

THE IMPLEMENTATION OF 'GOOD GOVERNANCE' IN THE PLACEMENT PROCESS OF INDONESIAN MIGRANT DOMESTIC WORKERS

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Abstract

A research about 'good governance' implementation of Indonesian Migrant Domestic Workers (in Indonesia TKI-PRT) placement process, focused on the transparency application issue to develop the governance of online information management system of TKI-PRT placement process. The main issues being examined were such as whether the substance of laws and regulations and practices applied in the migrant workers placement process is relevant so far to the need for developing online information management system to become more transparent and may strengthen protective support to TKI-PRT. The research was in the form of case study and analyzed by using content analysis technique.

Protection to TKI-PRT, as it is defined in the Law No. 39/2004 that "the first and best opportunity of protection should arise from the workers themselves". The implication, strengthening transparency and protection of TKI are by nature urgent and require the development of information management system governance of TKI placement based on self-governance model. One governance model with citizen centricity character grows through the mechanism of governance from the ground-up, closely focused and centralized based on the continuous strengthening of the TKI-PRT autonomous capacity to be more proactive to become active agent of change, especially as an active evaluator and creator of information in the whole implementation process of migrant worker placement abroad. The autonomous capacity of these TKI is likely collective created, meaning the success depends on the commitment of all stakeholders who are synergic proliferating and strengthening the autonomy and integrity of all actor practices. In particular, they should conduct 'tri-automization' of TKI independence and self-reliance in terms of cultural, economic and political aspects.

Based on the result of the research, it can be summarized that the substance of the management and implementation of TKI placement process in Malaysia so far is likely bureaucratic centricity rather than citizen centricity. It was indicated by seven dominant tendencies which made transparency and protection functions not effective and even may cause TKI-PRT vulnerability potential in all stages of the placement implementation processes abroad. Therefore, renewal of the regulations substance about TKI-PRT placement process, including the information management system, is really urgent. The regulations and implementation substance should be consistent and rely on the need of the emancipatory information management system development, in the form of self-governance model which is to urge the government as enabler to the strengthening and institutionalizing the autonomy and integrity of all actor practices.

Keywords: good governance, transparency, Indonesian Migrant Domestic Workers

1. RESEARCH BACKGROUND

The strengthening globalization on one hand has opened the opportunity for "women from developing countries to migrate to work out of the country" (ILO, 2004: iv). But the migration or workers in another countries as done by the women is mostly categorized as 3Ds (dirty, dangerous and difficult) employment. The implication, women migrant workers are often trapped in a "very vulnerable to various forms of discrimination, violence, abuses, and even serious violations against human rights" (ILO, 2004: iv). As the vulnerability potential increases, besides to the social, economic and political aspects, women migrant workers are relatively weak; the phenomenon of cross border labor migration was always closely characterized as

multi-dimensional, multi-actor and multi-interest phenomenon. By referring to all of these conditions, eventually these may lead into a wide hole of vulnerable potential for TKI-PRT in all stages during the placement process.

In order to improve the governance quality of the migrant workers placement process and protection, on December 4th, 2014, Regulations by Ministry of Manpower Permenaker 22/2014 Article 51, affirms that 'the placement process and protection to migrant workers should be managed in an integrated way through public accessed online system, conducted by BNP2TKI and integrated with the Ministry of Manpower and other relevant ministries and institutions. The implementation of the online placement information management system is very urgent in order to demand governance

transparency of TKI-PRT placement process abroad’.

However, transparency degree is not solely dependent on the online system implementation but also on the developed governance basic format, especially the governance that truly stands on the orientation of developing self-governance model setting, in which such governance model inherent with citizen centricity character and grows through governance mechanisms from the ground up. Alternatively, the governance model should be closely focused and sustained in strengthening of central based on the autonomous capacity of TKI-PRT to become proactive as agent of change. In particular, the autonomous capacity of TKI-PRT should be active as evaluator and creator of information in all stages of TKI-PRT placement implementation abroad.

To build autonomous capacity of TKI-PRT is a fundamental basis in order to strengthen the transparency and TKI-PRT protection. In this context, the research on governance arrangement of the TKI-PRT placement process overseas is highly relevant and urgent, and gets intensified by conducting it in a sustainable manner. Referring to the critical argumentation above, the problems in this research were formulated as follows:

1. Is it true that various basic rules and implementation of TKI-PRT placement process overseas substantially in line with the need to make TKI-PRT as an active agent of change, especially as an active evaluator and creator of information in all stages of TKI placement process implementation overseas?
2. What does it mean by having the substance of relevant and strategic conceptual frameworks to conduct governance development of information system for TKI-PRT placement and protection with the focus of strengthening the autonomous capacity of TKI-PRT as an active evaluator and creator of information?

