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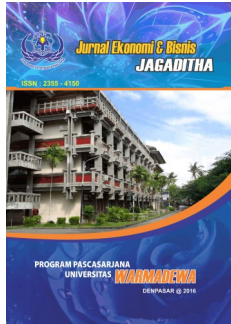
The Moderating Role of Government Regulations in the Influence of Competency of Prospective Indonesian Migrant Workers on Destination Country Placement

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The Moderating Role of Government Regulations in the Influence of Competency of Prospective Indonesian Migrant Workers on Destination Country Placement

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Abstract: There is a correlation between the increase in prospective Indonesian migrant workers (PMIs) and the increase in employment law violations. Non-procedural PMIs force themselves on migrant workers without proper permission, violating legalities such as incomplete documents and legal provisions, potentially leading to legal problems. Non-procedural PMIs also tend not to go through the placement selection process with a credible agency. The study aims to examine the role of government regulation in moderating the influence of competence on PMI candidate recruitment. The research population consists of Indonesian migrant workers' distributor agencies spread across nine districts and cities in Bali province. The research sample comprises 10 agencies and 10 recruiters who recruited during the years 2021 and 2022 as candidate migrants to 117 placement companies. Data collection for competence variables, government regulations, and placement using questionnaires that have passed validity and reliability tests is a good measurement scale. We analyzed the research data using the Partial Least Squares Structural Equation Modeling (PLS-SEM) method, aided by SMART-PLS software, to examine the direct impact of competence on placement, the influence of government regulations on placement, and the moderating effect of governmental regulations on the impact of competence on placement. This study showed that (1) competence had a positive and significant effect on placement, which was backed up by strong empirical data; (2) government regulations also had a positive and significant effect on placement, which was backed up by empire data; and (3) the way that government regulations moderated the relationship between competence and placement was hindering.

Keywords: Indonesian migrants, migrant agencies, PLS, legalities

Introduction

Employee placement is an important process in human resource management so that competent workers can be decided to fill positions according to their respective fields. Placing the right workers in the right positions is one of the keys to an organization achieving its goals. There are various factors that can influence the occurrence of mismatches in placement, such as a mismatch between the competency of prospective workers and the job position, however the availability of prospective workers is very limited which forces companies to place workers who are less competent. Another factor is the existence of certain authority policies that force a company to place workers from certain countries even though they are not competent or prohibit workers from certain countries even though they

are more competent.

The development of the current era presents a gap between the increasing needs of society and the increasingly limited availability of job opportunities. Data from the Bali Provincial Statistics Agency notes that the total workforce in 2022 will increase by 5.77% compared to the previous year (Saputra, 2022). Limited employment opportunities in the country, as well as the desire to improve their standard of living and welfare, have caused many people to turn to become Indonesian migrant workers (PMI) (Febriani & Kurnia, 2013). This high level of public interest has resulted in the emergence of non-procedural PMI which often ignores legal aspects, potentially ignoring PMI safety (Puanandini, 2021; Witono, 2021).

The high demand for PMI from destination countries is not in line with the willingness of prospective migrants who are worthy of becoming migrants in accordance with the competency requests from companies and also the fulfillment of legal regulations regarding migrants. So channeling institutions have difficulty meeting the placement quota, because during recruitment there are still many things that are inadequate, one of which is competency (Kristina, 2021; Soleh, 2019). The obstacles often faced by PMI candidates are related to placement in the destination country. The Bali Province Central Statistics Agency (2021) noted that in 2020 only 113,173 PMI could be placed in destination countries, this number decreased by 40.8 percent from the previous year.

Education and training institutions have an important role in increasing the competency of prospective migrant workers from Indonesia. Data from the Central Statistics Agency for 2021 (BPS, 2021) states that there are only 15 private LPKs in Bali that have permits to depart abroad. Based on the Minister of Manpower and Transmigration Regulation Number 17 of 2016 concerning Procedures for Licensing and Registration of Job Training Institutions, it is stated that Job Training Institutions or what are called LPK are government agencies, legal entities or individuals that meet the requirements to provide job training (Purnamawati et al., 2024).

