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STRATEGIC PLANNING FOR THE PLACEMENT AND PROTECTION OF INDONESIAN LABOR IN RESTRAINING NON PROCEDURAL INDONESIAN LABOR: A STUDY ON BNP2TKI

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Abstract

This study analyzes Strategic Planning for the Placement and Protection of Indonesian Labor in restraining Non Procedural Indonesian Worker by conducting study in the National Body for Placement and Protection of Indonesian Worker (BNP2TKI). This study aims at elaborating how strategic planning process owned by BNP2TKI restrains non procedural worker. The resource persons interviewed must meet the criteria of the study, namely they are informants believed to own information on strategic planning process, and the persons needing protection. There are 6 informants coming from BNP2TKI, 1 from PPTKIS, and 2 from the labors. The results of the in-depth interviews become data that are analyzed employing 5 variables of the theory of Olsen and Eadie. This study discovers that in terms of strategic planning process, BNP2TKI has done well, but the selected strategy is still quite standard for non-procedural laborers training category. BNP2TKI has also been unable in raising awareness among labor applicants that non-procedural consignment line is dangerous and prohibited by the law.

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Introduction

There are around 37 million new workforces in Indonesia every year, and the economic growth reaches the number of 5% in average. For every 1 % of economic growth in Indonesia, there are only 1 million and 250 thousand job opportunity available, which means that there is an imbalance between job opportunity and workforce. Thus, there is a mean average of 1.5 million of unemployment in Indonesia. This phenomenon is known as Demography in which there is more workforce than job opportunity. Aware of this phenomenon, the government must find immediate solution in restraining the growing number of unemployment in Indonesia. Therefore, the government shares the view of the need for migration, consigning Indonesian labor to work abroad. In addition, poor and troubled regions are other reasons for government to present migration as the solution in improving the welfare of the people.

Indeed, permanent movement of people or migration had been around even prior to Indonesian independence. Consignment of Indonesian Labor abroad was conducted by the Netherland Indies government through the placement of workers under contract to Suriname in South America, another colony of the Netherland. The material collected from the Directorate for Placement Socialization and Institutionalization of National Body for Placement and Protection of Indonesian Labor (*Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia* - BNP2TKI) reveals that since 1890, the Dutch government had started consigning a large number of workers under contract from Java, Madura, Sunda, and Batak societies to work in plantations in Suriname. The workers consigned indeed had no legal document or in other words, they were non-procedural labors.

Up until Indonesian independence, the consignment of non-procedural labor abroad took place regularly. Until late 1960s, the placement of Indonesian Labor did not involve the government at all, but conducted by person to person, kinship and in traditional way. The target countries were Malaysia and Saudi Arabia, due to religion based relation and inter countries border. The placement of Indonesian Labor under Indonesian government regulation was started in 1970 and conducted by Department of Work Force, Transmigration and Cooperative by the publishing of Government Decree Number 4 Year 1970 through Inter-region Inter-work (*Antarkerja Antardaerah-AKAD*) and Inter-countries Inter-work (*Antarkerja Antarnegara-AKAN*) programs, and from that moment private sector (Indonesian labor service recruitment companies or private Indonesian labor placement organizers) has also been involved in the placement of Indonesian labor abroad.

Later, the government issued Presidential Instruction Number 6 Year 2006 on the Reform of Placement and Protection of Indonesian Labor System Policy. The government also published Presidential Decree Number 81 Year 2006 on the Formation of National Body for Placement and Protection of Indonesian Labor (BNP2TKI) whose working operational structure involves elements of government agencies concerning service for Indonesian Labor such as Ministry of Foreign Affair, Ministry of Transportation, Ministry of Workforce and Transmigration, Police, Ministry of Social Affair, Ministry of National Education, Ministry of Health, Immigration (Ministry of Law and Human Rights), State Secretary, and others as stipulated in Law Number 39 Year 2004 on the Placement and Protection of Workforce in article 94 paragraphs (1) and (2) which stipulate the formation of National Body for Placement and Protection of Indonesian Labor (BNP2TKI). The existence of BNP2TKI means that all aspects of placement and protection of Indonesian Labor activities are under the authority of BNP2TKI which is under the coordination of the Ministry of Workforce and Transmigration, but is accountable to the President.