2. REVIEW OF LITERATURE

2.1. The Essence and the Main Mission of Migrant Workers

The labors migration can be defined as the people movement activity from one area to another with the main purpose to pursue or to have particular jobs. This labors migration might be both domestic and international or cross broder migration. Regardless of the migration level, whether it is domestic or international, every labor migration essentially demands closely practical interpretation as an integral part of the human development process (Hermono, 2014: 2). More fundamentally, the labors migration is as an integral part of the actualization practice of human emancipation process. This fundamental perspective is very

relevant to the essence of having jobs, in which jobs and works are not merely as an income source to one person, but at the same as “fundamental means for the actualization of the potential and dignity of a person” (Explanation of Law Number 39/2009). Therefore, the right of a person for a proper job is part of the very basic human rights which shall be upheld and respected by all citizens, communities and nations around the world.

Along the job existence as an integral part of human rights for every citizen, the Constitution of Republic of Indonesia in 1954 (UUD RI 1945) in Article 27 paragraph 2 emphasizes that “every citizen of Indonesia has right to work and a decent living for humanity”. The assertion of this constitution is as well demanding all nations elements, all levels of governmental institutions, private sectors and civil society should have mutual commitment and professionalism to ensure the fulfillment of the right to have a job. In this context, various vulnaberality which may affect the migrant workers, including TKI-PRT overseas who need concern from several parties as a form of crimes against human rights, or in other words as crimes against humanity that must be eradicated by all society elements and nations around the world.

2.2. Various Forms and Factors Triggering TKI-PRT Vulnerability

The migrant worker placement process overseas is a multidimensional phenomenon. Many factors, actors and interests are involved in placement process implementation, either it is in the home country or destination country. In addition, TKI-PRT social, economic and political background, which are relatively under average and as the result of TKI-PRT nature as housemaid which is attached by “3Ds characters”; has been widely suspected to be the main reason of multiple vulnerability for women TKI-PRT, ranging from various forms of discriminations, exploitation and ill-treatment from the employers. The discrimination even sometimes leads to “the serious violations against human rights as well as their rights as workers, whether during the recruitment process, travel, transit and stay in the destination country” (ILO, 2004: 2-3).

UNIFEM (2005) extracted seven types of inherent vulnerabilities towards the cross border migrant worker phenomena, starting from “exploitative working conditions, problems of the employment contracts, restrictions on freedom of movement, discrimination towards migrant women in the form of limited opportunities or vacancies, dangerous working conditions, degrading safety and health, gender-based violence in work field, racism and gender-based xenophobia against women TKI.” ILO (2004: 10), in addition, reveal eight specific factors which become the main causes of multiple vulnerability to TKI-PRT, starting from “on going gender stereotyping on the work field, lack of labor

and social protection, discriminating policies in immigration against migrant workers, lacking of any legal aspect information, and fear of authorities, dependant working relationships, aloof and isolated working environment, lack of organization and representation in the form of unions, xenophobia and stigmatization”.

2.3. ‘Governance’, ‘Good Governance’ and ‘Self-Governance’

The governance emergence approach has brought a fresh idea for the renewal of both theoretical and practical public sector management discourses, in which the modern government is not just to achieve efficiency, but also the other concern of the governance accountability existence to the public. In this new trend, society is not supposed to be treated simply as consumer-customer, but likely to be citizens; they have rights for protections towards their rights, to be heard for aspirations, respect for their values and self-esteem. Similarly, citizens of every country have the right to judge, reject and even impeach public officials who are alleged as failed to carry their responsibilities and authorities.

World Bank (1992) gives definition of governance as “the way the state power is used in managing economic and social resources for the society development”. The procedure of the state power to manage economic and social resources should be for the society development. It is similar with the UNDP (1997) which defines governance as “the exercise of political, economy, and administrative authority to manage a nation affair at all levels”. The implementation of political economy and administrative power is to manage the future problems in all government levels (LAN & BPK, 2000); so that there are three legs and domains in the governance concept. Three legs are in the form of political governance, economic governance, and administrative governance, while for the three domains are state, private (private sector) and civil society. The three legs and domains should be in a harmonious relationship to achieve a solid synergy, then popularly called as good governance. UNDP (1997) formulates the main principles, which include “participation, rule of law, responsiveness, consensus orientation, equity, efficiency and effectiveness, accountability, and strategy vision” (Mardiasmo: 2002: 24).

