MAPPING THE POSITION OF INDONESIAN MIGRANT WORKERS TOWARDS ASEAN ECONOMIC COMMUNITY 2015 ¹

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Abstract

ASEAN Community in 2015 with three pillars, namely ASEAN Political Security Community (APSC), ASEAN Economic Community (AEC) and ASEAN Socio-Cultural Community (ASCC) is a consensus among ASEAN member countries in an effort to realize the objectives of the establishment of this organization to accelerate economic development, social progress and developments in the region as well as the triumph of promoting peace and stability in the region. In order to win the ASEAN Community, Indonesia as one of the ASEAN member countries should prepare. Furthermore, this paper aims to mapping the position of Indonesian migrant workers ahead of the AEC 2015. This study used a descriptive method that enables researchers to conduct the relationship between variables, testing hypotheses, develop generalizations, and developed a theory that has universal validity. Mapping results of this study based on the results of SWOT analysis showed that the strength of the migrant workers are a large number of labor force, followed by the ASEAN labor market opportunities are very promising and employment opportunities in the formal sector are open wide, while the weakness of migrant workers still in the dominance of unskilled migrant workers and government data are not yet accountable. Threat to the migrant workers are undocumented and illegal and torture in the destination country. Implications for Indonesia ahead of the AEC that the government is expected to take advantage of opportunities AEC in earnest in preparing a skilled workforce Indonesia, mainly in 8 sectors of the profession. The government also should take anticipatory measures to protect the rights of Indonesian workers in their own country to fight for the national interests, as well as adjust to tougher competition with other ASEAN member countries.

Keywords: Indonesian Migrant Workers, ASEAN Economic Community, Southeast Asian Studies

A. Introduction

The Association of Southeast Asian Nations (ASEAN) is a regional organization in Southeast Asia consisting of 10 countries founded August 8, 1967 by Indonesia, Malaysia, Philippines, Singapore, and Thailand. Since its founding ASEAN members include Brunei, Burma, Cambodia, Laos, and Vietnam.

In the ASEAN Declaration / Bangkok Declaration) states that the intent and purpose of the establishment of the ASEAN first is to accelerate economic development, social progress and development in the region glory to strengthen the basis for a prosperous and peaceful community in Southeast Asia. The intent and purpose both to promote peace and stability in the region.

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Bangkok Declaration as described above has implications for ASEAN conscious choice that has chosen economic road towards peace, based on the assumption that if the ASEAN countries to achieve prosperity, then peace will be realized in the region. The point of ASEAN was established with the goal of how stable peace in the long term can be created in the region, either through economic cooperation, technological, social and cultural, as well as cooperation in the field of politics and security. (Luhulima et. al., 2008:2)

Ideals of ASEAN to establish a Southeast Asian community "caring and sharing" in building "an ASEAN community of caring societies" has been raised in Kuala Lumpur on December 15, 1997 which became known as the "ASEAN Vision 2020". Then on October 7, 2003 through the Declaration of ASEAN Concord II (Bali Concord II) at the 9th ASEAN Summit in Bali, the leaders of ASEAN countries proclaimed the establishment of the ASEAN Community consists of three pillars: ASEAN Political and Security Community (APSC), ASEAN Economic Community (AEC), and ASEAN Socio-Cultural Community (ASCC) which bind and strengthen to achieve a common goal to ensure sustainable peace, stability and prosperity are divided in Southeast Asia. The three pillars of the ASEAN Community support has become a new paradigm that will move ASEAN cooperation towards a community and a new identity that is more binding. (Luhulima et. al., 2008: 5-6)

Then on the 12th ASEAN Summit in Cebu, Philippines on January 12-13 2007 has reached an important decision, the agreement reached ASEAN Community by 2015. ASEAN leaders agreed to have committed create One Caring and Sharing Community in 2015, five years earlier than announced in Kuala Lumpur in 1997, and do socialization so that the peoples of ASEAN have taste of "we feeling". The ASEAN Community will be colored by the achievement of cooperation, solidarity against poverty and enjoy a sense of security, including human security. (Luhulima et. al., 2008: 6)

The three pillars of the ASEAN Community as a crutch carried into a new paradigm for building a new, more advanced region in the direction of demands for changes in the future. In a society in an economic level, ASEAN has agreed to integrate the regional economy through the release of the flow of goods, services and direct investment in the region. In today's global economy, an integrated regional economy in Southeast Asia is needed to expand the market, increase production efficiency, reduce costs, attract investment in the respective countries of the ASEAN region and outside ASEAN, and thus will be able to stimulate economic activity, create jobs and increase revenue, all of which are necessary to realize a growth. Without growth and investment needed to make it happen, we will not be able to reduce poverty and help the poor. (Luhulima et. al., 2008: 9)

