for Indonesian citizens who want to go abroad as migrant workers. (Suryarandika 2023) Then, if in the application interview process there is a suspicion of Immigration officers to the applicant who is suspected of becoming a non-procedural migrant worker, how do Immigration officers respond? Then, what strategies does Immigration use to prevent human trafficking in migrant workers after the enactment of Director General of Immigration Circular Number IMI-GR.01.01-0252 Year 2023?

Research Objectives

The purpose of this study is to determine the impact that will arise from the policy of eliminating the Ministry of Manpower's recommendation in Permenkumham Number 18 of 2022 concerning Amendments to Regulation of the Minister of Law and Human Rights Number 8 of 2014 concerning Ordinary Passports and Travel Letters as Passports and SE Director General of Immigration Number IMI-GR.01.01-0252 of 2023 in the process of issuing passports for prospective PMI. Also to find out the strategies used by Immigration officers in preventing human trafficking in migrant workers.

RESEARCH METHOD

The research method used in this discussion is a qualitative descriptive method, which utilizes qualitative data which is described descriptively or as it is. According to Sugiyono, qualitative research is research based on philosophy that explains social phenomena or events that are happening. (Sugiyono 2014) This method is used in research by showing relevant data about the object being studied with the state of the field when the research takes place. Objects are people or objects that are the subject of discussion, so the object in this study is Indonesian Migrant Workers. The object under study is associated with the state of the field when the research takes place, namely the situation after Permenkumham Number 18 of 2022 and SE Dirjenim Number IMI-GR.01.01-0252 of 2023 takes effect.

The analysis of this research is a retrospective study, namely analyzing a policy that has been implemented to find out its development, to look for things that can be evaluated. The aim is to find out whether the policy is still relevant to the current situation or must be reviewed. In the process of obtaining research data, *library research* was conducted. Through library research the data to be obtained is in the form of expert opinions, theories and ideas. Data sources are obtained from laws and regulations, books, scientific journals, official government websites and other media that can be used in the preparation of research.

RESULTS AND DISCUSSION

Efforts to Prevent Non-procedural Migrant Workers in the Passport Issuance Process of the Republic of Indonesia

Indonesian Migrant Workers (PMI) are one of the pillars of the Indonesian economy that contribute to the increase in state revenue. Through foreign exchange derived from remittances or salaries that PMI sends to families in Indonesia, economic productivity increases. Reports of remittance activities of PMI based on Bank Indonesia data in 2023 reached USD14.22 billion. (www.ekon.go.id 2024) The foreign labor market has the potential to attract productive workers to try their luck. The great opportunity to earn a higher income compared to working domestically fosters the interest of Indonesian productive workers to try it. However, this interest in working abroad is not accompanied by the competencies that job seekers have. A history of low education, lack of competence, lack of information and the difficulty of the requirements needed to become a procedural migrant worker make job seekers look for other alternatives. (Nurkumalawati 2020)

The requirements needed to become a procedural migrant worker as stated in Article 5 of Law No. 18/2017 are:

- a. 18 (eighteen) years old;
- b. Physically and mentally healthy;
- c. Already registered and have a social security membership number;
- d. Fully documented in accordance with the requirements, in the form of:
 - 1) Have a certificate of marital status from the relevant agency for those who are married, equipped with a photocopy of the marriage book or marriage certificate;
 - 2) Work compensation certificate;
 - 3) A valid passport that is still valid;
 - 4) Work visa;
 - 5) Certificate of permission from the spouse (husband/wife) for those who are married or from parents/guardians for those who are not married, known by the village apparatus or Lurah;
 - 6) Health certificate in the form of psychological and health examination;
 - 7) Employment agreement;
 - 8) PMI placement agreement. (UU18 2017)

The difference between procedural and non-procedural migrant workers lies in the process undertaken by prospective migrant workers, from the administrative

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process to the process of returning to Indonesia. Procedural PMI arranges licenses and requirements in accordance with applicable procedures. Meanwhile, non-procedural PMI travel abroad to work in a non-procedural manner. Examples of non-procedural PMI are not having complete documents, entering another country's territory not through an Immigration Checkpoint, ignoring the procedures and mechanisms for the placement of PMI as regulated by the Law and applicable legal provisions, not having a work visa, falsifying and manipulating personal data, and being assisted by illegal persons. (www.kanimbatam.kemenkumham.go.id 2020) The number of documents that must be fulfilled as a requirement to become a procedural migrant worker is one of the reasons for prospective migrant workers to carry out the non-procedural process.