Thus, transparency is such an integral part of the fundamental principles for the good governance development. The principle of transparency will be mainly related to the core issue in relation to the presence of all openness that may build information freedom. All information related to the public interests is required to be accesible for all relevant parties quickly, easily and at anytime.

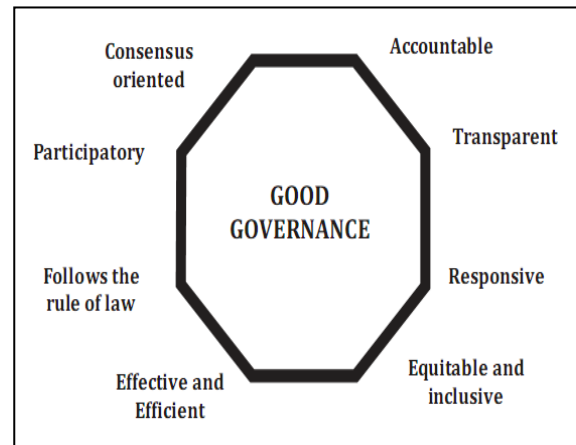


Figure 1. Characteristics of Good Governance

Source: ANSA-SAR, 2013:7.

In the context of human as citizens is emphasized that “to be a citizen is not merely to be a consumer of rights, but to be responsible to other members of the community” (Karst: 1977 in Hunter, 2011: 1963), or “as citizen, they ought to take responsibility for themselves, for each other, and for the society to the which they belong” (Bovenkamp, 2010: 10-19). Along with “we are all citizens” both as an individual and collective society, the person who has a social, political and economic higher status, actually categorized into the class of “the excellent citizen” (Aristotle: 335 BC). They are the individuals with greater trust and responsibility to engage proactively to strengthen and institutionalize the actualization of the “human as citizen”. Therefore, “the responsibility of the individual must take responsibility in the first place” (Kamali, 2010: 20) and “community as a whole becomes responsible for the accomplishment of the trust” (Haque: 5).

In this context, the core design for management or governance in various sectors, including TKI-PRT placement process governance should be stricted in terms of the implementation of “well-being by and for all” (Chambers, 2005: 194). Based on the “rule of the game” with the core on “those with more wealth and power as a means to well-being” (Chambers, 2005:197). The implication of governance implementation in various sectors is very urgent which is developed based on the self-governance concept (Bruyn, 2011:150) as the key perspective, key factor analysis, and key indicator.

Good governance should be built based on the fundamental conception of “society as a body of self-governing associations” (Bruyn, 2011:151). It is indicated by “self-governance was built-in at all phase of life and segments of the society” (Bruyn, 2011:12) and “the whole society is finally seen as self-governing when it is an agent of us” (Bruyn, 2011:152). The fundamental conception of this self-governance also shows “the concept of self-governance; refers to more than individual self-

reliance and autonomy. It refers also to the way people manage their lives together in the society as a whole" (Bruyn, 2011:150). And to development priority of "autonomy as a moral idea" (Kant: 1797 in Bar-Am, 2008: 554), "autonomy as rational action according to the universal laws" (Kant: 1797 in Bar-Am, 2008: 550).

The self-governance model setting or self-governance state model (Jorgensen, 1993:224) will be likely growing and being more progressive through the ground-up mechanism governance (Follett: 1918/1923 in Elias, 2010: 13). The relation among sectors and all government levels is likely to be relied on the spirit of "self-governance through mutual governance" (Buyn, 2011:164) or mutually supportive to strengthen the autonomous capacity, the setting of self-governance is characterized by "the citizens not only have an essential impact on the services which the administration offers, but take part in the production process itself" (Jorgensen, 1993:224). While in the macro level, it is closely "characterized with works by nurturing and shaping the problem solving and self-steering capacities of both public and private, and both individual and collective selves" (Sørensen & Triantafyllou, 2008:2).

