

The Sociological Implications of the Presence of Foreign Workers for Southeast Sulawesi Resident

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Abstract. *One of the areas targeted for foreign workers entering Indonesia is the Southeast Sulawesi Province (Southeast Sulawesi). According to data from the Southeast Sulawesi Manpower and Transmigration Office (Disnakertrans), it was recorded that there were approximately 3,200 foreign workers working in Southeast Sulawesi, dominated by foreign workers from China. For this reason, the Provincial Government of Southeast Sulawesi always provides guidance and supervision of foreign workers, by providing them with an understanding of customary and cultural conditions. At first the arrival of these foreign workers caused turmoil and rejection from the community. However, the government has explained that the foreign workers who come to Southeast Sulawesi are workers who have special expertise in order to accelerate the construction of smelters. A local workforce will be prepared to assist these TKA, so that there will be a transfer of knowledge. If the local workforce is able to understand the technology, the next operation will be handed over to the local workforce. After the community understood the situation of this problem, finally it began to appear that the community's acceptance of TKA.*

Keywords: *Foreign; Resident; Sociological; Workers.*

1. Introduction

Indonesia as a developing nation is essentially inseparable from various forms of social phenomena that exist. Facing the development of the world with the sophistication of technology and information also affects the economic sector where economic globalization has been programmed in the national development agenda by creating jobs for the welfare of the people in the employment climate improvement plan. Realizing that the development carried out by the Indonesian nation which aims to develop the Indonesian people as a whole and the welfare of society as a whole requires rearrangement of various aspects of community life in the social, economic and general fields, especially in labor relations.(Jazuli 2018)

Our country's multilateral relations with countries in the world in the current era of globalization have opened the faucet for the entry of foreign workers (TKA) in Indonesia. The use of foreign workers cannot be avoided, but in principle the use of foreign workers is those who are needed in 2 (two) ways, namely: those who bring capital (as investors)

and / or bring skills for transfer of knowledge or transfer of technology. Other than for these two reasons, in essence, it is not allowed

The establishment of large companies in this country is one of the supporting factors that plays a very important role in the process of nation building that is being undertaken. Meanwhile, labor problems are problems that always exist and will remain in connection with the establishment of these companies. Therefore, labor is the most dominant factor in a company. The need for professional experts and the need for appropriate technologies to support a production process, makes private companies, both foreign and national private companies, use TKA as their workforce while still prioritizing the use of local labor.

Indonesian workers (TKI) are one of the human resources as the driving force of development who should have a productive, skilled, creative, disciplined and professional work ethic and be able to utilize, develop and master science and technology (iptek). However, in reality, existing migrant workers have not been able to fully master the ever-growing science and technology. In fact, it is still rare for our workforce (local labor) to have the quality that matches the formation needs in several work sectors that have a high level of difficulty or that require special skills. It must be acknowledged that it is not easy for our workforce to meet these qualifications. This is a factor that encourages the use of foreign workers in Indonesia.(B.Randang, Frankiano, SH 2011)

In addition to having a positive impact on the community, especially migrant workers, with the opportunity to transfer technology, the influx of foreign workers into Indonesia can also cause social problems. The very striking difference in welfare (gap) between foreign workers and migrant workers can lead to social jealousy which can lead to social conflict. Therefore, the handling of TKA must really receive serious attention from the government, in this case the Ministry of Manpower.

One of the areas targeted by the influx of foreign workers into Indonesia is Southeast Sulawesi Province (Southeast Sulawesi). Southeast Sulawesi Province has 17 (seventeen) regencies/cities divided into 15 (fifteen) districts and 2 (two) cities with an area of $\pm 38,067.70 \text{ km}^2$, which is a special attraction for investors to invest their capital. This area has abundant natural resources in the form of nickel, so there are several large companies that have been established in this area, such as PT Virtue Dragon Nickel Industry (VDNI), PT Obsidian Stainless Steel (OSS), PT Vale Indonesia Tbk (INCO), PT Aneka Tambang Tbk (ANTM), PT Makmur Lestari Primatama and PT Citra Silika Mallawa.

The use of foreign workers in some of the above companies is to meet the needs of skilled and professional workers in certain fields that cannot be filled by migrant workers and to accelerate the process of transferring science and technology. However, the use of foreign workers must be implemented selectively in the context of optimal utilization of migrant workers. For this reason, strict supervision is needed from the government so as not to cause social problems which will then have an impact on social insecurity. Meanwhile the labor force in Southeast Sulawesi is quite large, namely 1,381,479 people with a population of 2,624,875 people, while the unemployment rate is 4.58% (four point fifty-eight percent) based on BPS data in 2020.

