

Protection of the Rights and Obligations of Indonesian Migrant Workers in the Informal Sector in Saudi Arabia: A Retrospective Study Using Interpretative Phenomenological Analysis

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ABSTRACT

Background. Indonesian migrant workers in the informal sector in Saudi Arabia face serious challenges related to protecting their rights and obligations. Lack of understanding and implementation of safeguards can pose risks to their working and living conditions.

Purpose. This research aims to explore the construction of meaning regarding the protection of the rights and obligations of Indonesian migrant workers in Saudi Arabia. The formulation of the problem is: How do Indonesian migrant workers in the informal sector in Saudi Arabia obtain protection of their rights and obligations from the government? What are the main challenges faced by migrant workers regarding the protection of their rights and obligations?

Method. This research uses a retrospective study approach with the Interpretative Phenomenology method. Through phenomenological interviews with five people directly involved in Saudi Arabia's informal sector, data was collected to identify the understanding and implementation of protecting the rights of Indonesian migrant workers. This research is based on governance theory which provides a theoretical framework for understanding how the Indonesian government protects the rights of migrant workers abroad and interacts with international institutions.

Results. The results of this research indicate the need to increase awareness, understanding and implementation of effective protection for Indonesian migrant workers in Saudi Arabia's informal sector. Cooperation between the Indonesian government and relevant parties in Saudi Arabia needs to be improved to ensure better protection for the rights and obligations of migrant workers.

Conclusion. The output of this research is that every Indonesian migrant worker (PMI) is expected to have an electronic Indonesian migrant worker (E-PMI) to protect the rights and obligations of Indonesian migrant workers (PMI) and ensure their identity is officially recorded. By having E-PMI, migrant workers will have better protection and will be safer when working abroad.

KEYWORDS

Informal Sector, Interpretative Phenomenology, Migrant Workers, Protection of Rights & Obligations, Saudi Arabia

INTRODUCTION

Protection is an effort or action taken to look after, protect, and ensure the safety and well-being of a person or group from various risks or dangers that may occur (Azzam N. S. & M. Husni Syam, 2022).

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In the context of protection for Indonesian migrant workers, there are several types or forms of protection that can be described in accordance with Law Number 18 of 2017, including: Legal protection: includes the rights that Indonesian migrant workers have, such as the right to standard wages, the right to legal protection and assistance, and the right to receive an explanation of their rights and obligations. Protection of Indonesian Migrant Workers (PMI) is a state responsibility, in accordance with the 1945 Constitution article 27 paragraph 2 and Law Number 13 of 2003 concerning employment, the Indonesian government provides freedom for every citizen in choosing and getting work both at home and abroad (Cooper, 2019). Regulations relating to the placement and protection of Indonesian Workers Abroad have been regulated since 2004 as stated in Law no. 18 of 2017 concerning the protection of Indonesian Migrant Workers with the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) as the observer and implementing body (Alahmad, 2023).

In Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers, the rights and obligations of Indonesian migrant workers have been regulated comprehensively (Solechan dkk., 2020). Article 4 regulates the rights and obligations of Indonesian migrant workers and their families which includes the right to receive protection in the placement system before work, during work and after work. Article 8 emphasizes the importance of providing social security for Indonesian migrant workers, as part of their rights and obligations. Thus, the Law provides a strong foundation for protecting the rights of Indonesian migrant workers and emphasizes the obligations of the state and related parties in ensuring fair and equitable protection for them.

In the last year, the placement of Indonesian Migrant Workers abroad, including Saudi Arabia, has increased significantly (Guo, 2021). Data from the Central Statistics Agency (BPS) shows that the number of Indonesian Migrant Workers working in the informal sector in Saudi Arabia continues to increase every year. This shows that the placement of Indonesian Migrant Workers abroad, especially in the informal sector, is a significant choice for the Indonesian people, including Sukabumi Regency (Qiu, 2022). However, as the number of Indonesian Migrant Workers increases, their protection is also becoming an increasingly important issue. Indonesian migrant workers, especially in the informal sector, are vulnerable to various risks and challenges in terms of legal issues, welfare and unfair treatment (Solechan dkk., 2020). Therefore, understanding the experiences of former Indonesian migrant workers in the Informal Sector of Saudi Arabia in obtaining protection of their rights and obligations from the government is very important (I Gede Angga Aditya Putra dkk., 2022).

The relationship between government science is of course very closely related to the protection of the rights and obligations of Indonesian migrant workers in the informal sector of Saudi Arabia. Government scholars investigate how governments manage and regulate society, including creating and implementing policies that impact their citizens, including migrant workers.

