

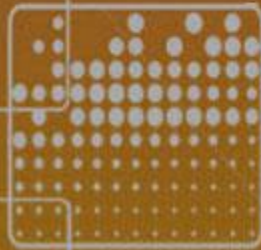
ISSN 2277-8616

International Journal of Scientific & Technology Research

e-publication, Volume 8, Issue 9

September 2019 Edition

ISSN 2277-8616



IJSTR
www.ijstr.org

Rationality of Gender Equality of Indonesian Women Migrant Worker

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Abstract— Purpose of this study was; (1) analyze the essence of economic and social motivation that influences the decision to become migrant workers (2) knowing the problems experienced by migrant workers since Pre-placement, placement and post placement are seen from the point of view of Syar'i and feminism in Indonesia

The method used in this study is to use probit analysis, correlation product moment and analysis of qualitative. Secondary data was taken from the availability of IFLS data in 2015. For a number of 187 people who made international migration and 7445 made internal migration. Regression results show significant results. Women who live in cities have a higher chance of 0.39% to migrate abroad than in villages. Women with a reason to find work have a higher chance of migrating 11% compared to those who do not look for work. Women with higher education actually have a lower chance of finding employment abroad at 0.07% compared to women with low education.

The process of departing to become a migrant worker still uses a lot of brokerage services or brokers that are clearly very detrimental to the Women Migrant Worker. Women Migrant Worker candidates often experience abusive treatment from shelter to placement.

Index Terms— women migrant worker, probit analysis, syar'i, feminism, mixed method, ERG motivation

1 INTRODUCTION

In essence, the main purpose of economic development is to create a state that leads to better living conditions, materially and spiritually (Todaro & Smith, 2006). The main economic development problems are increasing poverty, quality in income distribution and unemployment problems. These three problems are the main factors that trigger the phenomenon of migrant workers.

The neo-classical approach explains that the emergence of migrant workers is between labor and development between developing and developed countries. In developing countries such as labor, employment is limited so labor wages are low. Whereas in developed countries, wages are classified as high but labor is limited. Migration between countries is one of the best ways to balance between two countries which are very different socio-economically. (Fakih, 1997)

The decision to become a migrant worker is a dilemma. On the one hand, these migrant workers want to raise their families from the brink of poverty, but on the other hand they must be prepared for all the risks that can threaten their future safety and soul.

Liberal feminists demand equality of rationality of rights between men and women with the freedom and happiness of individual human beings. Liberal feminism flow comes from the philosophy of liberalism which has the concept that freedom is the right of every individual so that he must be given the freedom to choose without being restricted by public opinion and law. If it is associated with the theory of liberal feminism, cases that occur in migrant workers, such as; torture without humanitarianism, salaries are not paid, describing the vulnerability of social status both from wealth, position, power, etc. With the wealth, power and high position possessed by the employer, and conversely the migrant worker as a laborer, then his position becomes very contrast so that the existence of such cases of violence is indeed very vulnerable to occur. Between employers and workers. ((Fakih, 1997)

Marxist / socialist feminism places women in a low position in the economic, social, and political structure. This line says that the oppression of women comes from class exploitation and production methods. The status of women falls due to the concept of private property production activities which were originally intended to meet their own needs changes into the needs of an exchange.

Theological Feminism. This theory was developed based on the understanding of liberation theology which states that a community system is built on ideology, religion, and community norms. They argue that the cause of oppression of women by men is theology or ideology of society which places women under men (subordinated). (Sorensen, G, 2005)

The theory of feminism in Islam derives from the teachings of the Koran and the Sunnah of the Prophet, which have comprehensively explained the similarity of human rights between women and men including the right to worship, belief, potential and education without denying the existence of tamayyuz between the two. The Qur'an greatly glorifies women as stated in the Letter of Annisa. (Umar, 1999)

According to the Islamic view, women are noble and honorable beings, who have the rights and obligations that Allah has granted. In Islam, the activity of seeking, sending, transferring, accommodating, or accepting workers with threats, violence, or other forms of coercion, by deceiving, deceiving (including persuading and luring) victims, abusing power / authority or utilizing ignorance, curiosity, innocence, helplessness, and the absence of protection against the victim, or by giving or receiving payment or compensation for obtaining permission / approval from a parent, guardian or other person who has authority over the victim with the aim of sucking or extorting power (exploit) victims. In addition, in the trafficking of women, women are used as merchandise to fulfill the passions of men by demonstrating power and prosperity.