In the security level, the complexity of attraction between the centrality of the state security and human security, national and regional political understanding to be so crucial in determining the success of the concept application of human security in the country concerned. To ensure the successful implementation of this concept to the maximum, then it takes a deeper understanding of human security and policies through a flexible approach. The formation of public opinion and spread that had been dominated by the government can now be done by the community with the internet as well as private television networks. (Luhulima et. al., 2008: 9-10)

While the socio-cultural level, will build an ASEAN community that is more solid and familiar to foster, promote, and develop the spirit of togetherness and mutual help. This can

be done by increasing the activity together, as well as overcoming the problem together such as: poverty, education, unemployment, public health and agricultural development. (Luhulima et. al., 2008: 10)

Towards the implementation of the ASEAN Community on December 31 2015, it is necessary to study some Indonesian preparation to face the new era. Furthermore, this paper will discuss one of the topics related with the preparation of Indonesia in the field of employment to face the ASEAN labor market. Indonesia is a country with the Largest population Among other ASEAN member countries and Also the country with the fourth largest population in the world makes our country has a strategic position in ASEAN.

Integration of ASEAN community by 2015 for Indonesia can become opportunities and challenges. Therefore, in-depth analysis in each sector that will be implemented within the framework of this agreement needs to be done. This is to optimize the benefits and advantages gained by Indonesia, as well as anticipated losses that may arise due to the unpreparedness of Indonesia on the consequences of the agreement.

B. Theoretical Framework

The theoretical framework is needed in discussing this paper. Theory and concepts used in the study is a bridge that would connect between the objectives to be achieved in the writing paper with the assumptions built by the author. Due to the theory of an abstract generalization of several phenomena, which in formulating generalizations, theories always wears concepts born of the human mind. Therefore, the theory of abstract properties, even if the facts can be worn or used as a means to understand the phenomenon or problem. In this paper will use theory of justice: modern contractarian approach, systemic theory: neo-realism approach and SWOT analysis.

Theory of Justice: Modern Contractarian Approach

Rawls (1971: 62) in Caporaso and Levine (2008: 506) has proposed a justice-based approach which has much difference with the libertarian approach. Modern contractarian approach is the approach used term for Rawls to distinguish the classical contractarian approach that contract theory of Hobbes and Rousseau. This approach has a broad scope and does not focus specifically on issues relevant to the political economy alone. This approach will describe the characteristic of the proposed solution to the problem Rawls theory of how to determine the relationship between economics and politics.

John Rawls sees the basic principles of justice as follows. "All social values such as freedom and opportunity, income and wealth, and the basics of the dignity of the individual (self-respect) - should be distributed evenly (equally) unless the uneven distribution to any or all of these values can benefit all people. This definition has implications for the problem of distribution of wealth and income, as described below. According to the principle of justice of Rawls earlier, the uneven distribution should be equally beneficial those who have more and those who have less in order to be considered fair. This means that inequality should be able to provide benefits to those who are less wealth or well-being. This requirement by Rawls called the "principle of distinction" (difference principle).

Furthermore, the principle of fairness This raises two questions in relation to politics, namely: (1) how can the condition of having less than others can make people who have less it be better fate? (That is how to keep the uneven distribution can improve the condition of their lower of prosperity?), And (2) why inequality does not provide benefits for those who are less well-being is unbalanced so as unfair?. This approach is used as a framework to further analyze related mapping the position of Indonesian workers facing ASEAN economic community by 2015.

Systemic Theory: Neo-Realism Approach

Systemic theories highlight the importance of the role of the political structure and the wider economy of an area and the influence of various external pressures on the region. This theory is 'outside-in'. Region is seen as part of a broader system. There are two systemic theory, the first theory of neo-realists who emphasize the importance of the anarchic international system as well as the importance of political competition and economic power; and secondly, the theory of interdependence and globalization menkankan hallmark changes in the international system and the influence of economic and technological change. This discussion will take the theory of the neo-realists that will be presented as follows.

In certain cases, regionalism is often regarded as being contrary to the principles of realism. Realism just looked at the state (nation-state) as the only actor in international relations. Non-state actors in international relations. Non-state actors, such as NGOs, international organizations, regional organizations, or even individuals, its existence is there, but still, where they are affected by the power and the decisions of the state.

The area is an 'island' of peace and cooperation (Hurrel, 1995: 46; Nuraeni et. al., 2010, pp. 39-44), is actually quite contrary to the principles of realism in which countries it basically should be able to defend themselves in a state of anarchy of the international system so that each perform 'struggle for power', struggling to get as much power as possible. Therefore, it is not possible regionalism will run in such conditions in the view of realism.

However, in reality, the countries that are geographically adjacent to each other and cooperate as much as possible into a 'good neighbour'. So in the 1950s, neo-realism appear and explain the anomalies (Hurrel, 1995: 47; Nuraeni et. al., 2010, pp. 39-44). There are two important things, according to the neo-realist, which contribute to the growing regionalism in a specific area, namely: first, the pressures of the international system both politically and economically; and second, the role and function of the hegemonic.