Starting from the descriptions above, the author feels called to examine more deeply the existence of foreign workers in Southeast Sulawesi, especially regarding the social and cultural impacts for the local community.

2. Research Methods

1) Type of Research and Method of Approach

The type of research used in this research is empirical legal research, namely the type of research that analyzes and examines the operation of law in society. While the method of approach is a sociological juridical approach, namely an approach to law as a norm or rule, and an approach to society in the sense of seeing the reality that exists in society.

2) The location of this research is at PT Virtue Dragon Nickel Industry (VDNI) and PT Obsidian Stainless Steel (OSS) Morosi District, Konawe Regency, Southeast Sulawesi Province.

3) Types and Sources of Data

Empirical legal research data can be divided into two types, namely primary data and secondary data. Primary data is data derived from field research data, while secondary data is data obtained from library research or literature.

4) Data Collection Techniques

To collect primary data (field research), it is done through observations and interviews, namely by asking questions directly with respondents / sources. Meanwhile, to collect secondary data (library research), it is carried out by studying laws and regulations, especially those related to TKA, analyzing research results, and others related to the material discussed.

5) Data Analysis Method

Data analysis in this research is carried out using the following methods.

3. Results and Discussion

3.1 The Existence of Foreign Workers in Southeast Sulawesi Province

The presence of foreign workers in a region is always a polemic and a sexy issue to be discussed. The issue of foreign workers in Southeast Sulawesi Province is no exception, as one of the provinces in Indonesia that is the target of foreign workers. According to data from the Southeast Sulawesi Manpower and Transmigration Office (Disnakertrans), there are approximately 3,200 foreign workers working in Southeast Sulawesi, dominated by foreign workers from China. These foreign workers mostly work in a number of mining companies and most of them work in the nickel refining mega industry area, namely PT Virtue Dragon Nickel Industry (VDNI) and PT Obsidian Stainless Steel (OSS) which operate in Morosi District, Konawe Regency, Southeast Sulawesi Province.

The presence of these foreign workers is expected to create a transfer of technology to local workers because the foreign workers are brought in are skilled workers and have expertise in certain fields. This can certainly develop the ability of local human resources working in the company. (Kusuma, Fathoni, and Asy'ari 2020)

In their presentation in front of the group of Domestic Strategic Studies (SSDN) of Lemhannas RI, the companies PT VDNI and PT OSS conveyed their seriousness in creating this technology transfer where each foreign worker is accompanied by Indonesian workers so that in time the jobs can be transferred to Indonesian workers.

Then there are also Indonesian workers who are sent to China for certain types of positions and jobs. The Virtue Dragon Institute of Technology, a mining polytechnic, will open this year. Through this scheme, it is hoped that the presence of foreign workers can be gradually reduced.

In order to protect migrant workers and provide more opportunities for employment, the government limits the use of foreign workers and at the same time conducts supervision. Therefore, the government has issued a number of legal instruments ranging from licensing, health protection guarantees to supervision. This restriction has been regulated in Law No. 11 of 2020 concerning Job Creation in the labor cluster which is elaborated more deeply in Government Regulation No. 34 of 2021 concerning the Use of Foreign Workers Jo Permenaker RI No. 8 of 2021 concerning Regulations on the Implementation of Government Regulation Number 34 of 2021 concerning the Use of Foreign Workers.

Based on the provisions of Article 42 paragraph (1) of Law No. 13 of 2003, it is stated that: every employer who employs foreign workers must have a plan for the use of foreign workers (RPTKA) authorized by the Minister or a designated official. Meanwhile, Article 4 paragraph (1) of Government Regulation no. 34 of 2021 states that foreign workers who can be employed in Indonesia are only in employment relationships for certain positions and certain times and have competence in accordance with the position to be occupied.

Referring to Article 81 of Law No. 11 of 2020 Jo Article 45 of Law No. 13 of 2003, it is stated that employers of foreign workers are obliged to: a) appoint Indonesian workers as assistants to foreign workers employed for technology transfer and transfer of expertise from foreign workers; b) carry out education and job training for Indonesian workers in accordance with the qualifications of positions occupied by foreign workers; and c) repatriate foreign workers to their home countries after their working relationship ends.