The theory of feminism in Islam comes from the Book of the Qur'an and the Sunnah of the Prophet Muhammad, which comprehensively describes the similarity of human rights between women and men including the right to worship, belief, potential and education without denying the existence of tamayyuz between the two. The Qur'an greatly glorifies women as stated in the Letter of Annisa. (Umar, 1999)

According to the Islamic view, women are noble and honorable creatures, in Islam, the activity of seeking, sending, transferring, accommodating or accepting workers with threats, violence, or other forms of coercion against victims, misusing power / authority and lack of protection against the victim, the law is haraam.

If every human being can understand and practice the Islamic view, maybe women's trafficking will not occur. In addition, the government must take firm action against traffickers. Determination of laws on the eradication of women must also be carried out to prevent trafficking in women. (Umar, 1999)

Law No. 39 of 2004 is still centralistic, so the authority is in the central government which limits the authority of the regional government. While the causes of the emergence of cases of Women Migrant Worker (WMW) in general include: (1) the unprofessionalness of the worker in serving the employer; (2) the ability of the worker in the local language is inadequate; (3) the ability to know the culture of the country to be addressed

is very minimal; (4) low intellectual ability.

In terms of the government, the problem is the too weak protection of workers' rights abroad so that similar cases occur repeatedly because migrant workers from developing countries by developed societies are considered low / slaves. Actually the protection of the problems of Indonesian migrant workers or Indonesian migrant workers abroad has been regulated by the 1945 Constitution.

In the view of Islamic law, domestic helpers are not slaves. They are free humans who choose to work, do ijarah contracts with their employers or intermediaries and so on. So, what should apply is a wage transaction, where there are rights and obligations for both the employer and the worker. While the slave is a person who is not free, who becomes the property of the owner. However, slaves must not be treated cruelly and inhumanly.

Second point, what befalls migrant workers has nothing to do with gender (gender). Islamic law strictly prohibits such forms of torture without regard to the sex of the perpetrator or the victim, whether male or female. The third point is that the leader as a servant should be able and know the fundamental problems of his people through the distribution of basic necessities in the minus area and opening up employment opportunities to restore the productivity of the WMW supply areas in particular. So that migrant workers are not tempted to work abroad. If there are other options, of course the migrant workers are more interested in working closely with their families. But poverty has forced migrant workers and thousands of other women to work abroad leaving their husbands, children, or families. In Islam the obligation to make a living is in the hands of the husband, while women have the main function as *ummun wa rabbatul bait* (mother and household manager). (Umar, 1999)

1.2. Formulation of the problem

The emergence of the phenomenon of droves of workers from Indonesia to go pick up sustenance abroad, can not be separated from the economic conditions in the country. Structured poverty coupled with the narrowness of the jobs provided by the government make life more difficult. Meanwhile, due to poverty, there is no guarantee for a prosperous life for the community.

This condition has triggered many people to migrate to other countries to find work in order to get sustenance to make a living. Being a migrant worker is a solution for them to survive. However, ironically, the intention is to want to find a comfortable job, but it turns out that the persecution they get abroad. Besides the above, the bad luck of migrant workers is also caused by weaknesses in the bureaucracy. sending migrant workers with a bad system. Many illegal companies send migrant workers with the promise of being employed in a safe place. In fact, he sometimes did not get what he had promised, even though they had paid a high price to leave. Sometimes these migrant workers are made as cash cows by irresponsible individuals involved in migrant workers' business. They actually seek profits in the midst of the suffering of others. (Suryaningsih, 2005)

1.3. Research purposes

Based on the formulation of the problem, the objectives of the study are:

1. Analyze the essence of economic and social motivation that influences the decision to become migrant workers
2. Knowing the problems experienced by migrant workers since Pre-placement, placement and post placement are seen from the point of view of Syar'I and Feminism in Indonesia

3 RESEARCH METHODS

2.1 The Concept of Employment Climate Development

A better employment climate is one of the efforts to encourage the investment climate. Investment can grow and open new employment opportunities for the people of Indonesia. In general, an increase in labor productivity can be done by increasing the ability / skills of discipline, productive work ethic, creative and innovative attitude and fostering a healthy environment to spur achievement.

