

## Research Article

# Impact of the Covid-19 Pandemic on Indonesian Migrant Workers of West Kalimantan

Agustinus Astono, Klara Dawi, Anita Yulastini, Syarifah Arabiyah, Angelia Pratiwi Mastiurlani Christina Sitorus\*

Universitas Panca Bhakti, Kota Pontianak, Indonesia

**ORCID**

Agustinus Astono: <https://orcid.org/0000-0001-6183-770X>

Klara Dawi: <https://orcid.org/0000-0002-6246-616X>;

Anita Yulastini: <https://orcid.org/0000-0002-1261-8938>;

Syarifah Arabiyah: <https://orcid.org/0000-0003-0548-6946>;

Angelia Pratiwi Mastiurlani Christina Sitorus: <https://orcid.org/0000-0001-6821-4687>

**Abstract.**

COVID-19 has had a significant impact on various aspects of life, particularly on Indonesian migrant workers (IMWs). In the early months of 2020, 100,094 IMWs from 83 countries returned to Indonesia due to the spread of COVID-19. This unexpected return was a consequence of the pandemic's effects on the global economy, leading to layoffs of international workers, including IMWs. During the COVID-19 outbreak, the government took measures to accommodate the return of Indonesian migrant workers to their home country. This reflects the government's efforts to improve the governance of IMWs, especially in West Kalimantan, which serves as a transit location for IMWs returning from overseas. The research conducted is sociological jurisprudence research, utilizing both primary and secondary data sources. Primary data sources include observations, interviews, surveys, and questionnaires involving respondents. The research approach aims to describe and provide an overview of the subject under study, with a focus on the challenges faced during the research period. Secondary data sources consist of books, legislation, rules, documents, and other writings related to the topic. According to the study, the COVID-19 pandemic resulted in deportations, repatriations, and other effects on Indonesian migrant workers, especially those from West Kalimantan. In response, the Indonesian government has played both a normative and empirical role in protecting the rights of Indonesian migrant workers, with their welfare being the ultimate goal.

**Keywords:** migrant workers, the impact of the COVID-19 pandemic, legal protection

Corresponding Author: Angelia Pratiwi Mastiurlani Christina Sitorus; email: [agustinusastono@upb.ac.id](mailto:agustinusastono@upb.ac.id)

**Published** 30 October 2023

Publishing services provided by Knowledge E

© Astono et al. This article is distributed under the terms of the [Creative Commons Attribution License](#), which permits unrestricted use and redistribution provided that the original author and source are credited.

Selection and Peer-review under the responsibility of the 5<sup>th</sup> Sores Conference Committee.

**OPEN ACCESS**

## 1. Introduction

In early 2020, a global outbreak of an infectious disease known as Coronavirus Disease-2019 (COVID-19), originated in the city of Wuhan, China [1]. The virus rapidly spread worldwide, including in Indonesia. The COVID-19 pandemic has had diverse impacts on various sectors, including employment. Indonesian Migrant Workers (PMI) working overseas are no exception, particularly those employed in the domestic sector. These migrant workers face a binary decision: either remain in the country where they work or return to their home country.

The COVID-19 pandemic has had a significant impact on the temporary suspension of sending Indonesian Migrant Workers from West Kalimantan. The pandemic, which emerged in early 2020, shattered the aspirations of the majority of Indonesian Migrant Workers who were planning to or already working abroad. According to data from the Pontianak Indonesian Migrant Workers Protection Agency (BP2MI), the placement of PMI was only 334 individuals, marking a decline of 76.66% compared to the previous year of 2019, which saw 1427 individuals being placed. Furthermore, the Ministry of Manpower of the Republic of Indonesia issued a policy on March 18, 2020, temporarily halting the sending of PMIs to destination countries, as stipulated in Regulation Number 15 of 2020 by the Minister of Manpower of the Republic of Indonesia [2].