Political pressures (power) and the economy (mercantilism) of international system is the first factor that seen neo-realist contribute to foster regionalism. The regionalism stressed the importance of the external power configuration, power-political dynamics of competition and the role of the international political system.

According to the neo-realists, states do a deal based on a specific purpose, although the level of national interest which is different. They set a specific operational area and trying to maintain the integrity of the internal bring new boundaries that identifies where members and non-members. These limits exceed the territorial boundaries of each member state.

Furthermore, regionalism is seen as an effort to mobilize and unite the strength to deal with 'surprise' or challenges in the world of the wild: wild and cruel. According to Fawcett (in

Hurrel, 1995: 49; Nuraeni et. al., 2010, pp. 39-44), a coalition in third world countries is driven by an awareness, perseverance plus a growing expectation that encourage marginalized and vulnerable developing countries in Asia, Africa, the Middle East, Latin America formed a 'group solidarity' as a characteristic of the region. This exposure is a brief explanation of the process of regionalism to parse this topic further.

Model of SWOT Analysis

SWOT Analysis is an instrument used to conduct a strategic analysis. According to Simbolon (1999), a SWOT analysis is an effective tool in helping to structure the problem, especially by performing an analysis of the strategic environment, which is commonly referred to as the internal environment and the external environment. Basically, In the internal and external environment there are four elements that have always possessed and face, which internally has a number of strengths and weaknesses, and externally will be faced with a variety of opportunities and threats.

Graphic 1. SWOT Analysis Illustration

The most important activities in the process of SWOT analysis is to understand all the information in a case, analyze the situation to determine the issue of what is going on and decide what action should be done weeks to solve the problem (Rangkuti, 2001: 14). SWOT is an acronym for strengths, weaknesses, opportunities and threats. Notions about the strengths, weaknesses, opportunities and threats in the analysis of SWOT are as follows:

1. Strength is the resources, skills or other advantages relative to competitors;
2. Weaknesses are limitations/deficiencies in resources, skills and abilities that seriously hinder the performance;

3. Opportunities are situations/major trends that benefit;
4. Threats are situations/major trends that are not profitable. (Amin W.T, 1994: 74-75).

This analysis is based on the logic that maximizes strength and opportunities, but at the same time can minimize weaknesses and threats. The decision making process should analyze strategic factors in the current environment. It is called the analysis of the situation, the most popular model is called a SWOT analysis. General guidelines are often given to the formulation are: (1) take advantage of the opportunity and strength (O and S). This analysis is expected to produce long-term plans; or (2) to overcome or reduce the threats and weaknesses (T and W). This analysis is more inclined to produce a short-term plan, which is a short-term improvement plan.

The initial phase of the process of determining the strategy is to assess strengths, weaknesses, opportunities, and threats of the organization. SWOT analysis enables organizations to formulate and implement the main strategy as the advanced stage of implementation and organization's purpose, the SWOT analysis of the information collected and analyzed. The results of the analysis can lead to amend the mission, goals, policies, or strategies that are running.

In the preparation of a good plan, keep in mind the power and funds owned at the time of going to start a business, knowing all the elements of power that, as well as all the weaknesses that exist. Data collected about the internal factors of the potential in implementing the planned effort. On the other hand, to consider external factors that will be faced by the opportunities or opportunities that exist or are considered to be incurred and threats or obstacles that are likely to arise and affect the business. Furthermore, SWOT analysis is used to mapping the position of Indonesian workers as well as measure the strengths, weaknesses, opportunities and threats facing the Indonesian migrant workers towards ASEAN economic community by 2015.

C. RESEARCH METHOD

This study used a descriptive method. Descriptive research is one of the types of research methods that seek to describe and interpret the object in accordance with what is (Best, 1982, p. 119). Descriptive research is also often called non-experimental, because in this study the researcher does not control and manipulation of the study variables.

With descriptive research method, allowing researchers to perform the relationship between variables, testing hypotheses, develop generalizations, and developed a theory that has universal validity (West, 1982). In addition, descriptive research is also a study in which data collection to test the research questions or hypotheses relating to object and current events. They report the state of the object or subject under study in accordance with what it is.

In general, the main purpose of descriptive research is to describe systematically the facts and characteristics of the object and the subject under study appropriately. During its development, lately descriptive research method is widely used by researchers for two reasons. First, derived from empirical observation that most of the research report is done in the form of descriptive. Second, the descriptive method is very useful to get a variation of issues related to education and human behavior.

D. FINDING AND DISCUSSION

Employment Condition in Indonesia

Population growth is not always directly proportional to employment, because employment will follow a number of labor force grew faster than the population. This is because along with the growth of population, labor force (population aged 15 years and above) and growing labor force. Labor force increased from 79.5 million in 1971 to 88.3 million people in 1980 and 155.5 million in 2005. In 2009, the labor force accounted for 68.9 million people (Kemenakertrans, pp. 25-26).