According to (Lee, 1987) and (Mantra, 2000) there are 4 factors that cause migration, namely; (1) Factors in the area of origin, (2) Factors found in the destination area, (3) Barriers between, (4) Personal factors

The decline in employment for women causes women to think of becoming migrant workers abroad so they can help the family economy. Every migrant worker has a reason or driving factor behind their decision to work abroad that is different from one individual to another. The decision to become migrant workers abroad is one of the feminist movements, namely a women's movement that demands emancipation or equality and justice of rights with men. (Kadariusman, 2005)

2.2. The Islamic concept of women becoming migrant workers

In the view of Islam, the Indonesian Ulema Council has issued a fatwa concerning female labor. It contained, prohibiting women from leaving their families to work out of town or abroad. Illegal law also applies to parties, institutions or individuals who send or are involved in sending migrant workers, as well as those who receive it. "This provision applies if his departure is not accompanied by a mahram, family or a trusted group of women (niswah tsiqah), except in emergencies, the fatwa may not be obeyed. However, according to the MUI the limits of emergencies must be accounted for in a syar'i, qanuniy (UU) and 'adly (fair) manner, and can guarantee the security and honor of women who become migrant workers.

Emergency is if a family member dies, but not for work, whereas if he is a widow of many children who must support his family, then the government must bear his life.

In the Islamic view, a woman who travels far away like being a migrant worker without a mukhrim is prohibited. Moreover, technically they do not have adequate education and skills, so there are opportunities for undesirable things to happen, such as abandonment and other indecent treatment. Women can only work, have a career, with a record of fulfilling three things. not out of adab-adab, morality and teachings of Islam, works according to his gender as a woman, and does not forget his original obligations as a mother in a household. (Muslih, 2007)

The Word of Allah SWT: QS Al-Nur [24]: 31 concerning women must safeguard their honor and the prohibition of showing their beauty except for their mahram and certain people. Prophet's Hadith "A man may not be alone with a woman unless accompanied by his mahram and a woman may not travel except with her mahram (Narrated by Bukhari and Muslim)" A woman who believes in Allah and the Last Day is not lawful to travel for three days or more unless accompanied by a father, husband, child, mother, or mahram "(Narrated by Muslim);

Hadith of the Prophet: It must not harm the din itself or other people.

Rule of Fiqhiyah: "Refuse / avoid damage (negative things take precedence over bringing benefit

Kaidah Fighiyah: "The importance (secondary needs) that is famous for occupying emergencies, and emergency conditions allows things that are prohibited (prohibited). The contents of the Code:

1. Women who leave the family to work out of town or abroad, in principle, may as long as accompanied by mahram, family or trusted women's institutions / groups (niswan tsiqah).
2. If it is not accompanied by a mahram (family) or tsiqah niswah, the law is haraam, except in an emergency that can truly be accounted for syar'iy, qanuniy, and iy adiy, and can guarantee the security and honor of female workers
3. Illegal law also applies to parties, institutions or individuals who send or are involved in sending WMW as referred to in number 2; so also the party who receives it.
4. Require the government, institutions and other parties in sending migrant workers to guarantee and protect the security and honor of migrant workers, as well as members of legal protection groups or institutions in certain countries, as well as certain cities to guarantee and protect security and honor WMW.

2.3. Theory of Needs and Stress

According to this theoretical concept, every human being has several necessities of life that must be fulfilled. These needs can be in the form of economic or non-economic needs. If these needs cannot be met, a person will experience stress and stress disorder. The level of stress is inversely proportional to meeting needs. The more needs that cannot be fulfilled, the greater the level of stress experienced by someone. There are two consequences of this stress. If the amount of stress is still within the limits of tolerance, then people tend not to pass up work mobility. Conversely, if the magnitude of stress is above the limit of tolerance, the tendency of someone to do work mobility. The work mobility is greatly influenced by the usefulness of a place / place. Someone will make the tendency for mobility from poorer regions to more developed regions (Pull And Push Theory). (Mantra, 1999)

2.4 Empowering Women

Empowerment is a policy that is directed at forming independent human beings both in thinking, acting and recognizing the risks of each action that will be taken.