According to an official of the Southeast Sulawesi Manpower and Transmigration Office, the presence of foreign workers in Southeast Sulawesi has gone through a licensing process in accordance with the provisions stipulated in the Manpower Law. This is evidenced by the letter received by the Southeast Sulawesi Manpower and Transmigration Office regarding the approval and ratification of the RPTKA from the Ministry of Manpower of the Republic of Indonesia through the Directorate General of Manpower Development and Placement and Expansion of Employment Opportunities dated April 7, 2020. The approval of RPTKA for the use of foreign workers is mandatory.

The goal of granting RPTKA is as a form of protection to migrant workers through controlling the use of foreign workers in accordance with the needs so that in employing foreign workers it is necessary to consider carefully and in-depth regarding two aspects, namely: (Adha, Husni, and Suryani 2017)

a. The aspect of benefit (prosperity) that in employing foreign workers must bring benefits to improving the quality of migrant workers through transfer of technology and transfer of expertise, encouraging investment and expansion of business opportunities, and providing employment opportunities for migrant workers;

b. The security aspect is that the policy on the use of TKA is related to the foreigner traffic policy, the entry of foreigners or TKA must be selective (selective policy), which

means that in employing TKA, the security interests of the Republic of Indonesia must be considered.

3.2. The Role of Local Governments in Guiding and Supervising the Use of Foreign Workers in Southeast Sulawesi Province

Until now, the issue of guidance and supervision of the use of foreign workers by local governments is still a polemic. Law No. 23/2014 on Regional Government does not regulate the guidance and supervision of foreign workers. The guidance and supervision of foreign workers is only regulated in the Manpower Law and is mostly the authority of the central government.

The regulation of foreign workers in terms of labor law is basically to guarantee and provide decent work opportunities for Indonesian citizens in various fields and levels. Therefore, the employment of foreign workers in Indonesia is carried out through strict mechanisms and procedures starting with selection and licensing procedures, guidance and supervision.(Prof et al. 2021)

Regarding the authority for guidance and supervision of foreign workers by local governments, Articles 34 and 35 of PP No. 34 of 2021 state that guidance on the use of foreign workers is carried out by the ministry that organizes government affairs in the field of manpower and the agency that organizes government affairs in the field of provincial and district / city manpower in accordance with their authority, while supervision of the use of foreign workers is carried out by labor inspectors at the ministry that organizes government affairs in the field of manpower and/or the agency that organizes government affairs in the field of provincial manpower.

In the Explanation of PP No. 34 of 2021, it is stated that the guidance and supervision of the use of foreign workers is carried out by the Central Government and Regional Governments in order to realize the creation of an investment climate conducive to creating the widest possible employment opportunities for Indonesian workers and law enforcement and administrative against foreign workers employers for questioning the norms of the use of foreign workers.(Adha et al. 2017)

To conduct guidance and supervision of foreign workers, the Southeast Provincial Government always provides an understanding of customary and cultural conditions to foreign workers. The guidance of foreign workers is carried out through counseling and direct meetings with foreign workers, given an understanding so that they can adjust to the way of life, customs and culture of Southeast Sulawesi. Meanwhile, supervision is carried out through checking documents owned by foreign workers, both documents related to RPTKA and those related to residence permits in Indonesia.(Ramadhano and Lie 2023)

Supervision of mandatory reporting of foreign workers is also carried out by the Provincial Manpower Office. Foreign worker employers are required to report the number of foreign workers they use to the Provincial Government. In addition, there is also supervision of payment of compensation funds for the use of foreign workers (DKPTKA). The Foreign Worker Employer is obliged to pay DKPTKA to the Provincial Government. DKPTKA payment by the TKA Employer is a non-tax state revenue or local revenue in the form of local retribution. DKPTKA becomes provincial local revenue if the RPTKA authorization is extended for foreign workers who work in locations in more than one regency/city in one province.

If the TKA works at a location in one regency/city only, the DKPTKA for the ratification of the extension of the RPTKA is paid by the TKA Employer to the regency/city government. However, its supervision is the authority of the provincial Manpower Office.

Arrangements relating to the Implementation of Supervision of Foreign Workers are contained in the Annex to Law No. 23 of 2014 concerning Regional Government which states that the authority to supervise labor is under the Provincial Government, therefore all labor supervision that has the authority to supervise and all matters relating to labor, including the presence of foreign workers, has transferred its authority to the province. Because the supervision of foreign workers has become the authority of the Province, for the implementation of supervision in several districts/cities, the Pora Team was formed as an agency or institution for supervision carried out in the district/city against foreign workers as referred to in the provisions of the Regulation of the Ministry of Law and Human Rights of the Republic of Indonesia Number 50 of 2016 concerning Foreigner Supervision Teams.