Table 1. Population and Labor Force of Indonesia 1971-2009

* = Population up to 15 year old | ** = Estimation

Source: Labor Force Survey

Cited from: Employment Condition in Indonesia, Ministry of Manpower and Transmigration of the Republic of Indonesia)

To be thankful for the employment situation in Indonesia has improved, the condition is illustrated by an increase in the working population groups, and the decrease in unemployment. In 2010 the workforce reached 116 million people, an increase of 2.26 million over the previous year. While the working population also increased, in 2010 reached 107.41 million people ride of 2009 amounted to 2.92 million people. (Kemenakertrans, p. 26)

As a result of the increase of the labor force that cannot be followed by an increase in the expansion of employment opportunities led to the number of unemployed continues to grow, while the number of underemployment remains high. The unemployment rate rose from 1.7 percent in 1980 to 6.08 percent in 2000 and to 10.3 percent in 2005. The open unemployment rate (TPT) in Indonesia in 2010 reached 7.41 percent, decreased compared to 2009 which amounted 8.14 percent. (Kemenakertans, p. 26).

Table 2. Unemployment Rate Based on Level of Education

Tingkat Pendidikan	2008		2009		2010
	Februari	Agustus	Februari	Agustus	Februari
1. SD ke bawah	4,7	4,57	4,51	3,78	3,71
2. Sekolah Menengah Pertama	10,05	9,39	9,38	8,37	7,55
3. Sekolah Menengah Atas	13,69	14,31	12,36	14,5	11,9
4. Sekolah Menengah Kejuruan	14,8	17,26	15,69	14,59	13,81
5. Diploma I/II/III	16,35	11,21	15,38	13,66	15,71
6. Universitas	14,25	12,59	12,94	13,08	14,24
JUMLAH	8,46	8,39	8,14	7,87	7,41

Sumber: Data BPS, Sensus Penduduk 2010

Open unemployment in general is a phenomenon of the urban areas, mostly among the young, especially graduates and dropouts primary and secondary levels. The unemployment rate in 2005 was recorded 10.26 per cent, but in the age group 15-19 years and 20-24 years reached 34.88 percent and 25.24 percent. Unemployment in urban areas is almost twice the rate of unemployment in the region pedesaan. Tingkat 7.98 percent unemployment in rural areas, while in urban areas reached 13.51 percent. (Kemenakertrans, p. 27)

Employment for young people (aged 15-24 years) is noticeably affected by the Asian financial crisis that occurred before the end of the 1990s. The number of jobs for young people in 2009 remained below the level recorded in 1991, causing unemployment among the young. Challenges faced by young people to get a job in Indonesia is characterized by high levels of unemployment among young people by 22.2 percent in 2009, which is significantly higher than the regional average (13.9 per cent for East Asia and the Pacific) and the world average is 12.8 percent (Kemenakertrans, p. 27).

The above data shows that Indonesia had problems finding employment in the country, this will require the government to accelerate the completion of employment, as well as opportunities for Indonesian citizens to migrate abroad, which then Indonesian citizens who did the international migration as the Indonesian migrant workers (TKI).

Indonesian Migrant Workers Conditions Abroad

Migration of workers from Indonesia is going on for hundreds of years, but increased sharply in the 1960s and 1970s to the present. Workers from Indonesia to work abroad for several reasons, including lack of employment opportunities, poverty, and differences in salaries in Indonesia with the country of destination. Handling placement of Indonesian workers (TKI) officially by the Indonesian government only began in 1969 (Kemenakertrans, p. 36).

Based on data from the Ministry of Manpower and Transmigration, in 2006 there were 2.7 million people in Indonesia are officially working abroad. This figure occupies

approximately 2.8 percent of the workforce in Indonesia. Indonesia is a labor-sending country's second largest in Asia. Most of the workers who work abroad are women who work in the household sector (as domestic workers) or services (Kemenakertrans, p. 37).

The Government Regulation No. 4 In 1970, the program placement Inter-Regional Workforce (AKAD) and Inter-State Interagency Working (AKAN) was introduced to pave the way for private sector involvement in the recruitment industry and employment. Although the number of migrants fluctuated between 1996 and 2007, but the number increased from 517.169 to 696.746 between 2004 and 2007. About 60 percent of migrant workers are in the Middle East countries such as Saudi Arabia, Kuwait, United Arab Emirates, Jordan and Qatar. The rest are in the countries of Southeast Asia and East Asia such as Malaysia, Singapore, Hong Kong, South Korea, Taiwan (China) and the United States. (Kemenakertrans, p. 36)

Many public policy is set to manage the departure of migrant workers better. Government of Indonesia to strengthen legislation to protect migrant workers, including Law No. 39 of 2004 on the Placement and Protection of Indonesian Migrant Workers Abroad. Then also there is Presidential Regulation No. 81 of 2006 on the establishment of the National Agency for the Placement and Protection of Indonesian Migrant Workers (called BNP2TKI).

Law No. 21 of 2007. In late 2001, Indonesia signed a UN legal product named "Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children", which is commonly called the Palermo Protocol. It prompted Indonesia to make laws on human trafficking. In 2007, Indonesia has Law No. 21 Year 2007 on Combating Trafficking in Persons.