Women's independence can be achieved through effective learning processes so that women can develop cognitive, psychomotor abilities in humans (Kadarusman, 2005). Through this empowerment process, women are expected to play a greater role in development so that sending troubled migrant workers abroad can be stopped.

2.5 Motivation Theory

The ERG motivation theory explains that human needs are divided into 3 namely; Extention, Relatedness and Growth. The motivation of migrant workers to work abroad in general is to fulfill basic needs that they do not get from their home countries. Because of that, even though he knew the bad risk of working abroad, he still left to become a migrant worker.

This ERG theory states that basic needs that have been satisfied, humans will lead to the desire to satisfy higher needs. Various needs can act as a motivator at the same time and he will be frustrated in meeting higher needs which can lead to setbacks for those whose rank is lower.

2.6. Empirical Studies

According to Eric V. Edmonds (2011) in his study found that in this data more than 1 million children had migrated away from home. The average age of children will be 5-14 years. The cause of the emergence of child migration in the area is the classic problem of getting out of child competition in the labor market in the area. Practical implications The cost of migration is important. Children tend to migrate from remote locations to locations where the child's wages are higher. Overall, the pattern of migrating children away from their mothers looks similar to other studies in the adult population in different social and economic contexts.

Riana van den Bergh and Yvonne Du Plessis (2015) (2011) in their study found results that individual factors such as identity, social support and life phases play a role in women's pre-migration and career success after out-migration. Identity, national culture, openness to foreigners and stereotypes towards women are important factors for women to migrate. The results of the study may lack generalisability, practical implications - Organizations must rethink existing systems to maintain the skills of migrant women. specific personnel management requirements and practical recommendations provided for the development of HR policies relating to migrant women.

The results of Nicholas DeMaria's research Harney Cassamarca (2012) reveal that the strategies used by Ukrainian migrants to regulate and maintain transnational connections, find work, and develop a sense of belonging through - institutional placement and development are significant barriers including social-economic problems in Neapolitan society.

3 RESEARCH METHODS

3.1. The scope of research

Based on the title of the research, the scope of the research includes aspects: a). Motivation underlying the women to work abroad, b). The impact of life on the family left by the migrant workers, c). community perceptions of women who work as migrant workers, d) models for resolving migrant workers' problems since Pre-placement, placement and post-placement are viewed from the point of view of Islam. e).

3.2. Unit of Analysis and Determination of Informants

To find out more clearly about the object of research or who will be studied, first the unit of analysis must be determined, the unit of analysis used in the study. Furthermore, from the analysis unit, it will be determined who is the source of the information or the informant.

3.3. DETERMINATION OF INFORMANTS

Determination of informants in this study are:

Main informants are former migrant workers

2. Supporting informants consist of:

- a. Government institutions and community institutions related to the placement of migrant workers abroad.
- b. An agent who sends migrant workers abroad
- c. Community leaders or informal leaders.

The data analysis method used is a probit analysis tool, moment product correlation and phenomenological qualitative data analysis.

3.4. Research Framework

3. Table that shows the number of migrants based on education level.

. tab pendidikan

HMM highest level of education	Freq.	Percent	Cum.
0	259	3.39	3.39
6	60	0.79	4.18
9	1,887	24.72	28.90
12	3,217	42.15	71.06
16	2,209	28.94	100.00
Total	7,632	100.00	

The table above shows that 42 percent of migrant workers are high school graduated and only 4 percent have lower secondary education.

4. Table based on area of residence (village / city)

. tab daerah

Urban/Rural	Freq.	Percent	Cum.
1:Urban	4,932	64.62	64.62
2:Rural	2,700	35.38	100.00
Total	7,632	100.00	

The table above shows that 65 percent of migrant workers come from urban areas

B. PROBIT REGRESSION RESULTS**MARGINAL EFFECT RESULTS****Information:**

The above regression aims to determine the probability of women in Indonesia conducting international migration. This data only uses 3 independent variables, namely the reason for migrants to migrate abroad, education level and area of residence. Data is taken from the availability of 2014 IFLS data.

In general, the number of women migrating in Indonesia is 7632 people. 187 people conducted international migration and 7445 did internal migration. Reasons taken in this data are divided into 2 parts in general, namely reasons for looking for work and others (such as marriage, transfer, retirement, etc.).