Access restrictions have been imposed in nearly all countries due to the global labour conditions. These countries are undergoing significant changes, particularly in the economic and health sectors. According to the International Labor Organization (ILO), migrant workers are consistently excluded from the COVID-19 prevention policies implemented by their host countries [3]. Indonesian migrant workers from West Kalimantan have also been impacted by the pandemic, resulting in uncertainty regarding their departure abroad and an increase in the number of Indonesian migrant workers facing layoffs and returning to Indonesia.

Indonesian migrant workers face complex challenges encompassing various aspects such as employment, unemployment, and social, cultural, economic, and legal issues. The global impact of COVID-19 has only exacerbated these challenges, making them even more intricate [4]. Unfortunately, the Indonesian government has yet to find a suitable, practical, and efficient solution to effectively address the recurring issues confronted by Indonesian migrant workers.

## 2. Research Method

This study aims to uncover the impact of the COVID-19 pandemic on Indonesian migrant workers from West Kalimantan and identify the rights that must be fulfilled for these workers. It adopts a sociological jurisprudence research approach. The study utilizes both primary and secondary data sources. Primary data sources include observations, interviews, surveys, and questionnaires distributed to data sources or respondents. These primary data sources comprise information obtained directly from the respondents, informants, and resource persons. In empirical legal research, the data is gathered from the field, which involves respondents, informants, and experts as resource persons. In this study, Roni Firman Ramdani, the Acting Head of the Technical Implementation Unit of the Indonesian Migrant Worker Protection Agency for the Pontianak Region, West Kalimantan, serves as the resource person. Secondary data sources consist of books on migrant workers, journals, and relevant laws and regulations pertaining to the protection of Indonesian migrant workers. Data analysis in this study adopts a descriptive nature. This means that the researcher aims to provide an overview or explanation of the research subject and object as the research results. The analysis employs qualitative analysis methods, specifically a qualitative approach. This approach generates analytical descriptive data, encompassing information provided by sources in written or oral form, as well as real-life behaviours studied as a whole. The deductive method is employed to draw conclusions in this study. This method involves deducing general problems to the specific concrete problems faced in the research.

## 3. Discussion

Legal protection is a crucial aspect of the establishment of state law. It encompasses the rights of every citizen, implying that the state has an obligation to ensure legal protection for its citizens. Whenever a citizen requires protection, the state must be present to provide the necessary legal safeguards. The protection of migrant workers constitutes one of the fundamental human rights. In Indonesia, this right is guaranteed under Article 27, subsection (2) of the 1945 Constitution. These rights are also recognized in Article 23 of the Universal Declaration of Human Rights (UDHR) and Article 6 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966 [5].

As per the International Labor Organization (ILO), migrant workers refer to individuals who relocate from one country to another in search of employment opportunities [6]. Unfortunately, the COVID-19 pandemic has exacerbated the violations of workers' rights

and exploitation. In 2020, the Human Rights Commission of Malaysia (SUHAKAM) reported distressing cases where some migrant workers were denied their rightful monthly salaries. Shockingly, certain employers allegedly withheld salaries from migrant workers starting in February, leaving them without access to essential needs or the means to pay for housing or room rent. Additionally, those who are paid on an hourly basis face reduced working hours, resulting in a substantial decline in their monthly income [7]. This decline significantly impacted their ability to send money back to their home countries.

In accordance with Chapter I, Section 3 of the 1954 Constitution, Indonesia is a nation governed by the rule of law. Consequently, it is the duty of the state to ensure justice, certainty, and security for all citizens, which necessitates the provision of a legal framework for the community. In line with international law, the state is also responsible for the protection of its citizens residing abroad [8]. Diplomatic protection is the mechanism through which a country safeguards its citizens when they are outside their home country. Since its enactment in 2017, replacing the Indonesian Manpower Act, the Indonesian Migrant Workers Protection Act has been utilized by the Indonesian government to uphold the rights and safety of its citizens working overseas [9].

