

## EXISTENCE OF INDONESIAN MIGRANT WORKERS IN SOUTH KOREA

Tri Sulistiyono,S.H.,M.H.  
Dr. Dewi Sulistianingsih,S.H.,M.H.

---

### ABSTRACT

*Indonesian Migrant Workers (PMI) became one of the important asset for Indonesia. One of the country destination of Indonesian Migrant Workers is South Korea. South Korea became option of Indonesian Migrant Workers because it is one of the developed countries that have a special attraction for the people of Indonesia. South Korea with a good economy and has a superior job prospects, made Indonesian Migrant Workers interested working in South Korea. Some of the advantages for Indonesia from presence of Indonesian Migrant Workers who work in South Korea, which is a high income, convenience in work, good health facility. The existence of the placement of Indonesian Migrant Workers in South Korea became the main focus in this paper. This research was conducted in Indonesia and South Korea with the informant of this study is the Human Resources Development Service of Korea and the respondents of this research is the Indonesian Migrant Workers who are still working in South Korea. The results showed enthusiastic Indonesian Migrant Workers to work in the country of South Korea is very high with a base in addition to high income also national security of South Korea is quite promising and legal protection is quite high. Indonesian Migrant Workers prefer to work in a factory (manufacture) of the work in the fishing sector (sea). Extreme weather conditions in South Korea makes the reason why the Indonesian Migrant Workers do not last a long time work in the fishing sector (sea). Because of that they need for a very good understanding about the selection of the sector or place Indonesian Immigrant Workers will work.*

Key words: Migrants, Indonesia, South Korea

---

### INTRODUCTION

Work is one of the human rights that can not be sued by anyone. Work is an action taken everyone in order to meet their needs, then it should everyone in a certain age need to work. The state as an entity has an obligation to welfare their people required to provide jobs for their people. Indonesia guarantees in the Constitution the Republic of Indonesia 1945 that work is a human right that must be upheld, respected and guaranteed enforcement.

Work is a fundamental right of human beings to improve the quality and stability of life, the human work will mold itself to remain existence in overcoming the problems of life which is the process of interaction between people (Rosida, 2017: 95-104). Work is an action to provide their needs. The necessities of life is something that humans need for survive, the necessities of life every person is different, in order to fulfill the necessities of life everyone have to work. Work is action to produce something, the results of that work is a product and services. Jobs that produce something is jobs which aims to create a product or produce a product. Jobs that produce services is a job that focuses on human relationships, between service users with someone who provide services.

Work is very important in human life. Therefore, everyone needs a job to provide for his subsistence. Work is the source of a person's income to meet the necessities of life for themselves and their families. Jobs can also be interpreted as a means to actualize themselves so that a person feels his life to be more valuable for themselves, their families and their environment. Therefore, the right to work is a human right that is inherent in a person that must be upheld and respected (Adharinalti, 2012: 157). In Indonesia the right to obtain decent jobs can not be fulfilled to the maximum, because employment in the country is still very limited and have not been able to absorb the labor force. This condition then leads to many Indonesian citizens who seek employment abroad.

A worker, in addition to having basic rights in the nature as a man, he also has rights which are governed by the status / position and his position as a worker, which generally includes the right (access) to decent work, the right to an income, the right to health and safety, the right to organize / association and other rights (Kahfi, 2016: 59-72). Work is everything humans do the maximum effort, either through a motion of limbs or sense to add and needs, whether done individually or collectively, either for personal or for others (by receiving rewards). In general, the meaning of work referred to as a business, it means someone who is doing business activity is also called the work (Fachrudin, 2017). The reason people have to work to earn money in order to live and prosper. Financial resources is one of the main reasons that play an important role in influencing the quality of life of individuals working (Junaidy, 2014: 102-107). In essence, the higher financial reasons to be one strong reason why workers in Indonesia prefer to work abroad.

Placement of workers abroad, in addition to being one of the alternative solutions to the unemployment problem can also increase foreign exchange earnings for the country. Opportunities to work abroad coupled with a stimulus large enough to be earning relatively high compared with income in the country is the main attraction and for Indonesian workers (Proboiswi, 2015). Looking for a higher financial opportunities for job seekers to work abroad. A higher salary would be obtained by workers who work abroad than work in the country. Working in the country or abroad has its challenges in addition to the benefits. Each of workers who work in the country and abroad, have the same rights and opportunities without discrimination to get a job and a decent income, in accordance with the expertise, skills, talents, interests, and abilities.