Village In 2022, the population of Village X will be 1,866 men and 1,405 women. The total population of Village Those who were recorded as having departed to Saudi Arabia were 19 men and 78 women with an average age of 20-45 years, graduating from high school to lower middle school. Meanwhile, in 2023 the number of departures to Saudi Arabia as Indonesian Migrant Workers will be 25 men and 86 women from the total population.

In accordance with report data received by one of Village X's employees and compared with direct confessions from Indonesian migrant workers in Village 1) The salary is not commensurate with the work, 2) There is a lot of pressure from the employer, such as not being allowed to use cell phones for months, 3) The monthly salary schedule does not match the agreed date at the beginning

of the contract, 4) Being treated unfairly, 5) Sleeping hours are not regularly due to too many job demands, 6) Often experiences non-physical violence.

Overall, governance science provides a theoretical and practical framework for understanding how the Indonesian government protects the rights and obligations of informal sector Indonesian migrant workers in Saudi Arabia, as well as how the government interacts with destination country governments and international institutions to ensure effective protection. Therefore, a retrospective study using interpretive phenomenological analysis is an appropriate approach to explore the experiences and thoughts of Indonesian migrant workers working in the informal sector in Saudi Arabia regarding the protection of their rights and obligations (Vassallo, 2020). It is hoped that this research will increase understanding and protection for Indonesian migrant workers in destination countries. In this research, researchers will focus on how Indonesian migrant workers in the Informal Sector of Saudi Arabia receive protection of their rights and obligations from the relevant government?

RESEARCH METHODOLOGY

A retrospective study is a research technique used to study and test hypotheses related to previous exposures or experiences caused by a disease, condition, or disorder. Population or group characteristics that have been previously studied can be used to obtain information about cause and effect. Retrospective studies use data from group comparisons and administrative data from previous events (Majcher, 2022). Clinical research is usually conducted to obtain information about rare diseases or conditions. Causal statements are not usually made because they are more directed at describing conditions, but this research design helps researchers create ideas about potential relationships (Bornemisza dkk., 2022).

To understand what the participants in this research did, the researcher will use a qualitative design that uses an interpretive phenomenological approach (Tindall, 2009). The participants referred to in the context of this study are former Indonesian migrant workers in the informal sector in Saudi Arabia and the government involved in protecting the rights and obligations of Indonesian migrant workers, namely the employment service (Hamilton & Finley, 2019).

Therefore, in phenomenological terms, experience or consciousness is always awareness of something; for example, to see is to see, to remember is to remember, and to judge is to judge. That the perception of 'real' world objects or acts of memory or imagination can cause something of which we are aware. Thus, the use of interpretive phenomenology in this research provides an understanding of how Indonesian migrant workers in the Informal Sector of Saudi Arabia receive protection of their rights and obligations from the government (Nizza dkk., 2021).

RESULT AND DISCUSSION

In general, protection of the rights and obligations of Indonesian migrant workers is an effort made to ensure that Indonesian migrant workers who work abroad, including in Saudi Arabia, receive protection in accordance with the rights they have and fulfill the obligations that have been set. Researchers found an interesting fact in the field that the majority of Village X residents registered to work as Indonesian migrant workers to Saudi Arabia via unofficial channels. The unofficial route in question is registration as an Indonesian migrant worker not through Service concerned. This statement was proven by checking the official data/identity of Indonesian migrant workers, especially Saudi Arabia, on the website <https://bp2mi.go.id/> which is managed directly by the Ministry of the Republic of Indonesia. People often choose to register as Indonesian migrant

workers through brokers or what people often call sponsors. The sponsor comes from a Limited Liability Company (PT).

Another thing that researchers discovered while in the field was that the idea of document irregularities did not come from prospective workers, but other parties such as sponsors (broker field officers). Deviations from self-identity occur when sponsors want to get consumers to obtain incentives from labor hiring companies that are based on quantity. Thus, maximizing the number of prospective Indonesian migrant workers is an advantage in itself. On the other hand, this method is intended to help prospective Indonesian migrant workers to get jobs, but has more potential for identity discrepancies.

According to various information that researchers obtained during phenomenological interviews, they really trusted the information from the sponsor (broker). Even the issue of identity which they are supposed to show is true for themselves in administration, such as passports and other requirements, can be made differently because the basis of the ID card they have often does not reflect the actual condition. Those who are currently working/former Indonesian migrant workers themselves tend to be 'happy' with illegal status, because according to them illegal status can make leaving easier compared to having to carry out administrative matters and having to carry out bureaucracy which is quite complicated. Of course, in these conditions it is very detrimental to the state and has the potential for deviations from working conditions in terms of salaries and protection of the rights and obligations of Indonesian migrant workers.