Article 2 of Law Number 18 of 2017 elucidates that Indonesian Migrant Workers encompass all citizens who intend to work, are currently working, or have worked abroad and receive wages there. The protection of Indonesian Migrant Workers is defined in Article 1 Point 5 of the Law on the Protection of Indonesian Migrant Workers as encompassing all endeavours aimed at safeguarding the interests of prospective and current Indonesian Migrant Workers, as well as their families, in ensuring the fulfilment of their guaranteed rights throughout all phases, including pre-employment, during employment, and post-employment, from legal, economic, and social perspectives [10].

As per the provisions stated in Law Number 39 of 2014, specifically, Article 1, Part (1), which concerns the placement and protection of Indonesian workers abroad, Indonesian Migrant Workers encompass all Indonesian citizens who meet the necessary requirements to engage in employment abroad for a specific duration, with the provision of receiving wages [11]. The majority of Indonesian Migrant Workers are categorized as informal labourers, with a significant portion working in domestic roles, including domestic helpers, construction workers, plantation workers, factory workers, and cleaning service personnel [12]. According to the International Organization for Migration, a migrant refers to an individual who relocates from their usual place of residence, either within the borders of a country or across international boundaries, either temporarily or permanently, for various reasons. Consequently, labour migration entails the movement

of individuals across international borders in search of employment opportunities in foreign countries [13].

Under Law, Number 19 of 2017 regarding the Protection of Indonesian Migrant Workers, Article 5 stipulates that every Indonesian Migrant Worker must fulfil the following prerequisites: being at least 18 years old, possessing the necessary competence, maintaining physical and mental health, having proper registration and a social security membership number, and possessing all the required documents. The required documents include a certificate of marital status, certificate of guardian permit, certification of work competency, health certificate, passport, work visa, migrant worker placement agreement, and work agreement letter.

The COVID-19 pandemic situation is characterized by uncertainty, which can exacerbate the existing psychological distress experienced by migrant workers. For instance, children and adolescents have had to adapt to the ongoing COVID-19 situation during the second year, and this adaptation has helped safeguard their subjective well-being from further decline. The emotional and health ramifications of the COVID-19 outbreak and the subsequent lockdown measures in countries hosting migrant workers have been significant [14]. The loss of income and employment, feelings of instability, policy uncertainties in the home country government, and increasing social isolation undoubtedly have detrimental effects on the physical and mental health of the migrant population. Among Indonesian Migrant Workers, the most prominent impact is the lack of employment, which is a common occurrence during a pandemic. Additionally, due to the prevailing societal constraints during the epidemic, particularly for those in low-skilled sectors, working from home is often not feasible for them.

The majority of Indonesian migrant workers do not experience job loss but rather face mistreatment. Following the outbreak of Covid-19, many migrant domestic workers in Malaysia have seen a doubling of their workload [15]. With the employer and their children staying home 24 hours a day, Indonesian migrant labourers are compelled to work longer hours than usual. The employer places greater emphasis on maintaining cleanliness in the house and instructs the employees to clean more frequently. However, the increased workload during the pandemic does not necessarily come with an increase in compensation. Bonuses do not rise despite a significant decline in the employer's income.

Based on data from the Indonesian Migrant Worker Protection Service Center (BP3MI) in West Kalimantan, the number of Indonesian Migrant Workers deployed in Malaysia was as follows: in 2019, there were 1,165 workers, consisting of 792 males and 373

females. In 2020, the total decreased to 243 workers, with 165 males and 78 females. In 2021, only one Indonesian migrant worker was placed in Malaysia.

The COVID-19 pandemic has had a significant impact on Indonesian migrant workers from West Kalimantan, resulting in a substantial decline in the number of workers being sent abroad from 2019 to 2021. Furthermore, Indonesian migrant workers who have relocated to Malaysia during the pandemic are especially susceptible to job loss and face various physical and psychological challenges.