On the other hand, the issuance of Law Number 39 Year 2004 brought negative impacts to the practice of consigning Indonesian Labor abroad. Due to the ease given to Indonesian Labor Service corporations (*Perusahaan Jasa TKI-PJTKI*), known today as Private Indonesian Labor Placement Organizer (*Pelaksana Penempatan Tenaga Kerja Indonesia Swasta-PPTKIS*), some PPTKIS employ any devices to gain more profit, including forging documents of the Indonesian Labor. Furthermore, some field officers, often called 'sponsor', conduct illegal recruitment. These actions are the kinds of organized and systematic non-procedural Indonesian Labor consignment. In addition, the profit gained by PPTKIS from the employers is not enjoyed by the workers. They have become mere tools to be exploited and their primary rights, namely protection they rightfully deserve as foreign exchange heroes, are denied (Kompas, 08/22/2015).

Record shows that since 1983, the government has received transfer of fund from Indonesian Labor. Information collected reveals that this fund transferred, or remittance, is the wages of Indonesian Labor abroad which they transferred through International monetary institutions, such as Western Union, to the accounts of their family in local banks. This is a positive impact received by the government since it allows the government to take part in State's economy by managing the value of Indonesian currency, Rupiah, to foreign currency.

Meanwhile, many cases are reported concerning criminal acts towards Indonesian Labor abroad. Data collected by Migrant Care, a Non-Governmental Organization dealing with the well being of labor abroad reveals that those crime cases concerning Indonesian Labor mostly transpire to those going abroad in non-procedural fashion. BNP2TKI as Non-ministerial Government Institution must come out with a strategy in restraining non-procedural Indonesian Labor to protect the workers from criminal acts. Stuffer's theory states that the regulations should be from General Norm to Individual Norm, meaning from the Indonesian Constitution of 1945 on protection of Indonesian citizen to more specific regulation such as Law Number

39 Year 2004 on the Placement and Protection of Indonesian Labor up to Overseas Labor Card (*Kartu Tenaga Kerja Luar Negeri-KTKLN*).

An independent and authoritative country is fully obliged to protect the people or the citizen. This has been made clear in the Preamble of Indonesian Constitution 1945 in the fourth paragraph as follows:

“Pursuant to which, in order to form a Government of the State of Indonesia that shall protect the whole people of Indonesia and the entire homeland of Indonesia, and in order to advance general prosperity, to develop the nation’s intellectual life, and to contribute to the implementation of a world order based on freedom, lasting peace and social justice, Indonesia’s National Independence shall be laid down in a Constitution of the State of Indonesia, which is to be established as the State of the Republic of Indonesia with sovereignty of the people and based on...”

This paragraph is evidence of the Government’s obligation to protect citizen, both inside and outside the country at any cost. The protection given to Indonesian Labor must be executed by the government through the National Body for Placement and Protection of Indonesian Labor which is situated in South Jakarta.

Indeed, BNP2TKI has already had strategic planning for protection of Indonesian Labor from pre-placement, placement, to post-placement stages. This strategy becomes the reference for protecting Indonesian Labor from unlawful acts such as murder, violence and others. However, although preventive acts such as verification of documents, conveyance of Overseas Labor Card, socialization and even sweeping have been conducted at pre-placement stage to restrain non-procedural Indonesian Labor, there are still a great number of cases transpire to them. The problems complained by Indonesian Labor Applicant and Indonesian Labor become greater and more complex. Observation shows that cases transpire to non-procedural Indonesian Labor are executed by many actors. They are ranging from Private Indonesian Labor Placement Organizer or PPTKIS, family, undesignated person (sponsor), friend or neighbor. The problems indicated are as follows:

1. BNP2TKI found that the applicants register at unofficial PPTKIS, persuaded by undesignated person (sponsor). Such case is reported in *tribunnews.com* that 5 adult females almost get trafficked when they are lured by an offering of wages as high as 500 RM or 18 million rupiah (exchange rate 1RM: IDR 3,600) if they register to unofficial/fake agent (*Tribun Jabar*, 02/10/2015). Sponsor usually offers applicants through unofficial PPTKIS to work abroad. The applicants are tempted by the offer since the sponsor explains that working abroad means big wages and the registration process is fast and easy.
2. Indonesian Labor applicant registers at official PPTKIS but the PPTKIS forges the documents, usually concerning the age of the candidate. It is a usual practice of PPTKIS to violate the rule of minimum working age standard. The legislations issued by International Labor Organization at ILO Convention Number 182 Year 1999 and by Indonesian government, namely Law Number 20 Year 1999 on ratification of ILO Convention Number 138 set minimum working age standard at 18 years old. When the applicant is underage, the PPTKIS forge the applicant’s document. Such case was reported by *Glesta radio Bekasi* in which 269 forged documents for working in Malaysia and the Middle East were found (*Glesta radio*, 10/02/2015). Other cases involve the forging of the applicant’s age in order to seem as if they are still at productive age, such as the case of the deceased Ruyati who was beheaded in the Saudi Arabia (*Elshinta*, 10/02/2014).
3. The Indonesian Labor Applicant is asked by someone close, such as member of the family, kinsman, friend or neighbor to work across the border lines, such as in Batam and Kalimantan. In one such example, the parent/mother sold her own daughter to be prostituted. Local police department thwarted this non-procedural Indonesian Labor consignment and this case has been recorded in official report. This is an example of how trust of the applicant towards familiar figures such as parents, family or kinsman can be exploited to persuade applicant to work abroad by taking commercial flight with general/ tourist passport or by crossing the border such as in Batam and Kalimantan.

To put it simply, the problem can be identified as a condition where there is disharmony between actual, concrete event and norm or normative reality as should be done. This problem must be elaborated as an obstruction that needs solving.

Methodology

The method of study employed here is descriptive qualitative method. The aim is to present elaborative data not through statistic numbers, but through words. Natasha, Cynthia, M. Macqueen, Greg, and also Namey (2005) explain “there is a comparison between qualitative research method and quantitative research method. The fundamental comparison between them lies at the aim of research analysis, the kind of question asked so that the data collected will be different, and also the kind of collecting instruments of collected data.” (Natasha *et al.*, 2005: 12).

To discern the questions on why, how, on what foundation non-procedural Indonesian Labor consignment can occur, there is a need for elaborative study. The most appropriate method in this study is qualitative one.

It has been explained above that the study concerning Indonesian Labor in non-procedural Indonesian Labor study needs a complex and comprehensive approach. "The presence of intangible factors such as social norms of local people, social economic state of the Indonesian Labor and others urge the use of qualitative research approach" (Natasha *et al.*, 2005: 1).

To put it simply, "qualitative research is defined as a method or a way the researcher take to be able to understand and define social reality phenomenon" (Bryman, 1988, quoted in (Ritchie & Lewis, 2003: 3). Qualitative study is beneficial in understanding the social phenomenon of an agency since it provides comprehensive understanding by learning the economic and social background of the labor, experience of the victim and views from different perspective such as from Non Governmental Organization like Migrant Care who cares about the well being of Indonesian migrant.

STRATEGIC PLANNING CONCEPT

In traditional approach, public sector organizations show many deficiencies. They often set complete planning but does not follow it with real implementation or implement it in a limited way. This is the deficiency or flaw of public sector that needs to be overcome by the organization" (Hughes, 2003: 132).

This is the reason why public sector organization, BNP2TKI in this matter, needs to employ a strategy to overcome their deficiency or flaw. Long beforehand, Bryson had stated that "strategy is a vital matter since it is the pattern of goal, policy, program and or action taken by organization" (Bryson, 2004: 223).