The government has an obligation to participate in efforts to increase the competency of PMI candidates. Another important role of the government is to present clear policies and government regulations that cover and protect migrant workers. For example, Minister of Transportation Regulation Number PM 84 of 2013 regulates that the placement of prospective PMIs in PMI destination countries must be through employment agencies. This Ministerial Regulation is still in effect today even though Law of the Republic of Indonesia Number 18 of 2017 concerning PMI Protection has been issued which states that the Indonesian Migrant Worker Placement Company (P3MI) is overseen by the Ministry of Manpower. This law states that PMI placements can also be carried out independently without going through employment agencies. Government regulations are still overlapping, such as on the one hand stating that PMI candidates must be channeled through employment agencies, while on the other hand it is also stated that PMI candidates can go independently, causing the occurrence of non-procedural PMI cases which still cause the quality of PMI candidates to be seen as less good by overseas employment agency (Laksmi et al., 2023).

Open entry from the country sending workers to the destination country for placement is one of the factors related to placement success (Sumas, 2020). This also includes the closure of access to placement countries by the government, job seekers who do not meet the age and experience criteria, lack of financial capability of job seekers, fear of working abroad and lack of competency of job seekers consisting of skills, knowledge and attitude of prospective workers (Suhandi et al., 2020; Wijayanto & Ode, 2019) are other important factors that influence the success of placing Indonesian migrant workers abroad. The large number of PMI candidates who cannot be placed because they do not have the required competencies and do not meet the requirements of the applicable laws and regulations is an interesting and important phenomenon to research. In this regard, this research focuses on analyzing the moderating role of government regulations in the influence of competence on the placement of Indonesian migrant workers abroad.

Method

This research is explanatory research with a quantitative approach using the Structural equation modeling (SEM) method. This research involves three variables, namely Competency (KP) as the independent variable, Placement (PN) as the dependent variable, and Government regulation (PP) as the moderating variable. The theoretical model design is as shown in Figure 1.
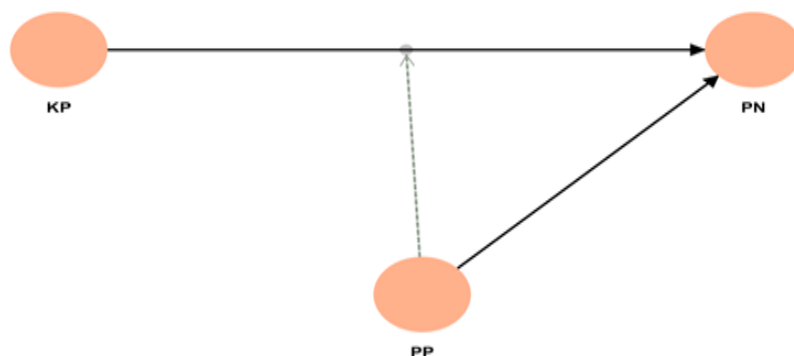
Figure 1. Theoretical model of the moderating influence of government regulations on the influence of competency on placement

Based on Figure 1, there are three hypotheses tested in this research, namely, 1) there is a positive and significant influence of competency on placement, 2) there is a positive and significant influence of government regulations on competency, and 3) there is a moderating influence of government regulations on the influence of competency on placement.

The population of this research is agents distributing Indonesian migrant workers spread across nine regencies and cities in Bali. Currently there are 30 PMI distribution agents in Bali, 30 recruiters and 250 placement destination companies. Determining the research sample was carried out using a purposive and proportional procedure, with the criteria, first, that the agency selected was a distributor who knew the method of placing PMI in the destination country. Second, agencies that have networks in the placement destination countries. Third, an agency that has full authority over information on company needs and the competencies of prospective migrants. Fourth, agencies that know the role of government regulations and efforts to address problems related to government regulations in the placement of prospective migrants, and fifth agencies are actively recruiting to placement companies during the last year 2021-2022. Based on these criteria and considering Krejcie & Morgan (1970), if the population is more than 100 and less than 300 then the entire population should be used, so the number of samples in this study is 10 recruiters from 10 PMI distribution agencies in the Bali Province region who as a whole carry out PMI placement selection to 117 companies or destination countries.

Data collection used a questionnaire method, which was developed using a Likert pattern scale. The sata collection instrument for all variables involved in this research has gone through testing of item validity and scale reliability and meets as a suitable data collection instrument. The competency variable is obtained through 14 indicator items with a reliability value of 0.902. The government regulation variable is measured with 6 indicator items with a reliability of 0.681. The placement variable is measured with 11 indicator items with a reliability value of 0.850.