Regression results show significant results. Women who live in cities have a higher chance of 0.39% for migrating abroad than in villages. Women with reasons for looking for a job have a higher chance of migrating by 11% compared to those who are not looking for work. And women with higher education actually have a lower chance of finding jobs overseas by 0.07% compared to women with low education. McFadden Adj R2 shows that the independent variable is able to influence the dependent variable by 32%

C. The results of the Pearson correlation analysis show that:

1. The path of departure of migrant workers correlates with the purpose of the correlation with a level of correlation of 0.435. The migrant worker shipping service company is the main choice for migrant workers. For

certain countries such as laziness, 38 percent of migrant workers still choose the path through the services of illegal brokers. This is because migrant workers tend to use non-bureaucratic services because migrant workers feel unaware of the bureaucracy and consider it easier and cheaper

2. The amount of salary correlates with the reason for choosing the destination country for migration with a correlation value of 0.441. This means that migrant workers assume that if they work in a country that has high per capita income, it will have an impact on the high salary they will receive.

3. The level of education correlates with the type of work in the destination country with a correlation value of 0.375. This shows that the level of education will determine the type and status of employment.

4. The level of education also correlates with the reason for choosing the departure route. As high as the level of education, will choose the official path than the illegal agent.

5. The quality of agents sending migrant workers in providing good education and skills will produce skilled workers who will influence performance. With a correlation value of 0.747.

6. The employer's attitude to migrant workers is correlated with the administration and law applicable in the destination country with a correlation value of 0.535. This means that quality law will cause the employer's attitude not to be arbitrary towards migrant workers.

D. The results of interviews with several former migrant workers obtained the following results:

1. there is still a lot of process of departure to become migrant labors who use the services of intermediaries or brokers who clearly are very detrimental to the migrant workers. This shows that the role of the government

. mfx

Marginal effects after probit
 $y = \text{Pr}(\text{migran}) (\text{predict})$
 $= .00439268$

variable	dy/dx	Std. Err.	z	P> z	[95% C.I.]	X
daerah	.0039533	.0012	3.29	0.001	.001599	.006308		1.35377
alasan*	.1108524	.00909	12.20	0.000	.093037	.128668		.171253
pendid-n	-.0007285	.00017	-4.21	0.000	-.001068	-.000389		11.9616

(*) dy/dx is for discrete change of dummy variable from 0 to 1

in dealing with migrant workers issues is not optimal. The intermediary parties tend to abuse their authority by placing Women Migrant Workers (WMW) tend to be not in accordance with the contract, for example salary issues, etc.

2. Candidates for Women Migrant Worker (WMW) often experience harsh treatment ranging from shelter to placement

3. Many of the Associates of the Migrant Worker Agency and employers who consider the WMW to be rude workers who do not have any power so that many do abusive treatment of WMW

4. Indonesian female workers who migrate abroad have an average low education level, namely only low education, namely elementary and junior high school, so the work received in the destination country is Unskilled Labor work for example RT Formers etc.

5. The treatment of Migrant Worker Agency is sometimes violated the rights of prospective migrant workers, for example during shelter is not permitted to bring Mobile Phone. The training provided by the Migrant Worker Agency is sometimes not optimal, for example about language acquisition or training issues about work to be done in the destination area

7. The economic motivation behind the prospective migrant workers to go abroad is due to limited employment opportunities in the area of origin and want to get high income to be able to increase the welfare of the family after returning from overseas

8. Allocation of funds obtained after the return of tendencies is for consumptive matters, for example building houses to buy new vehicles etc.

4 CONCLUSION

The conclusions that can be drawn from the results of the analysis of this study are:

1. Indonesian workers who do migrants abroad have an average low level of education, namely only primary and secondary school graduates, so the work they receive in the destination country is generally menial jobs such as domestic servants.
2. There are still many migrant workers who go abroad still use the services of illegal agents, although in terms of material and spiritual tendencies are less favorable to migrant workers. This is due to the ignorance of the existing bureaucracy and lack of funds for arranging departures abroad.
3. The economic motivation behind migrant workers going abroad is due to limited employment opportunities in the area of origin and workers wanting to get higher income by working abroad
4. In general, civil servants use official agents, the tendency not to experience many obstacles and problems.

ACKNOWLEDGMENT

The authors wish to thank to Research Centre University of Jember and The Ministry of Higher Education Research and Technology of Indonesia

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