Henry Mintzberg (1994) argues in his book *The Rise and Fall of Strategic Planning* that "there is no clear definition on planning and he finds definition cannot be limited." Some people unnamed in the book attempted to define planning as future thinking, future control, decision making, integrated from decision making, or formal procedure to produce articulated product in form of integrated decision system (Mintzberg, 1994: 7-12).

In another reference, Goodstein (1993) in Daniel Ebner's book argues that "planning is a process of setting aim and selecting the most appropriate way for accepting previous target by taking actions or steps" (Goodstein (1993), in Ebner, 2012: 35). Keith Simerson also takes part in this school of thought. He set the way on how to plan planning, namely by *first* design or select credible strategic planning frame, model or process, and *second*, identify component to be inserted in the strategic plan produced (Simerson, 2011: 187).

Strategic planning is adopted from private sector started in 1980s (Hughes, 2009: 136). This is why definitions of strategic planning is often taken from private sector such as strategic planning of Goodstein (1993) who defines it as "a process directing the future of members of the organization and developing procedural and operational need to actualize the goals of the organization" (Goodstein (1993), in Ebner, 2012: 15).

Considering the need of BNP2TKI, strategic planning from Olsen and Eadie in Hughes' book entitled *Public Management and Administration* is the closest one. They elaborate that "Strategic planning is a disciplined effort to produce fundamental decisions shaping the nature and direction of governmental activities, within constitutional bounds" (Olsen and Eadie (1982), in Hughes, 2003: 137).

There are three vital points in this definition. First, fundamental decision referring to this decision is not only at low level but also at higher bureaucracy level. In the context of this study, fundamental decision is defined as the decision set by central government, in this matter BNP2TKI, concerning protection of Indonesian Labor which must be comprehensively planned to protect Indonesian Labor and this decision is also applied to lower level organizations such as BP3TKI and P4TKI as local representations. The next vital point lies on 'the nature and direction of governmental activities' which means the future of the whole organization. This point refers to how BNP2TKI keeps providing sustainable protection for Indonesian Labor. The last vital point is the boundaries of political and constitutional strategic planning scope, which distinguishes this planning strategy from those of private sector. In this matter, strategic planning set by BNP2TKI is surely not political act of the agency but fundamental obligation of the state to give protection. Further, strategic planning set by BNP2TKI must be different from private sector such as PPTKIS as the partner in implementing Indonesian Labor consignment abroad (Hughes, 2003:137).

From the many strategic planning models available, such as from Osborne and Gaebler (1992), Bryson (1988) and Olsen and Eadie (1982), the strategic planning model of Olsen and Eadie (1982) is selected for its proximity to the concept of this study. Therefore, to discover the strategy taken by BNP2TKI in retraining non-procedural Indonesian Labor, the model of Olsen and Eadie (2003, 137) is employed. This theory reveals some components of strategic planning process as follows:

1. The overall mission and goals statements, which are formulated by an organization's executive management and provide the framework within which strategies are developed – the 'targets' toward which strategies are aimed.
2. The environmental scan or analysis, consisting of the identification and assessment of current and anticipated external factors and conditions that must be taken into account when formulating the organization's strategies.
3. The internal profile and resource audit, which catalogues and evaluates the strengths and weaknesses of the organization in terms of a variety of factors that must be taken into consideration in strategic planning.
4. The formulation, evaluation, and selection of strategies.
5. The implementation and control of the strategic plan.

INDONESIAN LABOR CONCEPT

1. Indonesian Labor

Each Indonesian citizen has the right for work and same opportunity to work as it is an individual right. The State guarantees these rights and also protects Indonesian citizen wishing to work both inside and outside the country on the principle of democracy, social justice, equality and gender fairness without discrimination and human trafficking and surely uphold individual right equality (Law Number 39 Year 2004).