Data analysis uses the Partial Least Squares Structural Equation Modeling (PLS-SEM) method with the help of SMART-PLS software in moderation analysis to test the direct influence of competency on placement, the influence of government regulations on

placement and the moderating influence of government regulations on the influence of competency on placement. Data analysis was carried out in three stages, first evaluating the measurement model (outer model) by assessing the convergent and discriminant validity of the indicators and composite reliability for the block indicators. Items or indicators that do not have an appropriate loading factor (0.70) need to be excluded because they do not describe the variable measurement model well (Sholekhah, 2018). Second, testing of the structural model or inner model is carried out to see the R-Square value for each endogenous latent variable as the predictive power of the structural model. Changes in R-Square values can be used to explain the influence of certain exogenous latent variables.

Results and Discussion

Evaluation of the Measurement Model（Outer Model）

The measurement model (outer model) that is evaluated includes three variables, namely competency (KP) which is measured by 14 indicator items, placement (PN) which is measured by 11 indicator items, and government regulations (PP) which are measured by 6 indicator items. The outer model is assessed by looking at convergent validity with the stipulation that the loading factor for each construct with the construct to be measured must be more than 0.70 (Hair, Ringle & Sarstedt, 2013) Based on these provisions, the measurement model for moderating government regulations on the influence of competency on placement is as shown in Figure 2 below.
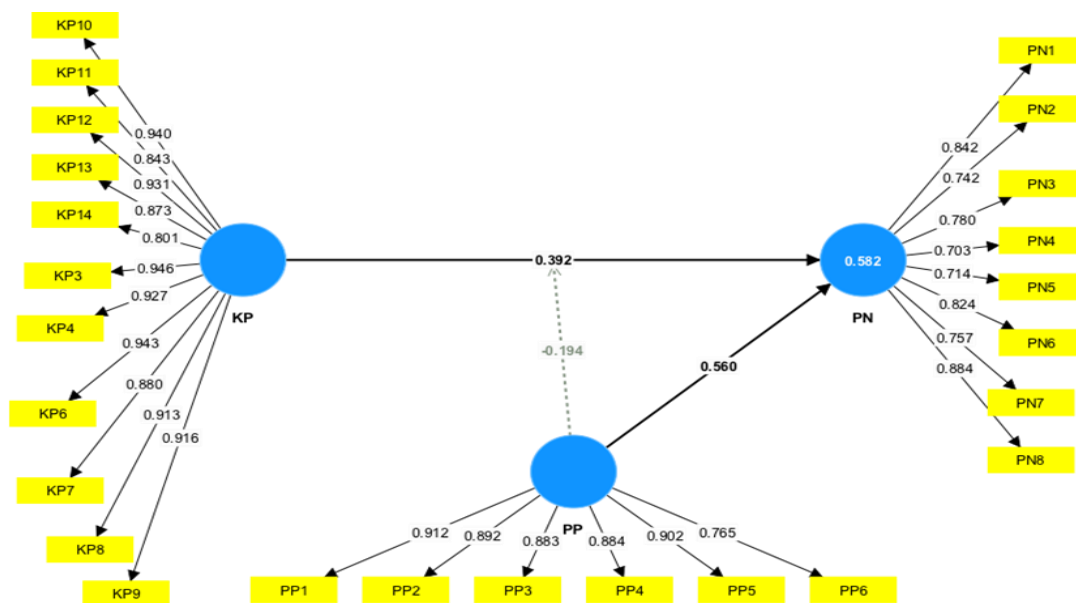
Figure 2. Moderation Model of government regulations in the relationship between competency and Placement

(source: SMART-PLS 2022 algorithm diagram output)

Outer model analysis shows that there are six out of 31 measurement items that are invalid and do not match the measurement model, these items include the competency variable (KP2, KP5, KP1) in the Placement variable (PN9, PN10, PN11), while in the Government Regulation variable (PP) all of the indicators are valid and fit with a good measurement model. So of the 31 items only 25 items were involved in further testing. After knowing the valid indicator items, the next step is to test the reliability of the construct or measurement variable, as in table 1.