The Indonesian government's efforts to protect migrant workers extend beyond providing access to information; they also involve direct visits to assess the actual conditions of the workers [16]. The West Kalimantan Province Indonesian Migrant Workers Protection Body (BP2MI), responsible for implementing policies, providing services, and safeguarding Indonesian Migrant Workers from West Kalimantan, employs various forms of protective measures, including:

1. The normative role is fulfilled through compliance with laws and regulations, such as Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Presidential Regulation Number 90 of 2019 concerning the Protection of Indonesian Migrant Workers. The Indonesian Migrant Workers Protection Agency acts as an implementing body for the placement, protection, and repatriation of Indonesian Migrant Workers abroad [17].
2. The empirical role encompasses the practical and fact-based responsibilities of the Indonesian government or relevant agencies assigned to protect Indonesian migrant workers [18]. These entities serve as law enforcement authorities, defending the community, particularly Indonesian migrant workers, to maintain order and security, ultimately ensuring their welfare. Furthermore, it is crucial to prevent and take action against illegal entry or non-compliance with established procedures by Indonesian migrant workers in other countries [19].

## 4. Conclusion

The Indonesian Migrant Worker Protection Agency in West Kalimantan Province, as part of the Indonesian government's efforts to safeguard the rights of migrant workers from West Kalimantan working abroad, fulfils a normative role by adhering to relevant laws and regulations. These include Law No. 2017 on the Protection of Indonesian Migrant Workers and Presidential Regulation No. 90 of 2019 on the Protection of Indonesian Migrant Workers.

Apart from its normative role, the Agency for the Protection of Indonesian Migrant Workers in West Kalimantan Province also fulfils an empirical role. This empirical role is expected to be carried out effectively and based on factual grounds by the Indonesian government or relevant entities responsible for protecting Indonesian migrant workers. These governmental bodies or agencies are tasked with upholding the law and serving as enforcers to safeguard the community, particularly Indonesian migrant workers, in order to establish order and security, ultimately ensuring the welfare of these workers. Additionally, a crucial aspect of their role is to prevent and take action against Indonesian migrant workers who enter other countries illegally or fail to comply with established procedures.

## References

- [1] Aswindo M, Hanita M, Simon AJ. “Kerentanan Dan Ketahanan Pekerja Migran Indonesia Di Malaysia Pada Masa Pandemic COVID-19,” *Jurnal Kaji Lemhannas RI*. 2021 Mar 31;9(1):442–452.
- [2] Witono N. “Kebijakan Pelindungan Pekerja Migran Indonesia Dalam Pandemi Covid-19,” *Indonesian Journal of Peace and Security Studies*. 2021;3(1):34-54. <https://doi.org/10.29303/ijpss.v3i1.57>
- [3] Noveria M, Romdiati H. “PANDEMI COVID-19 DAN DAMPAK EKONOMI PADA PEKERJA MIGRAN INDONESIA DAN KELUARGANYA: SEBUAH KAJIAN PUSTAKA.” *Jurnal Ekonomi & Kebijakan Publik*. 2022;13(1):71–84.
- [4] Widiyahseno B, Rudianto R. dan I. Widaningrum, “Paradigma Baru Model Pelindungan Pekerja Migran Indonesia (PMI) Dalam Perspektif Undang-Undang No 18 Tahun 2017,” *Sosio Informa*. 2018;4(3):501–513. <https://doi.org/10.33007/inf.v4i3.1578>
- [5] Irianti Sundry R, Effendy D, Ali Firman C, Dziauddin H, Nor Muhammad Hasyim H. dan C. Manungsa Alit, “Legal protection for Indonesian migrant workers during pandemic Covid-19: The case from human right approach,” *Proceedings of the 4th Social and Humanities Research Symposium (SoRes)*, 2021:352–356.
- [6] Simon J, Kiss N, Łaszewska A, Mayer S. “Public health aspects of migrant health: A review of the evidence on health status for labour migrants in the European Region Health Evidence network synthesis Report 43,” 2015.
- [7] Wahab A. “The outbreak of Covid-19 in Malaysia: Pushing migrant workers at the margin.” *Social Sciences & Humanities Open*. 2020;2(1):1-9. <https://doi.org/10.1016/j.ssaho.2020.100073>