The setting of self-governance model is likely to be more focused and centralizes on strengthening citizen autonomous capacity. In particular, the citizen autonomous capacity able to solve various problems, personal and shared problems, independently, while keep holding the mutual interests. This autonomous capacity of citizen is becoming a central base for the growth and function of the self-governance design in various lines and government levels (total self-governance).

By referring to the conception model above "if we want to understand any single social problem, we must comprehend the larger picture" (Bruyn, 2011:65). In addition to the governance performance which should be measured through some indicators centralizing into the problems of "what people are capable of doing and being" (Chambers, 2005:198), including "what state are capable of doing and being". In line with the urgency of achieving this meaningful target, since the very first time it should be understood that "the pursuit of wealth is not an appropriate overall goal for a flourishing society" (Aristotle:335 BC in O'Ferrall, 2011:10), where the values of self-determination, self-sufficient and self-dignity, are the more urgent and meaningful goals that should be achieved by all stakeholders.

The fate of one nation and its civic life which is caught in a trap of "a vicious circle of dependency" (Bunt & Harris, 2010: 30), similar to the migrant workers vulnerability, is not just the result of "bad policy" (Schultz: 1978 in Bates, 1981: 2), neither "a crisis of governance" (World Bank: 1989 Santiso, 2001: 5), but rather it is more deeply rooted in the adherence of sustainable abuse actions against the rights of citizen self-governance, or the adherence of

the phenomenon of total self-governance decay. This is when several stakeholders at all levels of governance have failed to strengthen the synergy, which is supposed to be fundamental in leading into strengthening of the autonomous citizen capacity as a central focus and governance basis. Therefore, it is emphasized the "human welfare and liberty are best managed by voluntary and democratically self-governing associations" (Hirst: 1993 in the Moon, et al, 2004: 12).

The setting of self-governance model or self-governance state model being discussed can be realized if it is supported by integrative actions towards "three orders of self-governance" (Bruyn, 2011:202), including "the religious/cultural, economic, and political orders" (Bruyn, 2011:202). The implication is "the struggle for self-governance is not solely related to the political economy. It is closely related to the whole culture" (Bruyn, 2011:65). Strengthening the cultural order is related to the strengthening mastery of knowledge, skills, morality, mentality, technology, and understanding the law, rights, responsibilities, and universal values. Strengthening economic order is associated with the increase in fulfilling the needs of a resources variety (facilities and infrastructure) for the independence occurrence. The last is strengthening political order which is related to strengthening the decision-making and control more independently by the authority. The order of governance based on self-governance model is more specifically extracted in Fig. 2.

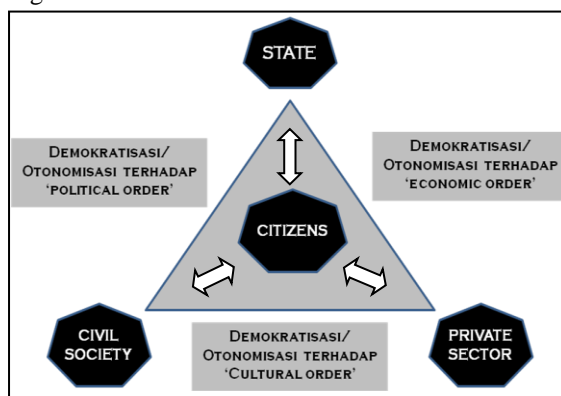


Figure 2. Governance based on 'Self-Governance Model'

Source: Wiyoto, 2014:39.

By strengthening the three orders of the fundamental self-governance, the targeted society and the relevant stakeholders expected to be proactive and productive as an active agent of change. Besides, they might become more proactive as "citizen as value creators" (Bourgon, 2009:10), "citizens as producers of the services" (Parks, et. al.:1986 in Needham, 2009:1), and "citizen as user democracy" (Pestoff, 2010:10). So in the development process of self-governance model, it is likely to demand such action as "devolving powers

and resources away from central control towards frontline managers, local democratic structures and local consumers and communities” (Stoker: 2005 in Pillora & McKinlay, 2011:12). This fundamental action is very urgent to be taken in order to guarantee “a shift from equality of opportunity to equality of agency” (Rao & Walton: 2004 in Boyte, 2008:2). The devolving action is real, wide, and integrated to the targeted society as well as reflecting the needs of the initiated new movement of governance relocalization that is such movement to reshape governance around the citizens and the communities that used them. The success in developing self-governance model is really dependant on whether there is commitment among the relevant stakeholders to mutually supportive and institutionalizes practices of autonomy and integrity of all actors (Nisbet: 1967 in Tiihonen, 2004:89).