Table 1. Reliability Test Results

	Cronbach's alpha	Composite reliability (rho_a)	Composite reliability (rho_c)	Average variance extracted (AVE)
Competency (KP)	0,977	0,991	0,980	0,814
Placement (PN)	0,910	0,920	0,927	0,613
Government Regulation (PP)	0,938	0,948	0,951	0,765

(Source: output SMART-PLS, 2022)

In table 1 it is shown that the Cronbach's Alpha reliability values displayed for Competency (KP), Placement (PN), and Government Regulation (PP) are 0.977, 0.910, and 0.938 respectively, all of which show reliability based on high internal consistency. The Cronbach Alpha reliability value is above 0.7 and even reaches 0.9, indicating high reliability, because based on the internal consistency of each variable or the relationship between the item and the variable being measured, it is very strong or has very good reliability. Composite Reliability Testing (rho_a) also shows similar results in that all variables have values above 0.7 (0.991 for KP, 0.920 for PN, 0.948 for PP) indicating very good reliability. The composite reliability value (rho_c) and all variables are above 0.9 (0.980 for KP, 0.927 for PN, and 0.951 for PP), which indicates a very good composite reliability value. Something that is not different is also found in the Average Variance Extracted (AVE) value which measures the level of variance possessed by a construct compared to other variances due to measurement error. A good AVE value is if it has a value above 0.5 which is considered acceptable, which indicates that the construct explains more than half of the variance of the indicator. In table 1, the AVE values for KP (0.814), PN (0.613), and PP (0.765) are all above this threshold, indicating very adequate construct validity. Based on the results of this analysis, it can be concluded that all constructs have high reliability and adequate convergent validity, creating a strong model for interpreting the relationships between constructs in structural equation models. These results indicate that the measurement model in PLS-SEM can be relied on to predict the model and will answer the hypotheses in this research well.

Structural Model Evaluation

Testing of the structural model or inner model is carried out by looking at the R-Square value for each endogenous latent variable as the predictive power of the structural model. Changes in the R-Square value can be used to explain the influence of certain exogenous latent variables on whether endogenous variables have a substantive influence (Hair, Ringle & Sarstedt, 2013) Structural model testing is carried out through Bootstrapping output as in Figure 3.
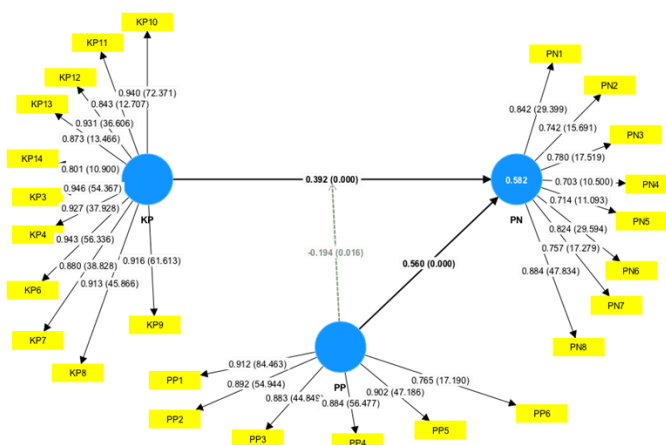
Figure 3. Smart-PLS Bootstrapping Structural Model Output

(source: Bootstrapping Diagram Output, SMART-PLS 2022)

The R² Coefficient of Determination value for the endogenous variable Placement (PN) in the PLS path model indicated that the combined predictors explained a moderate to substantial amount of variance in Placement. The R² value of 0.582 indicates that around 58.2% of the variance in Placement can be explained by the Competency variable, as well as government regulations either directly or moderating the influence of competency. This value is strong enough to predict a model (Hair, Ringle & Sarstedt, 2013). Meanwhile, the remaining 41.8% is explained by other variables not examined in this study.

Hypothesis test

Hypothesis testing in this research uses the results of the Outer Model (Measurement Model) which provides predictions of causal relationships between variables or hypothesis testing by showing the level of significance, as shown in table 2.