- [8] Elviandri, Shaleh A. "Perlindungan Pekerja Migran Indonesia Di Masa Adaptasi Kebiasaan Baru Di Provinsi Jawa Tengah," *Pembangunan hukum Indonesia*. 2011;4(1):1–11.
- [9] Ramadhan H, Nugroho A. "Analisis Yuridis Persyaratan Usia Minimal Pekerja Migran Indonesia Yang Akan Dipekerjakan Pada Pengguna Perseorangan," *Jurnal Hukum Daring*. 2018;5(2):125–136. <https://doi.org/10.2674/novum.v5i2.36033>
- [10] Cahyaningrum D. "Peran Bank dalam Pelindungan Ekonomi terhadap Pekerja Migran Indonesia (The Role of Bank in Economic Protection for Indonesian Migrant Workers)," *Negara Huk. Membangun Huk. untuk Keadilan dan Kesejaht.* 2020;11(1):21–42. <https://doi.org/10.22212/jnh.v11i1.1577>
- [11] Satria R, Fitriani RA, Astono A, Purwanto. "Analisis Yuridis terhadap Judicial Review Mahkamah Konstitusi dalam Kaitannya dengan Proses Penyidikan: Studi Kasus Putusan Mahkamah Konstitusi Nomor: 130/PUU-XIII/2015," *Arus Journal Sosial dan Humaniora*. 2022 Aug 12;2(2):60–67. <https://doi.org/10.57250/ajsh.v2i2.67>
- [12] Nasirin A. "Profesionalisasi Buruh Migran Indonesia (BMI) dalam Revolusi Industri 4.0," *J. MSDA (Manajemen Sumber Daya Apar.* 2020;8(1):39–50. <https://doi.org/10.33701/jmsda.v8i1.1174>
- [13] Andayani F, Pahlawan I. "Peran International Organization for Migration (IOM) dalam Melindungi Tenaga Kerja Indonesia di Malaysia Tahun 2013-2015," *MHS FISIP*. 2015;4(2):1–9.
- [14] Rahmawati S Kamilah F. "Sudah Jatuh Tertimpa Tangga: Malangnya Nasib Pekerja Migran Indonesia (PMI) di Masa Pandemi," *BALAIRUNG: Jurnal Multidisipliner Mahasiswa Indonesia*. 2020;2(2):238–273. <https://doi.org/https://doi.org/10.22146/balairung.v2i2.58031>
- [15] Muthahari N. "Pembelajaran Kerentanan Sosial: Studi Terhadap Pekerja Migran Indonesia di Hong Kong Saat Pandemi Covid-19," *JESS (Journal of Education on Social Science)*. 2021;2(1):24–39. <https://doi.org/10.1016/j.ssaho.2020.100073>
- [16] Suryanti MSD, Sinaga M. "Indonesian Government Diplomacy on Protecting Indonesian Migrant Workers in Papua New Guinea During COVID-19 Pandemic." *Nation State: Journal of International Studies*. 2022 Jul;5(1):49–58. <https://doi.org/10.24076/nsjis.v5i1.716>
- [17] Yulastini A, Arabiyah S. "Fenomena Banyaknya Warga Negara Asing Yang Masuk Ke Wilayah RI Tanpa Dilengkapi Dokumen Resmi (Studi di Rumah Detensi Imigrasi Pontianak)," *Jurnal hukum media bhakti*. 2017;1(2):164–169. <https://doi.org/10.32501/jhmb.v1i2.12>



- [18] Borualogo IS, Casas F. I. S. Borualogo dan F. Casas, "Subjective well-being of children and adolescents during the COVID-19 pandemic in Indonesia: two data collections". *Current Psycholog.* 2022;(1): <https://doi.org/10.1007/s12144-022-03346-x>
- [19] Purwanto, Fitriani RA, AS Y, Astono A, Marsalena WS. "Analisis Yuridis Penyelesaian Perkara Perdata berdasarkan Hybrid Arbitration dan Arbitration: Suatu Tinjauan Perbandingan Hukum." *Arus Jurnal Sosial dan Humaniora.* 2022 Aug 12;2(2):89-101. <https://doi.org/10.57250/ajsh.v2i2.72>