2.4. E-Governance

The development of e-governance in the government is recently more commonplace. But the trend is, however, “most of the state governments have developed from the view point of the government. They are primarily focused on how the government department wants to put it forward” (Chakravarti & Venugopal, 2008: 3). The implication, “the bureaucratic silos approach would not provide the result as expected from the computerization efforts used in the government” (Chakravarti & Venugopal, 2008: 3). So the practice is often just becoming ‘new accessories’ that triggers the inefficiency instead of improved performance as “radically more, for radically less” (CST, 2010: 2).

In this context, it is very urgent to affirm the implementation of e-governance which demands on centralized governance in the form of citizen centricity or citizen centric approach. In other option, it is followed by the presence of “shifting the focus of government based on the point of view from the citizens and businesses. The portal should guarantee the needs of the citizen and business instead of the operational or other imperatives inside the government body (Chakravarti & Venugopal, 2008: 3).

The radical and transformative change is manifested in the form of “(a) improved quality of service, (b) transparent, efficient, and secured delivery; and (c) anytime, anywhere availability of service” (Chakravarti & Venugopal, 2008: 4). So the e-governance order is in actual manner to become an integral part of the citizen centric solution. Sangiorgi (2011: 9) identified seven key principles that seem to unify the transformative practices in design, which is in Fig. 3.



Figure 3. Primary Objectives of Citizen Centric Solution

Source: Chakravarti & Venugopal (2008:4).

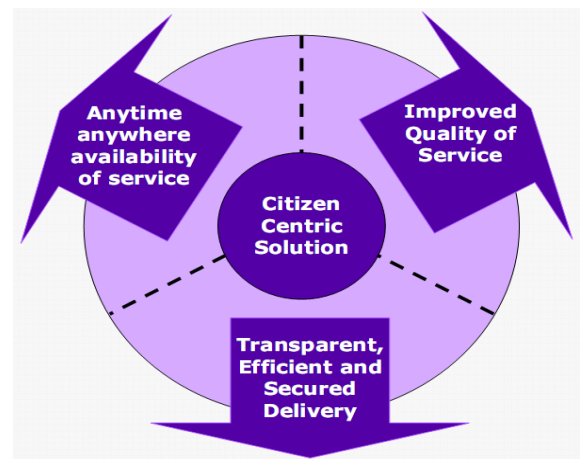


Figure 4. Transformative Design Principles

Source: Sangiorgi, 2011:9.

Based on Fig. 4, the e-governance format can only be functional if it is closely focused and based on the active citizens’ productive utilization role as agents (Sangiorgi, 2011: 9). The essence of these productive citizens is “as a key resource to fundamentally change the traditional hierarchical models of service delivery and the perception of citizens themselves” (Sangiorgi, 2011: 10). It can be realized through strategic actions such as the intervention presence at the community scale, capacity building and research partnerships, redistributing of power, enhancing and hope, building infrastructure and enabling platforms, evaluating process and impact.

The actualization of the autonomy capacity strengthening as active citizens or agents is created by all stakeholders collectively. In this context, the government should become capable to function as enabling platform for the revival order of total self-governance from the ground-up.

2.4. Review of Previous Researches

Various researches on cross-border labour migration of women TKI-PRT in general have focused on such particular issues as social and economic background, various forms vulnerability, and the underlying factors. Instead, the researches ignored the urgency of investigating the more crucial issues like the fundamental order of governance model and e-governance which are relevant to the needs of growing women PRT-PRT autonomous capacity.

Several studies related to cross-border TKI-PRT, in brief can be presented in the following table.