From the above discussion, it can be identified that the state's role in preparing workers abroad is more focused on the mobilization efforts of the people who want to work abroad, after the enactment of Law No. 39/2004 then formed a special agency to deal with the migrant workers BNP2TKI previously under the coordination of the Ministry of Manpower (Manpower). However, they still lack the government's efforts to prepare a mature and competitive TKI high resulting in low quality of migrant workers and are often victims of persecution by the users in the country of destination.

Indonesian Government Policy in Protecting Workers Abroad

Prior to further mapping the position of Indonesian workers face AEC 2015, it is necessary to know beforehand the latest data regarding the number of migrant workers abroad. In this case Zulfikar (2013) to compare the data from the Ministry of Foreign Affairs, and BNP2TKI as follows: Tatang Budi Razak from the Foreign Ministry claim the possible number of workers abroad can reach 2 to 3 times that of the data received by the Ministry of Foreign Affairs assuming recent data 2.536.429 inhabitants (mid-2013).

While Mohammad Jumhur Hidayat as Head BNP2TKI stated that estimation number of migrant workers abroad reached 6.5 million people in 142 countries. If the data is compared, the difference can reach 3-fold between the data with the Ministry of Foreign Affairs Head BNP2TKI forecasts. (Zulfikar, 2013, pp. 30-31)

Exposure above actually want to point out that the current number of workers abroad is unaccountable/unaudited, the statement is also justified by the Director of the Protection of Indonesian Citizens and Legal Entities Ministry of Foreign Affairs confirming negligence the

definitive collection of migrant workers abroad. This could definitely have an impact on decision-making steps in the field of employment that requires an accurate reference regarding the number of migrant workers abroad. However, based on the data above forecasts can be drawn that the number of migrant workers abroad about 2.5 million people (Ministry of Foreign Affairs) - 6.5 million (BNP2TKI). (Zulfikar, 2013, pp. 30-31).

As already described in the previous section, that the low quality of migrant workers and the informal sector dominance Indonesia sent to the destination country could potentially face a variety of problems. This is confirmed from the data Ministry of Foreign Affairs stated that the per-year end of 2013 the composition of migrant workers abroad reached 2.536.429 inhabitants made up of formal workers as much as 920.621 inhabitants, while the informal migrant workers (domestic) reached 1.615.808 inhabitants (Tatang Budi Utama Razak, 2013, p. 15).

This potential is further clarified in the data of the Ministry of Manpower shows the case of migrant workers during the year 2010 as many as 60.399 cases and in 2011 as many as 44.573 cases. While data NGO Migrant Care recorded as 5.314 cases of violence experienced by migrant workers abroad during the period 2009-2010 with details of Malaysia as much as 1.748 cases, 1.048 cases of Saudi Arabia, Jordan 1.004 cases, 84 cases Kuwait, Abu Dhabi 533 cases, Taiwan 103 cases, Hong Kong 78 cases, and Singapore 16 cases (Antara Jatim, 2012).

Government's response to the pressures from within and outside the country related to efforts to provide protection to its citizens who become migrant workers, then as a rule derived from Act No. 39/2004 was issued following rules, namely: (1) Government Regulation No. 3 of 2013 (PP 3/2013) on the Protection of Foreign Workers, (2) Government Regulation No. 4 of 2013 on the Implementation of placement by the Government, and (3) of Government Regulation No. 5 in 2013 on Procedures for Assessment and Determination of Individual Business Partners and Users.

Protection of migrant workers by the government specifically regulated in the PP 3/2013 on the Protection of Foreign Workers. In this rule set the job description between BNP2TKI and the Ministry of Foreign Affairs. The responsibility in the pre-placement and post-placement handled by BNP2TKI/BP3TKI whereas during the placement is the responsibility of the Ministry of Foreign Affairs through the Embassy/Consulate General of the Republic of Indonesia, which then dump it into sections that deal with the field of employment, in some of the Embassy/Consulate General in the region there are many migrant workers work, then formed Employment Attaché.

PP 3/2013 mandated the Ministry of Foreign Affairs which then becomes the responsibility of the Embassy/Consulate in the country of destination workers to provide protection of the rights of migrant workers abroad. Basically the presence of foreign citizens in the country and also the placement of migrant workers is the same thing. However, problems often faced by migrant workers Embassy in the country of destination, such as Malaysia, which is one of ASEAN member states caused many undocumented workers who are not complete or even illegal.

The above explanation gives us a brief overview of related efforts to protection of migrant workers through the Embassy, going forward we expect the government to provide optimal protection for his country. Moreover, the House of Representatives of the Republic of

Indonesia (DPR) is cooking the Draft Law on the Protection of Indonesian Overseas Workers (Bill PPILN) which is an amendment to Law No. 39 of 2004.