Regulation concerning Placement and Protection of Indonesian Labor Abroad such as Law Number 39 Year 2004 defines Indonesian Labor and Indonesian Worker Applicant. This law specifies Indonesian Labor as "every Indonesian citizen qualified to work abroad in a work relation inside a certain time span and receive payment." The definition of Indonesian Worker Applicant is "every Indonesian citizen qualified as job seeker willing to work abroad and registered in the City or Municipal Government agency accountable in labor field" (Law Number 39 Year 2004).

This law elaborates that Indonesian Labors included in such category are those fulfilling the predetermined qualification and signing contract for a certain period and received payment as their right. Then, Indonesian Labor Applicants are those fulfilling the qualification and registered to government agency. In this study, this definition is surely inadequate to cover the need of what is defined as Indonesian Labor which also includes Indonesian Labor Applicant.

Criticism from Anis Hidayah *et al.* argues that "this regulation (Law Number 39 Year 2004) only delivers the policy of producing Indonesian Labor as much as possible without considering the accuracy of strategy for substantive protection so there are often denials that those who do not fit the definition of the Law cannot be regarded as Indonesian Labor" (Anis, 2013: 37 - 38).

International Organization regulating everything on labor has its own definition of Labor. International Labor Organization defines migrant worker, or in the context of this paper is called Labor, as one who migrates or has migrated from original country to destination country to be employed by some others" (ILO, 2006: 14).

To complete the definition of Indonesian Labor and be able to meet the need of the study, it is emphasized here that Indonesian Labor is Indonesian citizen wishing to work inside the country or abroad without any discrimination. Indonesian Labor here also includes Indonesian Labor Applicant. This definition fits this study better, considering the many cases of Human Trafficking on Indonesian Labor that cannot be assisted since they are not included in the definition of Indonesian Labor according to the law.

2. Non-procedural Labor

In academic world, it will be hard to find the term non-procedural Indonesian Labor as is used by BNP2TKI or BP3TKI as the agency for serving, placing and protecting Indonesian Labor in the regions. This term is more of practitioner's language. The closest term for non-procedural in academic world is human trafficking so in elaborating the meaning of non-procedural here, the term human trafficking will be used.

In recent years, human trafficking can transpire to everyone, male or female, children or adult. Human Trafficking is classified into international crime that must be fought by every country including Indonesia as an authoritative country" (Eddyono, 2005: 2).

In Indonesian regulation, human trafficking is discussed in Law Number 21 Year 2007 on the Extermination of Human Trafficking Crime. In this law, human trafficking is defined as "the act of recruiting, transporting, sheltering, consigning, moving or accepting someone by violent threat, violent treatment, abduction, incarceration, forgery, trick, abuse of power or fragile position, debt trap or provision of payment or service so as to gain permission of people having control over that person, both conducted inside the country and abroad, for the purpose of exploitation or causing someone to be exploited" (Law Number 21 Year 2007).

This law specifies who is defined as victim, actor, children, and corporation and also clarifies what is considered as exploitation, sexual exploitation, recruitment, transportation, violence, violent threat and others (Law Number 21 Year 2007). To clarify the meaning in this study, considering the many kinds of trafficking, human trafficking here is emphasized as an unlawful act which includes the element of elimination of labor's rights with the purpose of exploiting them.

Law Number 39 Year 2004 on the Placement and Protection does not elaborate non-procedural Indonesian Labor. Although there is no explanation of non-procedural Indonesian Labor issued by BNP2TKI, it seems important to provide the definition of non-procedural Indonesian labor here. From conducted study, it can be concluded that non-procedural Indonesian Labors wishing to work abroad or currently working abroad in the placement-country are not pursuant to the procedure set by the government. This definition is suitable for the study.