Table 1. Previous Researches about Cross Border Migrant Workers

Researcher	Research Focus	Results
Rosenberg (2003)	PRT profile in Indonesia	25% of women PRT are under 15 years old, most of them are from major city, have primary education background, not married, have limited formal skills, and responsible for their family
Rosenberg (2003)	Indonesian PRT profile who live overseas	There are about 1.400.000 to 2.100.000 women in Indonesia has been working as PRT overseas. Friends and similar migrant workers are the main information to look for such good bosses.
Sayres (2004)	Profile of women PRT in Philippines and Philippines PRT in Hong Kong and Singapore	Most of the housemaid are underage workers less than 19 years old, with the majority between 15-19 years, and 59% PRT are 15 and 24 years old Philippines housemaids in Hong Kong are averagedly 33 years old, 62% of them have graduated from primary education Based on survey in Singapore, half of the Philippines housemaids graduated from senior high schools, 43% have earned bachelor's, and most of them are from major cities instead of small cities
Human Right Watch (HRW) (2005)	Protection to abroad housemaid migrant workers in Singapore	The laws do not include the housemaids need in terms of providing protection. It offers lower protection to the housemaids, and focus on the working permits instead of protection. Even though they are holding written contract, housemaids have experienced several abuses to their rights. There are limited legal procedures for the bosses to be responsible for the abuse upon housemaids. They experienced abuse and exploitation during the placement and departure process.
Wisnuwardi ni, et al. (2005)	Problems of Indonesian PRT in Singapore	There are Indonesian PRTs in Singapore who are not paid fully after their contract expired. The migrant worker agencies and Embassy are not likely responsible in providing advocacy towards the abuse and exploitation.
Human	Protection to	PRT received less legal protection

Right Whacht (HRW) (2004)

Indonesian PRT in Malaysia

and treated as non-expert migrant workers. All the problems such as abuse are under the agents, which is of course profit oriented.

Most countries do not have legality in terms of human trafficking. In addition, the legality in Malaysia does not differentiate between illegal workers and workers who left the employers for abuse actions.

There are many PRT returning to their home country faced problems. In Indonesia, the airport and immigration officers even the travel agent ask high charge for the transport to their hometown

ILO (2004) A Study on the Situation of Domestic Migrant Workers in Arab Countries

There are about 70% to 90% Indonesian and Phillipines PRT working in Middle East, and most of them are women. In Bahrain, only 44% of the PRT having signed the contract before the arrivals. They experience physical, verbal, and sexual abuses. About 51% in Kuwait, 47% in Bahrain, and 50% in Arab Emirate Union, causing some migrant workers with HIV/AIDS and other sexually transmitted diseases.

Asian Migrant Care (AMC) (2005)

Women PRT from Indonesia in Hongkong

About 86% of the PRT have signed the contract, but a third of them have not understood the contract detail. Only the other quarter are allowed to keep the documents.

Generally, they're not protected in terms of job termination. Even though they keep the written contract documents, they experienced any abuses upon their contract. A more strict and efficient mechanism upon the working contract would make employers to be more responsible for any abuses and exploitation.

Abuses and exploitations are experienced by PRT during the appointment, placement, and job employment stages. According to survey in 2005, 77% Indonesian PRT in Hong Kong have paid the 15% of the payment.

Ministry of Labour, Bahrain (2005)

Situation of women PRT in Bahrain and the Development of Good Management

About 96% of the women PRTs are aged between 20-49 years old and 72% graduated from secondary school. Women PRT from Asia are on the top list, about 82% of the total.

To increase the protection, Bahrain Government has taken actions which are: (a) establish the requirements for domestic workers, (b) specify the amount of eligible wages (c) ensure the user has a record related to good personal background and never had a criminal record, (d) provide shelter and (e) provide Smart Cards manufacture in the form of taking fingerprints.

Ministry of Labour, Jordan

Problems Condition of Women PRT in

Migrant workers about 20% of the workforce Jordan. The number of women PRT by 50,000 people, and

(2005)	Jordan	98% as domestic workers (household). The study also revealed various problems encountered by PRT, both inside and outside the house work. The main problem inside workplaces: (a) wages are not full paid; (b) long working hours; (c) restrictions on movement; (d) the travel documents are confiscated; and (e) physical or sexual infringement Problems outside the workplace include: (a) the recruiting institution is irregular; (b) the weakness of law enforcement mechanisms; (c) monitoring or security.
Ministry of Labour, Singapore (2005)	The Development of Good Practice for Women PRT Protection	Foreign women workers around 150,000 people working in the domestic sector are originally from Bangladesh, India, Indonesia, Malaysia, Myanmar and the Philippines. The Government has implemented such layered approach / double (multifaceted approach) to ensure the lives and interests protection of foreign workers. Various infrastructures and initiatives have been undertaken including: (a) establish the requirements to enter Singapore; (b) education requirements; (c) setting even labour; (d) amend laws and regulations; (e) conciliation development; (f) cooperation; and (g) infrastructure maintenance.
Ministry of Human Resource Empowerment, Malaysia (2005)		Various issues related to women TKI-PRT who develop over the years have created problems both on the sides of the agent, employer or the women TKI-PRT. In addition, it is displayed a number of steps have been taken and corrective actions by the Malaysian Government.
Lely Indah Mindarti (2012)	Performance and Vulnerability of TKI-PRT in Malaysia	The employer's satisfaction on TKI-PRT performance in Malaysia is relatively low. Particularly related to aspects / factors of TKI-PRT work ethic. The implication, vulnerability is not only a chance to override the women TKI-PRT, but may also occur on the employer's family as the user. Therefore, the empowerment of women TKI-PRT is not enough conducted on pre-placement stage, but also very urgent performed during on the job-placement stage in the employers' workplace overseas.