Coupled with the magnanimity of the government to ratify the International Convention on the Protection of the Rights of Migrant Workers in 2012. The standard points for the protection of migrant workers contained in the convention are the main substance for the preparation of the Protection of Indonesian Workers Abroad (PPILN) bill. One of the main points in the Convention on the protection of anti-discrimination to all migrant workers and members of their families.

Collaboration between the policies derived from international agreements and also the bill is expected to produce a harmonious synergy and of course the most important is the implementation of the pro-migrant worker protection.

Employment Agenda in ASEAN Towards ASEAN Economic Community 2015

Employment agenda in ASEAN is one area that is growing rapidly and progressively to provide protection for migrant workers between countries in ASEAN. One of the things accomplished by the Commission on ASEAN Migrant Workers (ASEAN Commission on Migrant Workers-ACMW) which in 2011 with the formulation of the ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers by ACMW Drafting Team (ACMW-DT) in the Philippines, September 12 to 13 2011.

As a follow up to the Declaration on the protection and Promotion of the rights of migrant Workers, the 19th ASEAN Summit emphasizes a commitment to complete the preparation of the ASEAN instrument on the protection and promotion of the rights of migrant workers. In the process of preparation of such instruments, ACMW-DT has agreed to conduct the discussion of the three phases, namely (1) documented phase, (2) the phase undocumented, and (3) the legal approach. This important achievements accomplished while Indonesia's Chairmanship in ASEAN in 2011 (Kemlu, 2012, p. 136).

Vision of an ASEAN Community by 2020 as agreed at the ASEAN Summit in Bali in 2003 to experience the dynamics that encourage ASEAN members to advance this vision into 2015 and this decision was agreed in Cebu, Philippines in 2007. He set out a road map towards the ASEAN community consisting of pillars: APSC, AEC and ASSC. The road map set in Cha-am, Thailand in 2009.

One of the substances in the road map is ASEAN Economic Community (AEC) blueprint in 2015 which emphasizes the following key characteristics: (a) a single market and production base, (b) high energized economic region, (c) region with equitable economic development, and (d) the area that is fully integrated with the global economy. Free flow of skilled workers ASEAN is the fifth point of the characteristics of a single market and production base. Although this section does not specifically mention the field that have the privilege to make the shift freely between countries, but in this blueprint mentioned that through the strengthening of research capabilities of each ASEAN member states to promote the ability of workers, employment, and labor market development work-based information network among ASEAN member countries is one important part of AEC 2015 aggreement (ASEAN, 2011, pp. 29-30).

Based on this blueprint, the schedule for AEC 2015 strategy, especially the free flow of skilled workers in ASEAN are divided into two priority actions for the 2008-2009 and 2014-2015. Phase which should have been passed by the ASEAN member countries in the 2008-2009 phase of the action with two points: (1) completed the Mutual Recognition Agreements (MRAs) for professional services major, including investment services sector in 2008, and (2) develop core competencies (referring to the ability and qualifications) for jobs that require skills to priority service sector in 2009. While the 2014-2015 phase of the action points to develop core competencies (refers to the ability and qualifications) for jobs requiring skills of the entire service sector in 2015 (ASEAN, 2011, p. 54).

Exposure above does not specifically mention the priority areas agreed by the ASEAN member countries, because the blueprint will be lowered again into a technical agreement. Cited from the website of the Ministry of Manpower/Employment of Indonesia (Kemenaker) gives special attention to the 8 profession is a priority because Mutual Agreement Recognitions (MRAs) it has been signed by all of the ASEAN member countries representative. Eight priorities are accounting, engineering, surveying, architecture, nursing, medical, dental and tourism (Kemenaker, 2014).

As a follow up of MRA agreement, the government continues its efforts to strengthen cooperation between ASEAN member countries in establishing and expanding cooperation MRAs implementation through increased productivity and competence of the Human Resources to build a vocational training center. In addition, also prepared the basis for competency training and certification systems, acceleration of national competency standards, and applying the Indonesian National Qualifications Framework (KKNI) and strengthened cooperation with relevant institutions (Kemenaker, 2014).

Minister of Manpower/Employment, Hanif Dhakiri said a number of countries in the ASEAN region has a framework to promote the free movement of skilled workers. However, there are also some other countries do not yet have a national qualifications framework includes full once the workers certification application. He is recognized AEC implementation can have a negative impact on employment in Indonesia's workers if we do not prepare properly competence. "Therefore we must hasten competence, certification as well. AEC is still 15 months away (to be applied), we will use the remaining time to perform the velocities . (Kemenaker, 2014)

Explanation of government as outlined above would provide fresh air for Indonesian workers that not all professions "on sale" in the free labor market of ASEAN. Due to the new eight priority profession agreed by ASEAN member countries to be integrated include: accounting, engineering, surveying, architecture, nursing, medical, dental and tourism. But do not rule out the possibility that the sector is no longer increase over MRAs agreement that continues to be pursued by ASEAN member countries agreed.