Table 2. Path Coefficients

	Original sample (O)	Sample mean (M)	Standard deviation (STDEV)	T statistics (O/STDEV)	P
KP -> PN	0,392	0,399	0,065	6,059	0,000
PP -> PN	0,560	0,554	0,066	8,464	0,000
PP x KP -> PN	-0,194	-0,187	0,090	2,146	0,016

(Source: outer model path coeficients, SMART-PLS, 2022)

Based on table 2, it can be seen that the influence of Competency (KP) on Placement (PN) is very significant, with a Coefficient (KP -> PN) of 0.392 with p <0.05 and a t value of 6.059 which far exceeds the critical value (1.96 for p < 0.05). These results indicate that there is a positive and significant influence of competency on placement. An increase in competency (KP) is associated with an increase in the successful placement (PN) of prospective tourism workers to work abroad. These results mean that the first hypothesis proposed (H1) in this study is accepted, namely that there is a positive and significant influence of competency on placement which is strongly supported by empirical data.

The influence of government regulations on placement is shown by the Path Coefficient (PP -> PN) value of 0.560 p<0.05. These results indicate that government regulations (PP) have a significant positive influence on placement (PN). This means that when government regulations are deemed more adequate or supportive, the likelihood of successful placement of tourism workers abroad increases. The t-statistics value is 8.464, indicating that government regulations are a strong predictor of placement. These results mean that the second hypothesis (H2) proposed in this research is accepted that there is a positive and significant influence of Government Regulations on placement which is also strongly supported by empirical data.

The Influence of Government Regulations plays a role as a regulator or moderator on how individual competence influences the placement of prospective Indonesian Migrant Workers (PMI) by agencies in destination countries. The moderating influence of Government regulations on the relationship between competency and placement is shown by the Path Coefficient value (PP x KP -> PN) of -0.194 with p<0.05. This negative path coefficient value indicates the negative effect of government regulations on the influence between competency and placement. This means that when government regulations are taken into account, the influence of competency on placement becomes weaker and smaller. Even though it is significant (p < 0.05), the t-statistics value of 2.146 indicates that the strength of this moderating effect is low or weak, as well as when compared to the direct influence of KP and PP on PN. These results conclude that the third hypothesis (H3) in this research is accepted, namely that there is a significant moderating role of government regulations on the influence between competency and placement. The negative value of the relationship (-0.194) means

that the moderating role of government regulations on the influence of competency on placement is negative or weakens the relationship. A discussion of these findings is explained in the next section.

Discussion

The results of this research show that both Competencies (KP) and Government Regulations (PP) have a significant positive influence on the Placement (PN) of prospective tourism workers to work abroad. This suggests that improving the workforce's competency and ensuring supportive government regulations are important factors in improving their prospects for overseas placement.

The results of this study are in line with the results of previous studies such as Sutardjo (2023) which found that experience and competence influence employee position placement. Competencies in the context of job placement or recruitment, provide valuable insight into the factors that influence performance and employment. Individual competencies, which include skills, knowledge and adaptability, have a significant direct impact on their chances of being successfully placed in the workforce (Kirana et al., 2023). The research findings have a position that also emphasizes the importance of training and skills development by educational institutions such as LKP for prospective tourism workers to increase the potential for absorbing graduates in the workforce. As explained by Pratomo (2020), educational institutions, especially vocational schools or LKP, need to make efforts to improve the skills of job seekers in accordance with labor market needs and provide or seek certification of skills for workers. Vocational education (SMK) links and matches must be improved so that vocational school graduates can immediately be absorbed by the labor market.

A study by Wibowo and team (Wibowo et al., 2023) noted that the vocational training program at the Ministry of Manpower has not been successful in terms of input, process and product aspects. The resource aspect of vocational training is not yet sufficient. The process aspect still has obstacles in the realization of training, supervision and instructor skills. Meanwhile, from the product aspect, it cannot be guaranteed that participants will be placed after being trained. The same thing was also noted in Purba & Adiputra's (2023) study regarding the evaluation of the implementation of the Tourism HRD training program in Batam City, noting that it was necessary to monitor and collect data on participants completing the job training program who had not succeeded in obtaining placement to improve their competency. This shows that competency is an absolute aspect that job applicants must have.

This research also found that government regulations have a positive effect on placement. The positive and significant influence with placement shows that a supportive regulatory framework can strengthen the placement prospects of prospective tourism workers. The results of this research are in line with previous studies by Hamdiah (Hamdiah et al., 2023) which found that government regulations are one of the important variables that influence the success of job placement.