STRATEGIC PLANNING OF THE NATIONAL BODY FOR PLACEMENT AND PROTECTION OF INDONESIAN LABOR (BNP2TKI) IN RESTRAINING NON-PROCEDURAL INDONESIAN LABOR

Strategic planning is composed on the basis of National Middle Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional*–RPJMN) of the government. This government plan is constantly renewed every five years and contains the goals or target of the president or government at the time. This plan is the base for the composition of strategic planning of BNP2TKI. The composition of strategic planning begins with composing draft, which should be supervised by the head of the body, but in practice is often pre-composed internally by the Planning Bureau. After the draft emergence, the primary secretariat supervises meetings involving deputies, inspectorate, and BP3TKI with fundamental part in serving placement of Indonesian Labor Applicant, such as the ones in Semarang, Bandung and Ciracas. Apart from this wide-scope draft coordinated by Planning Bureau, every working unit composes their own strategic planning to be codified into one draft accommodated by Planning Bureau. This process usually involves three meetings prior to finalizing the draft under supervision of the Primary Secretariat involving all deputies, inspectorate, and BP3TKI. In the end, the final draft is acknowledged by the Head of the Body prior to review by the House of Representatives. After approval by every party involved, the Strategic Planning is signed by Official Head of Body to become Regulation of Head of Body (interview with expert, Mr. Fais, 10 February).

The problems with Indonesian labor are among others the vast number of unemployment due to the imbalance of the number of job seeker and available job offer, labor's productivity and labor's low quality or competency. These issues call for the creation of new job opportunities and expansion of job market abroad accompanied by enhancement of labor's quality and competency. Therefore, placement of labor abroad becomes an alternative in solving the problems of labor in Indonesia. With the enhancement of quality, Indonesian Labor is expected to be able to compete with worker from other countries as skilled or professional labor.

Placement and protection of Indonesian Labor has entered a new stage in the era of openness and synergy between stakeholders. Thus, it is expected to minimize various Indonesian Labor problems through arrangement and improvement of Indonesian Labor placement and protection service system. Arrangement of Indonesian Labor placement and protection service begins from potential demand and improvement of inter-countries cooperation or with Legal institution to ensure more guaranteed placement and full protection of rights. This is followed by the improvement of adequate placement and protection system, both inside the country and abroad, so by the end of National Middle Term Development Plan year (2014), prime service, both on the placement and protection by urging placement of formal Indonesian Labor more than informal Indonesian Labor is expected to have been actualized. Parallel to it, Strategic Plan of BNP2TKI year 2010-2014 is composed.

The presence of Strategic Plan as the reference for the implementation of placement and protection of Indonesian Labor service is expected to be able to guide the placement of Indonesian Labor accurately with optimum protection so as to minimize various problems in the placement and protection of Indonesian Labor. In addition, with Strategic Planning, the efforts of increasing quantity and quality of Placement and Protection of Indonesian Labor service can be actualized.

The aim of BNP2TKI Strategic Planning of year 2010-2014 is to provide directive for abroad labor strategic policy through determining goals and enhancing the quality of service, placement and protection of Indonesian Labor in the period of 2010-2014. Meanwhile, the goals to achieve in determination of Strategic Planning are:

- a. Availability of goals and directive for development, placement and protection of Indonesian Labor in the 2010-2014 period.
- b. Availability of Strategic Planning for Placement and Protection of Indonesian Labor in 2010-2014 period which will become guidance in determining Strategic Planning of Echelon I, Echelon II and BP3TKI in regions.

The foundation for implementation of Strategic Planning of National Body for Placement and Protection of Indonesian Labor in year 2010-2014 is determined by referring to relevant regulations, such as:

- a. Law Number 17 Year 2003 on State Financial
- b. Law Number 24 Year 2004 on National Development Planning system
- c. Law Number 39 Year 2004 on Placement and Protection of Indonesian Labor abroad
- d. Government Decree Number 20 Year 2004 on Working Plan of the Government
- e. Government Decree Number 21 Year 2004 on Budget Plan
- f. Government Decree Number 39 Year 2006 on Procedure for Controlling and Evaluation of Development Plan Implementation
- g. Government Decree Number 40 Year 2006 on Procedure for Determining National Development Plan
- h. Presidential Decree Number 7 Year 2005 on National Middle Term Development Plan
- i. Presidential Decree Number 81 Year 2006 on National Body for Placement and Protection of Indonesian Labor (BNP2TKI)
- j. President's Instruction Number 6 Year 2006 on Reform of Indonesian Labor Placement and Protection System Policy