Based on the results above, it is clear that the governance of TKI-PRT placement overseas has not strengthened protection, either prior the placement, during the placement process, or after returning to home country. The most fundamental problem is due to the TKI-PRT placement governance has not truly optimized until they are able to proactively act as an

active agent of change in all stages of the placement process and protection overseas.

3. FINDINGS AND DISCUSSION

3.1. The Condition of Placement Process of TKI-PRT

The domestic employment dynamics conditions, such as in East Java, still show the relationship between the opportunities of domestic employment and the intensity development of sending migrant workers abroad. Although the new employment opportunities have increased, there are still several cases of gender inequality. For example, the employment opportunities created for men reached up to 84.29%, while for women only 38.20%. The employment opportunities which are gender-biased lead the women to become migrant workers overseas.

The dominance of women as TKI-PRT, especially as domestic workers or housemaid, has been in line with the increasing cases of problems related to the women TKI in the destination countries. By September 2014, there were 598 migrant workers in troubles, put in Indonesian Embassy shelters in Malaysia, which was approximately 67.6% of them TKI-PRT.

Table 2. Problematic Migrant Workers Based on Working Sector in the Shelter of Indonesian Embassy Kuala Lumpur January – September 2014

No	Working sectors	Total	%
01	PLRT	398	67.6
02	Jobless	37	6.30
03	Cleaner	28	4.80
04	Restaurant	25	4.20
05	Kindergarten	25	4.20
06	Clerk	13	2.20
07	SPA	12	2.00
08	Oil Refinery	10	1.70
09	Construction	9	1.50
10	Visitors	9	1.40
11	Stranded	6	1.00
12	Prostitutes	5	0.80
13	Orphanage keeper	3	0.50
14	Salon	3	0.50
15	Shipmen	2	0.30
16	Plantation	2	0.30
17	Baby Sitter	1	0.20
18	Midwifery	1	0.20
19	Hotel	1	0.20
total		598	100.00

Sources: Indonesian Embassy in Malaysia, 2014:3

In addition to any issues based on the report from Indonesian Embassy shelter in Malaysia explained by the Embassy namely: a) exploitation and abuse, b) unpaid wages, c) passport confiscation by the employers, and other similar issues. The high vulnerability faced by TKI-PRT in 2014 essentially is not separated strongly with the basic seven

drawbacks of the regulation and practice during the TKI-PRT placement overseas.

3.2. Conceptual Substance Framework to Build System Information Governance of Indonesian Imigrant Workers Placement and Protection

The substance of the order related with TKI-PRT rights and obligations, so far has been only focused on the TKI substantive rights rather than procedural rights. The procedural rights of TKI are particularly regardless to strengthening the capacity of TKI productive role actualization as an active agent of change, especially as an active evaluator and creator of information in all stages of TKI implementation process. As the consequence, it has been more precisely in the position of keeping TKI-PRT for passive role, not the active role.

The substance of order related to the roles and responsibilities of stakeholders beside the migrant workers, tends to be focused on the technical management during the placement rather than strategic aspects of management which may foster collective capacity for all stakeholders to trigger the awakening capacity and migrant workers autonomy as the central base focus as an active agent of change, especially migrant worker as an active evaluator and creator of information in all stages of TKI-PRT placement process abroad. So the placement management activities and protection, even the vulnerability is dominated by stakeholders' roles and interests rather than strengthening TKI-PRT protection. As the consequence, the migrant worker potential to experience vulnerability actually comes from the action of the stakeholders themselves.