Government regulations which include visa policies, international cooperation agreements, and government support for the placement of workers abroad play an important role in the smooth placement of workers abroad. This is in line with the results of a study by Rosida (2017) where the implementation of government regulations regarding the placement of Indonesian workers abroad caused an increase in the percentage of formal TKI placements and a decrease in the percentage of illegal TKI. Hanifah (2020) highlighted the need for the government's presence to help provide a sense of security for migrant workers or prospective migrant workers, especially when experiencing problems abroad. This is also in line with the results of a study by Hidayat (2021) regarding the role of local governments in providing legal education, as well as monitoring the understanding and compliance with government regulations and international employment regulations by prospective migrant workers and by channeling agencies.

An interesting finding from the results of this research is the negative moderating effect of government regulations on the relationship between competency and placement. This could mean that in contexts where government regulations are very favorable, individual competence may be less prominent as a determining factor in placement because regulations are sufficient to facilitate placement without requiring very high levels of competency. Conversely, in contexts where regulations are less supportive, competence may be more critical. For example, in the practice of recruiting tourism workers abroad, they are bound by a minimum age rule of 21 years. In the context of competency, candidates actually meet good competency indicators, such as having minimum educational qualifications, work experience, skills and physical abilities. However, according to the existing regulations, candidates cannot yet be placed. In practice, this implies that government regulations that are too strict or too lenient may not be effective without considering the competency of the workforce itself. For an optimal placement strategy, there needs to be a balance between competency development and a regulatory framework that allows the effective use of these competencies.

The moderating effect of Government Regulation on the Competency-Placement effect is negative, implying that increased government regulation may undermine the positive impact of competency on placement. This may indicate that although regulations are very important, regulations that are too strict or complex can hinder the benefits that increased competency offers for placement success. On the other hand, the current government regulations still have weaknesses. This was noted in the study by Setiawan & Gultom (2023) which noted that Indonesian migrant worker law enforcement policies and statutory regulations emphasize the placement aspect of TKI rather than the protection aspect, so it is recommended that regulations for the placement and protection of Indonesian migrant workers abroad be immediately changed; BNP2TKI as a Non-Departmental Government Institution whose jurisdiction and responsibility is directed to the President, must be independent and free as an independent institution that is open, tripartite, proactive and well funded.

Another study by Yuliartini & Mangk (2020) noted that in implementing the protection of Indonesian Migrant Workers abroad there are still many obstacles caused by the ineffectiveness of the protection system in accordance with Standard Operating Procedures (SOP), the existence of tug-of-war over authority between the Central Government and the Central Government. Provincial Regions in terms of Indonesian Worker Placement and Protection Service Institutions, there is an opinion that resolving cases experienced by migrant workers is only the responsibility of BNP2TKI and UPT P3TKI, there is a lack of active role of the Regional Government Manpower and Transmigration Service in helping resolve problems experienced by workers migrants, and the absence of PPTKIS cooperation in assisting the Provincial Government and Regency/City Regional Government in resolving cases. Another study by Putra et al., (2022) highlights that there are still many problems that befall migrant workers, such as experiencing fraud by departure agents, smuggling of illegal migrant workers, and when they are accepted to work there they receive inhumane treatment from their employers such as physical violence and sexual violence. This problem requires legal protection for Indonesian workers so that they do not carry out inappropriate actions, therefore the role of international law and national law is very necessary in overcoming this problem and cannot be separated from the role of the Indonesian government in overcoming this problem. protect migrant workers who are abroad, and we must also know what steps can be taken to protect migrant workers abroad.

In terms of policy and practical implications, the findings of this research indicate the weak moderating role of government regulations in the influence of competence on worker placement. abroad is also important rather than hindering the candidate's placement opportunities abroad. Negative moderating effects could be of concern, indicating the need to strike a balance between necessary regulatory measures and the flexibility required to effectively enhance workforce competencies.

Conclusion

This research finds that competency and government regulations have a significant positive influence on the placement of prospective migrant workers. So increasing the competency of prospective workers and the availability of clear, overarching government regulations and their consistent implementation are important factors in increasing the success of placing Indonesian migrant workers in companies abroad. This research also highlights the negative moderating influence of government regulations on the influence of competency on placement. The importance of government regulations and the role of competency in placement success recommends further study regarding government regulations that can support increasing the competency of prospective migrant workers so that they are better prepared and have greater opportunities to be placed in companies abroad.

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