Placement of Indonesian workers to work abroad is something the efforts to realize the rights and equal opportunities for workers to obtain employment and decent salary that in its implementation should be done by paying attention to the dignity, human dignity and the protection of the law. Because the active state shall guarantee and protect the rights of citizens who work both inside and outside the country based on the principles of equality, democracy, social justice, gender equality and anti-trafficking (Lalu, 2016: 92-93). State not only as a patron but also the main monitoring placement of overseas workers.

Migrant worker placement programs abroad is one way to tackle the problem of unemployment. The government's role in this program focused on the development aspects, as well as protection and provide various facilities to the relevant parties, in particular migrant workers and placement services company concerned (recruitment agency). Besides beneficial for reducing the pressure of unemployment, migrant worker placement programs also provide other benefits, namely improving the welfare of their families through their salary or remittance. In addition, increasing the skills of workers who work certainly earn rewards foreign exchange (Sutedi, 2011: 236).

One destination countries for Indonesian citizens to work abroad is a country of South Korea. South Korea is a developed country that receives Indonesian migrant workers with few term and conditions set by Korea. How can the existence of Indonesian migrant workers in South Korea and the ins and outs of the condition of Indonesian migrant workers.

## RESEARCH METHODS

This research is a law with qualitative research. This research approach uses the conceptual approach and the approach of legislation. The conceptual approach used to clarify the concept of Indonesian Workers (TKI) and approach to legislation seen by some rules on Manpower Indonesia, such as:

1. Act No. 18 Year 2017 on Protection of Indonesian Migrant Workers,
2. Act No. 13 of 2003 on Labor
3. Act No. 39 of 2004 concerning the Placement and Protection of Indonesian Workers Abroad,
4. Government Regulation No. 10 2020 On Procedure for Placement of Indonesian Migrant Workers by Indonesian Migrant Workers Protection Agency
5. Presidential Decree No. 90 2019 About the Indonesian Migrant Workers Protection Agency

## RESULT AND DISCUSSION

Placement of workers abroad is an attempt to realize the rights and equal opportunities for employment for jobs and incomes, which are carried out with due regard to the dignity, the dignity, human rights and legal protection as well as equal employment opportunities and labor supply in accordance with national law. Some national laws have been provided to accommodate the position of Indonesian migrant workers before the law.

Act No. 18 Year 2017 on Protection of Indonesian Migrant Workers provides terms for Indonesian Workers who work abroad in terms of Indonesian Migrant Workers (PMI). Indonesian Migrant Workers is every Indonesian citizen who will, being, or have been doing the job for a wage outside wiiayah Republic of Indonesia.

Indonesian Migrant Workers include: (a) The Indonesian Migrant Workers who work on Employer legal entity; (b) the Indonesian Migrant Workers who work on Employer individual or household; and (c) Sailors sailors and fishers.

Indonesian Migrant Workers in several countries that already have a MoU with the Indonesian state to hold the placement of Indonesian migrant workers. Among Malaysia, Taiwan, Hong Kong, Singapore, Saudi Arabia, South Korea, etc.

Table 1: Placement of Indonesian Migrant Workers by Country Period 2020

No.	Country	January 2018	January 2019	January 2020	Total
1	Malaysia	9064	6672	5750	21 486
2	Taiwan	4560	6532	6130	17222
3	Hongkong	5018	7040	4955	17013
4	Singapore	1635	1636	1410	4681
5	Saudi Arabia	602	493	643	1738
6	Brunei Darussalam	465	567	422	1454
7	South Korea	211	164	283	658
8	Italy	60	0	164	224
9	United Arab Emirates	108	65	44	217
10	Papua New Guinea	16	96	71	183
11	Kuwait	63	74	34	171
12	Qatar	104	18	15	137
13	Oman	64	41	29	134
14	Poland	4	7	89	100
15	Brazil	77	0	1	78
16	Maldives	18	21	19	58
17	Japan	1	0	51	52

18	Solomon Island	20	18	9	47
19	Gabon	8	30	7	45
20	Turkey	35	4	5	44
21	Zambia	29	3	8	40
22	Cuba	36	0	0	36
23	Romania	4	7	23	34
24	Bahrain	5	24	4	33
25	Dominica	30	0	0	30
26	More	109	99	30	238
	Total	22 346	23 611	20196	66 153

Source: Center for Data and Information, Indonesian Migrant Workers Protection Agency

South Korea is one of the destination countries for Indonesian migrant workers to earn a living. South Korea is a developed country that requires the employment of Indonesia in some areas of employment. Industrial growth in the region has been the trigger of the region's economic growth and create demand for labor in the formal sector. The increasing number of workers who work in the three countries, is an important indicator that shows an increase in the quality of Indonesian migrant workers. For to enter the formal sector labor market in all three countries each migrant worker must qualify Labor Standards established in each country (Prihanto, 2013: 57-72). In South Korea, the Indonesian migrant workers working as a plantation worker, fisherman, factory worker, etc.