In addition, it is only concentrated on the pre-placement stage, ignoring the proactive role of stakeholders during the migrant worker placement process overseas. This setting can be observed through training session issues, which the workers confirmed that the on-stage training is only conducted during the pre-placement stage. In contrast, there is no substantial setting which concerns with the urgency of similar training for workers who are in the destination country after the placement process or departure. The implication, the problem keeps happening in relation to the relationship between the workers and employer. This is proven by the high number of problematic TKI-PRT accommodated in Indonesian Embassy shelters in Malaysia until September 2014.

Meanwhile, TKI-PRT training on pre-placement stage tends to strengthen the technical skills rather than strengthening the cultural knowledge capacity (morality), economic (related to infrastructure and communications access), and politics (negotiation and communication with stakeholders). As the consequence, the principle of the first and the best protection coming from the

immigrant workers cannot be implemented as expected, even confirmed in legislation.

Substance of order related to budget allocation structure borne by the employers and TKI-PRT tends to be biased to the stakeholders and to finance TKI-PRT administrative stuffs. In contrast, it's relatively minimal to finance the capacity building of autonomous migrant workers to be able to proactively as an active agent of change, such as the provision of communication, documentation, and other vital infrastructures, or to support the implementation of PPTKIS obligations and its overseas partner to undertake a strategic activity on monitoring TKI-PRT condition in the employer's workplace.

The substance of order related to the development of TKI-PRT online information management systems is still on the stakeholders' point of view and interests, which migrant workers are excluded. Conversely, it is not based on the viewpoints and interests of strengthening the role of migrant workers as active agents of change actualization, especially migrant workers as active evaluators and creators of information. For example, as it is reflected in Section 52 of Ministerial Regulation (Permenaker) Number 22/2014 which asserts that "data and TKI-PRT information services should at least contain: the identity of migrant workers including the name, place and date of birth, address and photograph; passport number; PPTKIS name and address which manage the TKI-PRT placement; business partners and / or employers name and address; placement agreement number; working agreement number; departure date; and migrant worker insurance." Both the implication and the development of e-governance in TKI-PRT placement and protection will waste resources more and less strategic for long-term benefits, either TKI-PRT or stakeholders.

The substance of authorities' distribution, duties and responsibilities in the governance of TKI-PRT placement and protection is still overlapping, there is no clear and precise limit of check and balance among the institutions that take the roles as regulator, implementor and supervisor. Almost all stakeholders from government institutions ranging from the central government assume the role as the implementor and supervisor. Meanwhile, the monitoring function of the conditions development of TKI-PRT overseas in the employer's workplace is delegated to the PPTKIS and its partners in the destination country. The implication, monitoring, evaluation, protection and innovation functions in the governance of TKI-PRT placement are not much changing from time to time.

4. CONCLUSION AND SUGGESTION

The substance of the governance arrangements for TKI-PRT placement overseas, such as the majority of TKI-PRT are women, are likely

bureaucratic centricity rather than citizen centricity. In other words, it's still dominated by the stakeholders' perspective and interests, rather than oriented to the development order of "self-governance model" with the main focus of strengthening TKI-PRT autonomous capacity as an active agent of change. In particular, the main focus is strengthening autonomous capacity of TKI-PRT as an active evaluator and creator of information in all stages of the TKI-PRT placement overseas.

The governance substance order of TKI-PRT placement has bureaucratic centricity character, which is quite contrary to the fundamental essence "TKI-PRT labor migration", fundamental principles of "first and best protection should come from the labors themselves" as well as the main principles of workers placement governance which must be based on "integration, equality, democracy, social justice, gender equality, anti-discrimination, and anti human trafficking", as it's regulated in the Act Number.39/2004.

The substance condition of the governance arrangements of TKI-PRT placement process abroad is potentially become a serious constrain of the efforts to achieve online information management system, which further strengthen transparency and protection to TKI-PRT. Since the substance renewal order becomes very urgent, the strategic renewal should be done to create the better placement and TKI protection governance based on the *good governance* principal.

Various strategic renewals are reflected that the future governance of TKI-PRT placement abroad demands the empowerment of TKI-PRT utilization to become more productive with their role as an active agent of change. This new setting can only be realized if it is based on the "share vision", "collective capacity", and all stakeholder commitment to synergize and strengthen the development of self-governance model in TKI-PRT placement, include the online information management system development, especially through real autonomy in action, broad and integrated aimed to strengthen and institutionalize 'autonomy and integrity of all actors' practices. Hopefully!

5. REFERENCES

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