3.3. Sociological Implications of the Presence of Foreign Workers for Communities in Southeast Sulawesi Province

The arrival of foreigners in an area, on the one hand, will be beneficial for improving the economy of citizens, but on the other hand it can also have a negative impact on the lives of citizens when they are too dominating. Local people will always lose in every competition. The loss of local people in every competition will certainly lead to social inequality and social jealousy. If this happens, it can jeopardize the institutions of society, nation and state.

To overcome this gap, the role of the government, both central and local governments, is needed in order to bridge the interests of each party. If the government is wise and prudent in addressing every problem that exists in society, it is not impossible that this potential problem will then turn into an opportunity. If this happens, of course, the opportunity to realize community welfare will be easily achieved.(Prof et al. 2021)

Such is the case in Southeast Sulawesi, where at first the arrival of foreign workers has caused turmoil and rejection from the community. There were fears in the community that these foreign workers would control all sectors of work so that employment opportunities for local workers would be narrowed. However, the government has explained that foreign workers who come to Southeast Sulawesi are workers who have special skills in order to accelerate the construction of smelters. Local workers will be prepared to accompany these foreign workers, so that there is a transfer of knowledge. If local workers are able to understand the technology, then further operations will be handed over to local workers. After the community understands this issue, there is a growing acceptance of foreign workers.

The comparison between the number of foreign workers and local workers in Southeast Sulawesi is also very far where there are around 50,000 local workers working in various mining companies, while the number of foreign workers is only around 3,200, meaning that the number of foreign workers is only six percent compared to the number of local workers. The presence of TKA can also be a trigger for improving the conduct and work ethics of local workers. It is no secret that the conduct and work ethic of local workers is still very far from what is expected.(Wulandari and Sa 2019)

In addition, to prepare a skilled and ready-to-use workforce in Southeast Sulawesi, the central government through the Ministry of Manpower has changed the status and upgraded the class of the Vocational Training Center (BLK) to the Southeast Sulawesi International Vocational Training Center (BBPVI). The presence of this center is to improve human resources through a transfer of knowledge scheme. International Vocational Training is considered important to prepare the human resources of Southeast Sulawesi and Eastern Indonesia to face the high-tech industrial era that is being prepared and will soon be implemented.

To respond to this program, the Provincial Government of Southeast Sulawesi has prepared land and donated it to the Indonesian Ministry of Manpower to become the land for the construction of the Southeast Sulawesi International Vocational Training Center (BBPVI) covering an area of 4.5 hectares in Kendari City located on Jalan DI Panjaitan Number 222 Kendari and directly to the current BLK Kendari location. A number of strategic companies now operating in Southeast Sulawesi fully support this government program, because this center will train people to become skilled workers who are needed by the industrial world.

The presence of the international standard BBPVI Kendari will certainly be able to produce new workers who are experts in their fields, ready to work and able to compete in the global era. Through this training, it is hoped that local workers in Southeast Sulawesi will become masters in their own country because they have been equipped with international expertise and skills. This will have a positive impact on the community because it will reduce the number of unemployed people, especially in Southeast Sulawesi and also have an impact on improving the standard of living and welfare of the community. The arrival of TKA in Southeast Sulawesi must ultimately be recognized as having a positive impact and bringing blessings to the community, especially the citizens of Southeast Sulawesi.

4. Conclusion

Based on the discussion above, the following conclusions can be drawn: a) The presence of foreign workers in Southeast Sulawesi is an unavoidable phenomenon to create a transfer of technology to local workers. b) The use of foreign workers in Southeast Sulawesi in addition to receiving supervision from the Central Government, is also supervised by the Provincial Government, especially related to mandatory reporting of the use of foreign workers and payment of compensation funds for the use of foreign workers (DKPTKA). c) The arrival of foreign workers in Southeast Sulawesi has a positive impact and brings blessings to the people of Southeast Sulawesi, especially with the establishment of an international BLK called the International Vocational Training Center (BBPVI) Southeast Sulawesi. For the suggestion, due to the large number of foreign workers working in Southeast Sulawesi, it is recommended that the government provide Indonesian language courses to these foreign workers, so that they can use Indonesian in their daily interactions.

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