Research findings

Information findings regarding several information data on Indonesian migrant workers through official websites provided by the government and other additional information data are as follows:

Indonesian Migrant Worker Protection Website

Presidential Regulation Number 90 of 2019 which regulates the Institution for the Protection of Indonesian Migrant Workers, including the authority, organizational structure, duties and functions of the Institution for the Protection of Indonesian Migrant Workers. Apart from that, there are also regulations from the Indonesian Migrant Worker Protection Agency (BP2MI) which regulate organization, work procedures, guidelines for stages before work, as well as procedures for issuing and revoking permits for recruiting Indonesian migrant workers. The Indonesian migrant worker protection agency website <https://bp2mi.go.id/> provides a variety of useful information for Indonesian migrant workers and the general public. One of the activities held was Capacity Building which was held by a West Java non-departmental government agency on April 29 2024.

Portal for Caring for Indonesian Citizens

The WNI Care Portal <https://peduliwni.kemlu.go.id/> is an online platform specifically designed to provide assistance and services to Indonesian citizens (WNI) who need it. Through this portal, Indonesian citizens can access the latest information regarding various social assistance programs, health services, education and protection for Indonesian citizens both at home and abroad. Apart from that, this portal also provides access to various resources and information regarding the rights of Indonesian citizens, administrative procedures, as well as security and protection guidelines for Indonesian citizens living abroad. With the Indonesian Citizen Care Portal, it is hoped that Indonesian citizens who need assistance and information can easily access the

services they need, so as to improve the welfare and protection of all Indonesian citizens, both at home and abroad.

Work placement agreement sheet

A work placement agreement in Saudi Arabia is an agreement made between a migrant worker and an employer in Saudi Arabia. This agreement covers various aspects related to work, including salaries, working hours, workers' rights, leave, work contracts, and legal protection. Additionally, the agreement also covers things like housing, health insurance, and other provisions related to working conditions in Saudi Arabia. This agreement aims to provide clarity and protection for migrant workers and employers, so that both can work in accordance with agreed terms and obtain rights in accordance with applicable law.

Electronic Indonesian Migrant Workers

To ensure that Indonesian migrant workers have official documents that meet the established standards and requirements, non-departmental government institutions in the field of Indonesian Migrant Workers issue electronic Overseas Worker Cards as a sign that prospective Indonesian migrant workers have fulfilled their requirements. all requirements for working abroad, including a registered SSW work visa.

Research discussion

Interpretative phenomenological analysis (AFI) in this research is used to describe how Indonesian migrant workers in the Informal Sector of Saudi Arabia receive protection of their rights and obligations from the relevant government (Wigglesworth, 2019). Interpretive phenomenological analysis regarding the protection of the rights and obligations of Indonesian migrant workers is an in-depth approach in understanding the experiences and perceptions of migrant workers regarding their rights and obligations. This meaning will be connected based on theoretical parameters regarding the concept of responsibility proposed by Nicolas Rose, including 1) individual responsibility, 2) technology and supervision, and 3) changes in government and administration. With the results of phenomenological exploration as follows:

Understanding of Individual Responsibility

According to Nicolas Rose's theory, individual responsibility can be understood as the result of a process of responsibility where individuals are directed to internalize responsibility for their lives, including in the context of protecting Indonesian migrant workers in the informal sector (Morrison, 2014). The results of the interview revealed by the District Manpower Service through phenomenological interviews stated that individual responsibilities as Indonesian migrant workers in the informal sector of Saudi Arabia include several aspects that must be considered. It is important to understand that the governments of Indonesia and Saudi Arabia have agreed on bilateral cooperation on the One Channel Placement System for Indonesian migrant workers (Ayuningtyas, 2022). This collaboration aims to improve the governance of the placement of Indonesian Migrant Workers (PMI), both regarding protection and improving welfare (Widodo, 2023). Apart from that, in the context of individual responsibilities, Indonesian migrant workers in Saudi Arabia also need to ensure that they are ready to work outside the region, because this is part of their job responsibilities. The Employment Law is a standard rule that regulates the rights and

obligations of both parties, both employers and workers. This law provides rights for workers, such as the right to receive protection and assistance from the Government if they experience unfair termination of employment. There is a Circular Letter from the Minister of Manpower Number SE 907/Men.PHI-PPHI/X/2004 which states that every worker has the right to receive protection and assistance from the Government.