Placement of Indonesian Migrant Workers by BP2MI based on: (a) the needs of government; and (b) a request from the state government of Indonesian Migrant Workers Employer or Employer demand legal status in the country of destination placement. In Indonesia, there are five schemes placement of Indonesian migrant workers abroad, namely (1) the program G to G (Government to Government); (2) program G to P (Government and Private); (3) The program P to P (Private to Private); (4) The Inter Cooperate program or for the benefit of the company itself and also (5) Independent Scheme.

Program G to G is a collaborative program between the Indonesian government and the government objective in this case is the South Korean government. This program opens opportunities for Indonesian Workers Candidates who want to work to South Korea in the manufacturing sector, fisheries, agriculture and construction. Program P to P is the placement by using the agency, such as the workers Ship's Men (ABK).

There are two ways for workers to be able to work abroad. First through formal channels are typically managed by bureaus of labor agencies and have official permission from the government. Both through illegal channels, where the workers were smuggled by certain persons on behalf of bureaus of labor brokers. This is where the root of the problem. Because when the misconduct, the state government where migrant workers work will blame migrant workers and the government of Indonesia for illegal entry (Baharudin, 2007: 17-28). South Korea is very strict with supervision for migrant workers and up to 2019 there have been no Indonesian workers who enter illegally.

Indonesian migrant workers in South Korea are dominated by the program G to G. Government to Government Program to South Korea, hereinafter referred to Program G to G is the Indonesian Migrant Workers placement program to South Korea by the Government. In 2019 the number of Indonesian migrant workers in South Korea by about 38,000 workers.

Placement of Indonesian Migrant Workers conducted by the government can only be done on the agreements between the Government and the government Employer Indonesian Migrant Workers or between Government and Employers' legal status in the country of destination placements, which are carried out by the Agency for the Protection of Indonesian Migrant Workers (BP2MI). The purpose of the regulation is a legal basis in the context of Indonesian Migrant Workers placement undertaken by the Government in a coordinated and integrated so as to create the service that is easy, inexpensive, fast, and secure.

The legal basis for the placement of Indonesian Migrant Workers to South Korea is based on a Memorandum of Understanding between the Indonesian Manpower and Labor Kemenaker Republic of Korea on sending workers to the Republic of Korea is based on the work permit system. This MoU aims to improve efficiency in the delivery of labor Indonesia to the Republic of Korea. Placement of Indonesian Migrant Workers to South Korea carried out after the candidates that meet the requirements that migrants has been set. As a follow-up cooperation between the Governments of Indonesia and South Korea, and based on the MOU between the Ministry of Manpower and Transmigration Republic of Indonesia and the Ministry of Labor of the Republic of South Korea on Employment Indonesia to Korea by the Employment Permit System (EPS).

All job seekers who are interested to work to South Korea under the Mechanism Employment Permit System (EPS) should follow the model recruitment Points system, conducted by the Human Resources Development Service of Korea (HRD Korea). Article 8 of the Indonesian Government Regulation No. 10 2020 on the Procedures for Placement of Indonesian Migrant Workers by the Agency of Protection of Indonesian Migrant Workers, stated that every candidate of Indonesian Migrant Workers who will work abroad must meet the following requirements: (a) at least 18 (eighteen ) years; (B) have the competence; (C) physically and mentally healthy; (D) registered and have a number of social security participation; and (e). have complete documents required.

The absence of even one document is already at risk of labor are not qualified or country illegally to work placement (Abdussalam, 2015: 302-303).

The Korean government also focused on the welfare of the workers and laborers. Salaries were made by migrant Indonesian workers in South Korea are quite large, approximately 30 million rupiah a month. The facilities available are a place to stay, eat, and health facilities. The Korean government was very aware that the arrival of foreign workers who want to speculate also wisely determined that the salaries given to foreign workers and Korean original is the same. This is in addition to providing welfare to workers who come, also protect workers or native Korean workers.