The opening of the eight professions government would be a chore to make the perpetrators be energized with other ASEAN member countries in accordance with the competencies expected of the profession. Of the eight professions that have been agreed, only the tourism service sector which is considered the most ready to face the AEC 2015. This is different than the workers services from other sectors.

Chairman of the Standing Committee on Human Resource Competency Certification System, Sumarna Abdurahman quoted from Tempo argued that the current tourism sector

workers already have the National Competence Indonesia Standard (SKKNI), educational institutions, and training and professional certification agency. "Tourism sector not matter if it has signed a mutual recognition agreement (MRAs), he said (Tempo, 2014).

Nevertheless cited from Suara Pembaruan (2014), Sumarna still worrying tourism sector will be filled by workers from Thailand. "They've learned Indonesian now, do not be surprised if the guide in Bali later from Thailand", he said. He also said that the nurses and doctors from the Philippines who also has studied Indonesian would be an alternative to fill the shortage in Indonesia. "BPJS be an opportunity for them. Lack of nurses and doctors in health centers throughout Indonesia can enter them, even if there is no puskesmas was possible they would invest," he said.

While the construction sector which is expected to be an opportunity for Indonesia eventually became one of the jobs that will be contested by Malaysia. Many Malaysian contractors have been holding a certificate of competence. As with the Indonesian contractors who do not hold a certificate of competence that has not been appreciated as the formal workers (Suara Pembaruan, 2014).

Mapping the Position of Indonesian migrant workers towards AEC 2015

Based on the theoretical framework and also an explanation of the policy of the Indonesian government and ASEAN in the field of employment that has been discussed in the previous section, then this section will be mapping the position of Indonesian migrant workers against migrant workers in ASEAN by using SWOT analysis model. Learn as follows.

Table 3. SWOT Analysis of Indonesia and ASEAN Migrant Workers

	SW	OT
Indonesia Migrant Workers (TKI)	Strength <ul style="list-style-type: none"> - Huge number of employment. - Distributed widely in 9 ASEAN countries. Weakness <ul style="list-style-type: none"> - Skills remain low (<i>unskilled workers</i>) - Data provided by Government remain unaccountable. 	Opportunity <ul style="list-style-type: none"> - ASEAN labor market is very promising. - Job opportunities in the formal sector is wide open. Threat <ul style="list-style-type: none"> - Undocumented and illegal migrant workers. - Torture migrant workers and social unrest.
	SW	OT
ASEAN Migrant Workers	Strength <ul style="list-style-type: none"> - 8 profession of skilled workers to move freely in ASEAN. - The Philippines and Indonesia are the most migrant workers-sending in Asian. Weakness <ul style="list-style-type: none"> - Not all countries have the required skilled workers. - Standard treatment and remuneration of workers in each ASEAN country still lame. 	Opportunity <ul style="list-style-type: none"> - The population in ASEAN $\pm$ 600 million. - Indonesia is the largest labor market among ASEAN countries with a population of $\pm$ 250 million. Threat <ul style="list-style-type: none"> - Smuggling guise of labor distribution. - The conflict is still going on in some ASEAN member countries that affect economic stability and employment.

In the SWOT analysis described above, the visible relationship or interaction between internal elements, namely the strengths and weaknesses against external elements, namely opportunities and threats. Interactions between the internal and external elements can be organized into the following strategies:

1. Strengths-Opportunities strategy (S and O or maxi-maxi). Resulting in a combination of strategies are harnessing the power of the opportunities that have been identified;
2. Weaknesses-Opportunities strategy (W and O or mini-maxi). Opportunity that can not possibly be utilized as identified weaknesses;
3. Threats-Strengths strategy (S and T or maxi-mini). In the analysis found a need to overcome the threat. This strategy tries to seek the strength of which can reduce or counteract the threat; and
4. Threats-Weaknesses strategy (W and T or mini-mini). In the face of threats and at the same situations of internal weaknesses, strategies generally do is "out" of the situation being pinched.

Based on the above strategy, it can be formulated right strategy and can be applied to Indonesian migrant workers (TKI) and ASEAN migrant workers.

Indonesian migrant workers strategy

1. SO strategy. A large number of labor force is a for Indonesia to be managed in earnest so as to optimize the ASEAN labor market opportunities in the formal sector are promising. Then the homework for the Indonesian government that is open training centers to train the Indonesian formal sector workers to be placed in nine other ASEAN countries. In addition the government should also pay attention to employees who have worked in other ASEAN countries.
2. WO strategy. Indonesian workers have a weakness in the skill. Currently there are many workers who work in the informal sector. While on the government side, the data has not been accountable workers who are still an obstacle to finding a solution in order to build a network with workers who have worked in the ASEAN region. If this is allowed, the ASEAN labor market promising and formal sector employment opportunities open it will be closed to Indonesian workers.
3. ST strategy. Undocumented migrant workers and illegal and public turmoil over torture committed against migrant workers in the state placement is a threat to workers. Therefore, the government should be more active to facilitate workers who had been scattered in 9 other ASEAN member countries to establish good communication so that threats can occur at any time can be anticipated.
4. WT strategy. Weaknesses and threats TKI focuses on optimizing the role of government. The low skill migrant workers and the migrant workers data are not accountable with regard to the high number of workers who are undocumented and illegal in the state placement resulting loss of rights which should be accepted by the workers. Therefore, in carrying out the strategy WT, then the government in this case the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), Ministry of Employment and the Ministry of Foreign Affairs should work together to increase

capacity in order to skilled migrant workers, and also smoothing the data migrant workers in the country of destination and departing that data held by the government accountable.