Technology and Surveillance

Supervision from the district and provincial Manpower Services has an important role in ensuring the protection and fulfillment of the rights of migrant workers. Based on Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers, the Manpower Service stated that it has the task of supervising the placement of Indonesian migrant workers. This includes monitoring and evaluation of work, facilities for fulfilling employment rights, consular services, mentoring, mediation, advocacy, and advocate services provided by the state in accordance with local law (Bragg, 2022). Apart from that, the Manpower Service is also responsible for providing outreach, information dissemination and guidance to migrant workers before, while working and when they return to their homeland. In terms of extending permits to employ foreign workers, the Manpower Service also has the task of supervising foreign workers working in Indonesia. This supervision is an effort to enforce labor law as a whole, both against labor agencies as supervisory providers and companies that use foreign workers. Supervision provided by the Manpower Service and the Ministry of Foreign Affairs towards Indonesian migrant workers is regulated in several laws, including: Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Government Regulation Number 3 of 2013 concerning the Protection of Indonesian Migrant Workers Abroad, Government Regulation Number 4 of 2015 concerning Implementation of Supervision of the Placement and Protection of Indonesian Workers Abroad.

Changes in government and administration

To become an Indonesian migrant worker to Saudi Arabia, there are several stages that must be carried out in accordance with established procedures. One of the systems that has been established is the One Channel Placement System (SPSK). However, the system is being repaired until the evaluation is even better. To register as an Indonesian migrant worker, you must prepare the documents that have been displayed on the website <https://siskop2mi.bp2mi.go.id/>. After registration, prospective Indonesian Migrant Workers will go through a selection process involving administrative, health and training requirements appropriate to the type of work they are aiming for. Document Preparation Prospective Indonesian Migrant Workers must prepare important administrative documents such as passports, health certificates, and others in accordance with applicable regulations (Afandi Sitamala, 2020). Training to prepare prospective Indonesian Migrant Workers to undertake work abroad, they will be given training. For administration costs, although sometimes related parties offer free registration programs, the registration process and document preparation will involve administration costs. Protection and Official Placement of prospective Indonesian Migrant Workers who have completed the administrative process and passed the selection will receive official protection and work placement arranged in accordance with applicable procedures.

In conclusion, the bureaucratic and public administration approach in protecting Indonesian migrant workers in the informal sector requires an in-depth understanding of state administrative

law, bureaucratic reform, and interpretive phenomenological analysis to ensure effective protection for Indonesian migrant workers in the informal sector.

CONCLUSION

By introducing Interpretative Phenomenological Analysis (AFI) as a new research tool, this study aims to make a methodological contribution. It is hoped that this research can make a conceptual contribution by changing the theoretical parameters to more relevant themes or problems, as well as determining the meaning of the experiences and actions of people involved in the problem under study. The initial study was conducted to gain an understanding of the government's efforts to protect the rights and obligations of Indonesian migrant workers in the informal sector, especially in Saudi Arabia. Researchers understand participants' perspectives by studying theories in accordance with interview guidelines. In addition, researchers study the theoretical construction of the actions of government participants and actors. Based on research findings that used a Retrospective study with the Interpretative Phenomenology method to explore how Indonesian migrant workers in the informal sector in Saudi Arabia obtain protection of their rights and obligations from the government, it was found that protecting the rights and obligations of Indonesian migrant workers is an effort to ensure that they receive protection in accordance with the rights they have and fulfill the obligations that have been set. Researchers found that the majority of Village x residents registered as Indonesian migrant workers to Saudi Arabia through unofficial channels, namely through brokers or sponsors from Limited Liability Companies (PT), not through official institutions provided by the relevant government. This shows that there is a mismatch between official identity and actual conditions, which could potentially be detrimental to the state and migrant workers themselves in terms of protecting their rights and obligations. The complaint process for Indonesian migrant workers with official identities who experience problems in Saudi Arabia also involves various related parties, showing the complexity in handling these cases. Therefore, more effective steps are needed to ensure the protection of the rights and obligations of Indonesian migrant workers in the informal sector in Saudi Arabia, including increasing awareness, understanding and implementing better protection as well as increasing cooperation between the Indonesian government and related parties in Arabia. Saudi.

The output of this research is that every Indonesian migrant worker (PMI) is expected to have an electronic Indonesian migrant worker (E-PMI) to protect the rights and obligations of Indonesian migrant workers (PMI) and ensure their identity is officially recorded. By having E-PMI, migrant workers will have better protection and will be safer when working abroad. Based on research findings in the field, researchers suggest that with these steps, it is hoped that they can improve the working and living conditions of Indonesian migrant workers in their destination countries.

AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.

Author 2: Conceptualization; Data curation; In-vestigation.

Author 3: Data curation; Investigation.

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