The presence of Indonesian Migrant Workers in South Korea has provided benefits for society and the country of Indonesia, namely:

1. Reducing unemployment in Indonesia. The number of Indonesian migrant workers who worked in South Korea has helped the government to reduce unemployment in Indonesia. Working in South Korea is one alternative strategic options to overcome the problem of unemployment and improve the welfare of Indonesian society.
2. Acquisitions of foreign exchange. Foreign currency in the carry or send it through the banking system by Indonesian migrant workers.
3. Increase public education. Placement of Indonesian migrant workers to stimulate increased public education, especially to the family of Indonesian migrant workers themselves. Income received by the Indonesian Migrant Workers' Education can be used to finance the family of the Indonesian migrant workers.
4. Increased experience and insight. Placement of Indonesian migrant workers to South Korea will provide new and broaden for migrant workers, especially knowledge and experience to work in developed countries. Insights will be language, culture, and the performance of the South Korean state. At least the insight and experience will bring a positive thing for Indonesian migrant workers.

## CONCLUSION

Indonesian Migrant Workers in South Korea is an asset that needs to be maintained and developed by the Government of Indonesia. Many benefits in the can by the people and government of Indonesia with the presence and existence of Indonesian migrant workers in South Korea. The Korean government is very concerned about the welfare of migrant workers not only commensurate salary but also the various facilities required by migrant workers. Indonesian Migrant Workers need to understand the importance of a good performance as workers and culture of the country South Korea. Not only the culture of South Korea but more specifically the work culture of South Korean society that can be used as a positive example for Indonesian migrant workers. Other than that, it is very important to understand the laws in force in South Korea so that Indonesian migrant workers can work well without touching legal issues or committing law violations in South Korea.

## REFERENCES

- Adrian Sutedi. (2011). *Hukum Perburuhan*. Jakarta: Sinar Grafika
- Adharinalti. (2012). "Perlindungan Tenaga Kerja Terhadap TKI Irregular di Luar Negeri", *Jurnal Rechtsvinding*, Volume 1 Nomor 1.
- Baharudin, Erwan. (2007). "Perlindungan Hukum terhadap TKI di Luar Negeri PRA Pemberangkatan, Penempatan, dan Purna Penempatan." *Lex Jurnalica* 4.3: 17-28
- Fachrudin, Fachri. (2017). "Fikih Bekerja." *Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial Islam* 1.01
- Junaidy, Debby, and Endang Retno Surjaningrum. (2014). "Perbedaan Kualitas Hidup pada Dewasa Awal yang Bekerja dan yang Tidak Bekerja." *Jurnal Psikologi Industri dan Organisasi* 3.2 (2014): 102-107.
- Kahfi, Ashabul. (2016). "Perlindungan Hukum Terhadap Tenaga Kerja." *Jurisprudentie: Jurusan Ilmu Hukum Fakultas Syariah dan Hukum* 3.2: 59-72.
- Lalu Husni, *Pengantar Hukum Ketenagakerjaan Indonesia*, (Jakarta: Rajawali Pres, 2016), page 92-93
- Probosiwi, Ratih. (2015). "Analisis undang-undang perlindungan tenaga kerja Indonesia di luar negeri." *Jurnal Kawistara* 5.2
- Prihanto, P. H. (2013). Kebijakan moratorium pengiriman tenaga kerja ke luar negeri dan dampaknya terhadap peningkatan kualitas pekerja migran Indonesia. *Jurnal Paradigma Ekonomika*, (April). pp 57-72
- Rosida, Nina. (2017). "Perlindungan Hukum bagi Tenaga Kerja Indonesia di Luar Negeri." *Jurnal Muara Ilmu Sosial, Humaniora, dan Seni* 1.1: 95-104
- R. Abdussalam dan Adri Desasfuryanto. (2015). *Hukum Ketenagakerjaan (Hukum Perburuhan)*, Jakarta: PTIK, page 302-303

Tri Sulistiyono, S.H., M.H.  
Faculty of Law  
Universitas Negeri Semarang, Central Java, Indonesia  
Email: trisulistiyono@mail.unnes.ac.id

Dr. Dewi Sulistianingsih, S.H., M.H.  
Faculty of Law  
Universitas Negeri Semarang, Central Java, Indonesia  
Email: dewisulistianingsih21@mail.unnes.ac.id