The Directorate General of Immigration (DGIM) through the Immigration Office (Kanim) has an important role in the administrative process for prospective PMI, namely in issuing passports. Passport is an identity document that must be carried by citizens to travel to other countries. As the agency responsible for issuing Indonesian Passports, Immigration officers at Kanim must try to filter who can be given a passport or not. This can be done by *profiling* and brief interviews to passport applicants. Immigration must conduct strict supervision and public service functions.

When Permenkumham No. 8/2014 was still in effect, if an applicant claimed to be working abroad, officers were required to request additional documents in the form of a recommendation letter from the Ministry of Manpower. Passport applications must also be made at the Kanim whose working area matches the domicile of the applicant's KTP. Then the regulation was revoked and replaced by Permenkumham Number 18 of 2022 and emphasized by Director General of Immigration Circular Number IMI-GR.01.01-0252 in 2023. In the latest regulation, recommendation letters from relevant Ministries and Institutions are no longer required. Officers will find it more difficult to supervise, because if the applicant claims to be working abroad the officer cannot ask the applicant to complete the recommendation letter from the relevant ministry.

Immigration can carry out prevention from an administrative perspective by verifying data and coordinating with authorized institutions if there are Indonesian citizens included in the prevention list. Another thing that can be done is to dig deeper information during the passport application interview process. If the applicant provides a statement that he/she will work abroad but cannot explain the purpose and activities that he/she will carry out clearly, then the Immigration Officer at the Kanim can cancel the application. In SE Director General of Immigration Number IMI-GR.01.01-0252 in 2023 recommendation letters from the relevant ministries are no longer needed, but there is an article that has not been changed in Permenkumham Number 8 of 2014, namely article 17 Paragraph (3) for passport applicants who are proven to provide incorrect information about the applicant's requirements and the validity of the original documents owned, the application can be canceled. (Permenkumham8 2014) Providing untrue statements can also be subject to sanctions as stated in Law Number 6 Year 2011 Article 126 letter c. Through this method, Immigration seeks to prevent prospective non-procedural migrant workers.

Directorate General of Immigration's Strategy to Prevent Human Trafficking

Some of the contributing factors to human trafficking are weak government administrative systems, weak government political will and weak surveillance in border areas. Most victims of human trafficking are job seekers. (Wedasmara 2018) One of the opportunities for human trafficking comes from the non-procedural placement of migrant workers. Recent cases regarding migrant workers have even shifted towards human organ trafficking. This is included in organized crimes against humanity.

The rise of Trafficking in Persons (TPPO) cases is something that must be taken seriously by the government. A total of 757 reports occurred during the period June 5 - August 14, 2023, the report was received by the TPPO Task Force (Satgas). The number of victims of TPPO who were successfully rescued was 2,425 people. While the number of suspects who can be handled in TPPO cases is 901 people. This was conveyed by Karo Penmas of the National Police Public Relations Division Brigadier General Ahmad Ramadhan. The disclosure of TPPO cases must be handled as much as possible, so that there are no more additional victims of TPPO in Indonesia. (www.menpan.go.id 2023)

The modes used by the perpetrators of TPPO vary, such as turning victims into illegal migrant workers or non-formal workers, for example domestic servants, non-procedural crew members, commercial sex workers, and even child exploitation. The government urges the public to always be wary of any offers to work abroad that promise high salaries with easy requirements. The government urges prospective migrant workers to make sure whether the company offering the job is legitimate or not. This is done so that the community gets social, welfare and legal protection rights while abroad. (www.menpan.go.id 2023)

From the handling of a number of TPPO cases, several modes were revealed, among others, originating from the recruitment of PMI. One of the modes used is that prospective migrant workers are promised to work outside with fake documents. Another modus operandi is to disguise the recruitment and placement of migrant workers in the domestic worker, plantation worker and ship crew sectors. (www.mpr.go.id 2024) If drawn out, these modes are closely related to the Directorate General of Immigration. Because to be able to travel to a destination or out of the country, citizens are required to have a travel document in the form of an Indonesian passport.

In Permenkumham Number 8 of 2014 concerning Ordinary Passports and Travel Letters as Passports, applicants who provide information on the purpose of making passports to work will be asked for additional documents in the form of recommendation letters from related agencies. The document is mandatory for passport applicants who have the aim of working abroad. The regulation is contained in Article 6 Paragraph (1), namely for prospective Indonesian workers who are domiciled or located in the territory of Indonesia, an ordinary Passport application is submitted to the Minister or a designated Immigration Officer at the Immigration Office which is still in the same Province as the domicile concerned. Then in Article 6 Paragraph (2)

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letter h, it is stated that the application as referred to in paragraph (1) by filling out the data application and attaching the requirements: a recommendation letter for a passport application for prospective Indonesian workers issued by the Provincial or Regency / City Manpower Office. (Permenkumham 8 2014)

It can be concluded that an application for a passport for prospective PMI must be made at the Immigration Office in accordance with the domicile of the KTP of the prospective PMI. Prospective PMIs are also required to attach a recommendation letter from the Ministry of Manpower as the basis for the passport issuance procedure for prospective PMIs. It is intended that PMIs can be well controlled and recorded in each province, so if there is an incident that harms PMI abroad, the government can be present in the case and can protect Indonesian citizens.