ASEAN migrant workers strategy

1. SO strategy. Skilled workers owned by ASEAN member countries with 8 professions according to criteria based on MRAs are: accounting, engineering, surveying, architecture, nursing, medical, dental and tourism will be free to move between $\pm$ 600 million population in ASEAN . Meanwhile, the Philippines and Indonesia are the largest migrant workers-sending countries in Asia should be able to take advantage of these opportunities. On the other hand, Indonesia also acts as a recipient country with a population that reaches $\pm$ 250 million.
2. WO strategy. Although employment in the ASEAN member countries are open wide, but not all countries have the required skilled workers and wage standards and the treatment differ in each ASEAN country. So that the flow of workers in ASEAN unbalanced and it is only focused on a few countries. Like, workers who work in Malaysia as unskilled workers is very large, whereas very little kindergarten Malaysian working in Indonesia and in fact they seek employment market outside the ASEAN region.
3. ST strategy. Threat to ASEAN migrant workers are people's smuggling under the guise of labor distribution currently includes trans-national crime. Coupled with the conflicts that are still going on in some ASEAN member countries which impact on the economic stability of the country. Thus, ASEAN with skilled manpower distribution mechanism can minimize the threat by appointing authority of each country's workers to facilitate and monitor the distribution of migrant workers, especially in state-labor-sending countries such as Indonesia and the Philippines.
4. WT strategy. Weaknesses and threats ASEAN migrant workers lie in state capacity to produce skilled workers standardizing treatment and wages. This is exploited by unscrupulous smugglers masquerading as migrant workers suppliers to utilize unskilled workers for the promised work abroad with high salaries, but they are actually distributed illegally harm themselves. Therefore we need strong cooperation between ASEAN law enforcement in prosecuting human trafficking as part of efforts to protect migrant workers in Southeast Asia region.

E. CLOSING

Conclusion

Based on the above explanation, it can be concluded matters concerning the mapping the position of Indonesian migrant workers towards the ASEAN Economic Community (AEC) in 2015.

Based theory of justice with modern contractarian approach of John Rawls focuses on equality of opportunity that should benefit all parties. In the employment context, the skilled worker and unskilled workers should get the same opportunity. While the systems theory of neo-realism minded countries agreed to compact in a region based on a specific purpose. Associated with the field of employment, in the ASEAN countries can hold an agreement on

inter-state migrant workers in ASEAN members in order to be treated fairly and feasible to create a mutually beneficial relationship.

In the SWOT analysis has been described in the previous section shows that Indonesia has the dual responsibility of preparing skilled workers in order to compete with workers from other ASEAN member countries. While Indonesia is also a market that represent half the population in ASEAN.

In fact, Indonesia is still busy with homework to create jobs in the country for its people. Lack of employment in the country, ultimately encouraging job seekers who are Indonesia citizen migrate to various countries as Indonesian migrant workers (TKI). Departure workers abroad voluntarily with an initiative based on an economic boost remarkable. Unfortunately, the magnitude of the willingness of citizens to migrate, not followed by the ability of the government to give them protection in the destination country.

Profession occupied by workers who work abroad almost dominated the informal sector work as domestic helpers (Housemaid). When linked with the AEC 2015, the profession is not promising to boost the bargaining power of Indonesian migrant workers in the AEC 2015. This also shows the irony that Indonesia would not be able to meet the needs of skilled workers market is a result of the education system during this run.

Therefore, to encourage the creation of a skilled workforce, the role of government in providing facilities such as the preparation of the National Competence Indonesia Standard (SKKNI), the provision of education and training institutions, as well as to commission a professional certification is needed, this needs to be pursued primarily in sectors skilled workers into the deal AEC and also for Indonesia to take advantage of the implementation of this policy. If not done, then Indonesia will be stuck in a dilemma agree AEC at the elitist, but not able to transform these policies on the technical realm.

Implication

Indonesia as ASEAN member countries are bound by the AEC agreement would have conducted a study on the consequences of the implementation of the agreement, including in the field of migrant workers. Therefore, the government is expected to take advantage of opportunities AEC in earnest in preparing a skilled workforce Indonesia, mainly in 8 sectors of the profession. The government should also take anticipatory measures to protect the rights of Indonesian workers in their own country to fight for the national interests, as well as adjust to tougher competition with other ASEAN member countries.

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