BNP2TKI has six programs of strategic planning of 2010-2014 period expected to be the reference in determining annual working plan of BNP2TKI and service posts for placement and protection of Indonesian Labor to restrain non-procedural Indonesian Labor from being the victim of criminal act. The Strategic Planning mentioned here are as follows:

- a. Facilitating Document Service for Indonesian Labor candidate
Document Service for CTKI is implemented in the form of facilitating completeness of documents and verification of document legality.
- b. Departure Preparing
The goal to achieve in this activity is the improvement of understanding of the rights and obligations of Indonesian Labor with Placement Final Provisioning to publishing of Overseas Labor Cardin conformation with Citizen Social Number which functions not only as identification card of Indonesian Labor, but also as a device to access information and banking.
- c. Conducting sweeping of illegal Indonesian Labor Applicant along the border
- d. Implementing Socialization in Indonesian Labor enclave areas
- e. Advocating Legal protection of Asia Pacific and Middle East areas.
Facilitating submission of complain through free of charge 24 hour service hotline. This activity is intended to provide security, advocacy and protection and empowerment service for Indonesian Labor, both during pre-placement, placement, and after working abroad in Asia Pacific and Middle East area. Advocacy and legal protection is executed in order to provide legal protection and guarantee of fulfillment of Indonesian Labor's rights, so they are really treated inhumane and dignified way.
- f. Improvement of Post Indonesian Labor Empowerment
Empowerment is applied to post Indonesian labors at the time of arrival to original place of the labor. Empowerment is executed in form of facilitating departure expenses, sending remittance, returning service at demarcation to original place, and guidance of post Indonesian Labor business.

This Strategic Plan is planning document containing priority and direction of placement and protection of Indonesian Labor policy and foundation for working program placement in 2010-2014 period. It has been elaborated at the beginning of this chapter about the problems transpired to Indonesian Labor. This statement is confirmed by many parties, from the Public Relation of BNP2TKI, the inspectorate of BNP2TKI, center for Research and information, departure preparing section, to the Head of BNP2TKI. Problems for Indonesian Labor transpire during pre-placement, placement, and post-placement. However, in this writing, only the placement and protection of Indonesian Labor during pre-placement is discussed by viewing strategic planning owned by BNP2TKI as Non Ministerial Government Institution.

Indonesian Labor seeking job abroad can be divided into 2 categories, Formal Labor and Informal Labor. Formal Labors are those with high education or work-professionalism, such as nurse, engineer, contractor, and others. Informal Labors are those conducting physical labor, such as housemaid, factory worker, plantation worker, office boy, and others. There are three types of consignment of the labor, namely: *First*, independently, where the labors straightly register to company abroad opening job vacancies without consulting the government or Private Indonesian Labor Placement Organization (PPTKIS). *Second*, the labors register to official or registered PPTKIS. PPTKIS then will register the candidate according to their wishes and job order available. *Third*, by using government program, such as G to G or Government to Government, for example the shipment of labor from the government of Indonesia to the government of Korea. This is the experience of the writer during the study conducted from various sources.

Perceiving the many means of consignment of Indonesian Labor abroad, there are many opportunities for exploitation for evil intention. This kind of crime is executed by consigning Indonesian Labor in non-procedural way to various countries such as Malaysia and the Middle East. Non-procedural Indonesian Labor shipment in formal sector is rare since those who have education are very cautious when seeking job overseas to avoid being shipped in non-procedural way. However, in non-formal sector, there are many cases of non-procedural Indonesian Labor shipment, since they in general only have minimum education level, ranging from Elementary School to Junior High School.

Those who work as housemaid even have problems communicating in Bahasa Indonesia since they are more proficient talking in their local languages. This information is collected during research at BNP2TKI from interview with informant from the body.