Unlike Permenkumham Number 8 of 2014, in Permenkumham Number 18 of 2022 the requirement for a recommendation letter from the Ministry of Manpower for prospective migrant workers is eliminated and the provisions for the location of passport applications for prospective migrant workers are no longer determined based on the domicile of the KTP, in other words, applications can be made at any Immigration Office. The policy is a realization of the Directorate General of Immigration to facilitate migrant workers to work abroad through easy and legal channels. The regulation is also emphasized by Director General of Immigration Circular Number IMI-GR.01.01-0252 of 2023. Even in the circular letter there is an application procedure for making a passport at a zero rupiah rate for prospective PMI who will first become workers abroad.

The Director General of Immigration said that the policy is a realization of the Directorate General of Immigration to facilitate migrant workers to work abroad through easy and legal channels. The Director General of Immigration said "We should not make it difficult for migrant workers so that they look for other ways, as a result they become illegal abroad. If we want Indonesian migrant workers to work abroad according to the rules, then we must facilitate the requirements in obtaining a passport. In fact, Indonesian migrant workers are indeed a profession that is prone to intersect with human trafficking crimes. Understanding this, immigration officers tighten supervision, both during supervision in the issuance of passports and supervision when departing at the Immigration checkpoint". (domestic.co.id 2023)

Despite the convenience provided, the issuance of passports must still refer to the Standard Operating Procedures (SOP). Supervision and profiling of passport applicants must still be carried out. Because Article 17 Paragraph (3) Permenkumham Number 8/2014 remains valid and is not abolished. The article explains that for passport applicants who are proven to have provided incorrect information about the applicant's requirements and the validity of the original documents owned, the application can be canceled. (Permenkumham 8 2014)

The Director General of Immigration also ordered Immigration officers at Kanim to suspend passport applications for applicants who are indicated to have provided false information. The suspension can be done up to 2 (two) years and is planned to be extended to 3 (three) years to create a deterrent effect. Further supervision will be

carried out at Immigration Checkpoints (TPI) as a second filter in the prevention of trafficking. If there are indications of trafficking or non-procedural migrant workers, departure can be delayed. (immigration.go.id 2023) Based on these steps, the Directorate General of Immigration has made efforts to participate in preventing additional victims of TPPO.

CONCLUSION

The risk of mistreatment of migrant workers abroad has prompted the government to act decisively in protecting migrant workers. From the handling of a number of TPPO cases, some of the modes revealed include recruitment of PMI. Supervision of migrant workers must be carried out starting from the administrative process, the departure process, the work placement process, to the process of returning to the homeland. This is to reduce the risks faced by prospective migrant workers abroad. Recent cases of migrant workers have even shifted towards human trafficking and human organ trafficking, which are organized crimes against humanity. The state must protect all Indonesian citizens at home and abroad.

The Directorate General of Immigration as an agency related to the passport issuance process for migrant workers is responsible for screening who can be given a passport or not. Because the passport will be proof of identity for Indonesian citizens when abroad. The Minister of Law and Human Rights issued new rules regarding the Passport of the Republic of Indonesia through Permenkumham Number 18 of 2022 which was emphasized by SE Director General of Immigration Number IMI-GR.01.01-0252 of 2023. In these two rules, the requirement for a recommendation letter from the Ministry of Manpower for prospective migrant workers is eliminated and the location of passport applications for prospective migrant workers can be done at any Kanim or not based on the domicile of the KTP of prospective migrant workers.

The policy is a realization of the Directorate General of Immigration to facilitate prospective PMIs to obtain Indonesian passport documents through easy and legal channels. Despite the convenience provided, passport issuance must still refer to the SOP. For passport applicants who are proven to provide false information, the application can be canceled and given a passport suspension for a certain period of time. Further supervision will be carried out at the TPI as a second filter in the prevention of human trafficking. Departure delays can be made to Indonesians who are indicated to be trafficked or become candidates for non-procedural migrant workers. DGIM has made efforts to participate in preventing additional victims of TPPO.

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