Law Number 39 Year 2004 Chapter VI articles 77 to 84 mandates BNP2TKI to provide obliged protection during pre-placement, placement, and post-placement. However, there are still many deficiencies in this Law. From the existing 109 articles, only 8 are concerning protection. Moreover, there is no specific form of protection mentioned in the law concerning pre-placement and post-placement. The informant is aware that BNP2TKI has not been able to provide maximum protection. Considering many deficiencies in legal foundation of protection providing, namely Law Number 39 Year 2004, at present this regulation is submitted to the House of Representatives for revision to supply more section on protection (informal question and answer with the Head of Public Relation, Mr. Haryanto, 5 February 2016).

Considering the situation mentioned above, it can be accepted that the government at the moment is indeed taking every step needed in order to revise the Law Number 39 Year 2004. This is evidenced from the Meeting implemented between Commission IX of the House of Representative and Migrant Care that receives many input and complains.

One of BNP2TKI focuses is how to assist Indonesian Labor in managing the fruit of their labor abroad with productive activity so they do not have to work abroad again. Composition of strategic planning by BNP2TKI is parallel to the concept that the government facilitates people working abroad with the hope of better life. In addition to facilitating people working abroad, the government wishes for good protection for them. Therefore, BNP2TKI composes the strategy in line with existing needs. Information gathered from seminar organized by BNP2TKI and PPTKIS on Thursday, 4 February 2016 reveals that Mr. Nusron Wahid as Head of BNP2TKI stating that one of the programs soon to be implemented by the government in protecting Indonesian Labor working abroad is to cooperate with companies or agents located abroad as representative of Indonesian Labor working in the country.

The record of BNP2TKI shows that from 2010 to 2015 there was a decrease of the number of Indonesian Labor. Survey by BNP2TKI reveals two factors for this decrease. The first factor is the moratorium issue concerning temporary freeze by the government due to trouble in target country. The second factor is many Indonesian Labors departing independently without verifying document through BNP2TKI (Result of meeting with commission X of House of Representatives, 9 February 2016).

From the analysis above, it is clear that many Indonesian Labors are more attracted to depart abroad independently without verifying their documents. This is a matter of concern for the government since unregistered Indonesian Labor abroad is hard to detect and protect, which will harm the labors themselves.

Table 1. The Placement of Indonesian Labor 2011 to 2015

No.	Year	Number of Labor
1	2011	586,802
2	2012	494,609
3	2013	512,168
4	2014	429,872
5	2015	275,736

CONCLUSION

It can be concluded from the analysis that:

1. The strategic planning process of the government has been conducted well in line with strategic planning theory (Olsen and Eadie). It is evidenced from discussion on these 5 stages. 1. Determination of mission, goals and target of strategic planning. 2. Environment analysis employing geographic, economic, and cultural aspects. 3. Inspectorate profile and auditing. 4. Formulation, evaluation and selection of strategy. 5. Implementation and strategy.
2. Selection of strategy owned by BNP2TKI such as document verification is still classified as standard for non-procedural Indonesian Labor prevention category. Document verification is common strategy in administrative matters. At the moment, the Government strategy with big impact in preventing non-procedural Indonesian Labor is socialization. However, intensity of socialization planned by BNP2TKI is still at minimum level. It is evidenced from confession of informant acknowledging deficiency of limited budget and lack of human resources. This is the reason why the implementation cannot fully go as planned. One such example is in the implementation of socialization which cannot reach remote places.
3. BNP2TKI is still unable to raise awareness of Indonesian Labor Applicant on the danger of non-procedural shipment line and that it is prohibited by law. In other references, Goldstein (1993) in Daniel Ebner's book argues that "planning is the process of making goal and selecting the most appropriate way for acceptance of previous goal bay taking actions or steps" (Goodstein (1993) in Ebner, 2012: 35). Keith Simerson also supports this school of thought. He makes a way to plan this planning, namely by *first* design or select credible strategic planning frame, model or process. *Second*, indentify component to be included in the strategic plan produced (Simerson, 2011: 187).

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