

Guidelines for the Protection of Women Migrant Workers from the Perspective of Feminist Legal Theory

Tri Sulistyono¹, Feiruz Alamsyah², Nofika Ilmiyah³

{trisulityono@mail.unnes.ac.id, feiruzalamsyah@students.mail.unnes.ac.id,
nofikalamsyah@students.mail.unnes.ac.id }

Faculty of Law, Universitas Negeri Semarang, Indonesia¹²³

Abstract. Indonesia's commitment to safeguarding workers' rights, particularly for female migrant workers, is overshadowed by prevalent discrimination, encompassing violence, neglect, and abuse. Despite governmental efforts, the Ministry of Women's Empowerment and Child Protection reported that 90% of female Indonesian Migrant Workers faced issues in 2018. Existing regulations, like the Minister of Manpower Decree No. 18 of 2018, have fallen short in addressing these problems. Drawing on feminist legal theory, which prioritizes gender equality, this paper utilizes a juridical-normative approach to suggest solutions. By ratifying conventions and establishing responsive counseling services, the government can better protect female migrant workers, aligning with the theory's tenets and fostering equitable laws.

Keywords: Protection; Feminist Law; Female Migrant Workers

1 Introduction

The International Labor Organization or ILO (International Labor Organization) is an agency of the United Nations (UN) which continuously strives to encourage the creation of opportunities for women and men to obtain decent and productive work in a free, fair, safe and dignified manner. The division of roles and positions between men and women is called gender. The division is based on the characteristics that are formed from the norms, customs, beliefs and habits of the community. Based on data the Central Statistics Agency, data on the open unemployment rate by age group from 2019 to 2021 has decreased[1]. While the open unemployment rate by gender maps that the lowest unemployment rate from 2019 to 2021 is in favor of women. The open unemployment rate in 2019 was male (5.24); female (5.22), in 2020 male (7.46); female (6.46), in 2021 male (6.74); women (6,11)[2]. Indonesian women are seen as able to improve the economy of their families in international migration. The rise of cases that befell Indonesian migrant workers is a classic problem that continues to this day and must be addressed immediately. 90% of Indonesian migrant workers in trouble are women, the reason

is because most of them do not know what their rights are, and if left unchecked, the impact will be even worse[3]

According to article 6 paragraph 1 of Law no. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, various incidents of deprivation of rights that are still felt by Indonesian migrant workers, especially women, are: the existence of exploitation and violence perpetrated by the employer, violation of the right to maternity leave, the right to breastfeed, the right to menstrual leave and then the detention of passports, problematic work visas, the work given is not in accordance with the promises set and they are illegally employed. transnational crime where there are many cases of human trafficking selling migrants abroad illegally. The Institute for Policy Analysis of Conflict also found that there was extreme ideological exposure in the name of religion to female migrant workers, especially in Syrian, Arab, and Middle Eastern countries[4]. The Indonesian Migrant Workers Union (SBMI) also noted that in the Catahu report in 2020 there was an increase in cases compared to 2019 with various cases experienced by PMI in the form of physical violence, abuse, sexual harassment, violation of work contracts, economic exploitation, trafficking in persons to the disappearance of lives. forced because of the criminalization experienced. The Covid-19 pandemic that has occurred has also made women migrant workers more vulnerable and their mobility limited, both in accessing daily needs as well as assistance and legal assistance when experiencing cases[5]. Former Vice President Jusuf Kalla gave the highest appreciation to migrant workers, especially women, for being brave and able to work abroad with various challenges[6]. The contribution made by Indonesian migrant workers has reached 7 percent of the APBN value. The contribution they have given to the country's foreign exchange reaches Rp. 159.7 trillion per year. Bank Indonesia (BI) reported that remittances received from migrant workers during 2018 reached US\$ 10.97 billion or equivalent to Rp 153.58 trillion. Remittances from migrant workers increased by 24.66% compared to 2017 which reached US\$ 8.8 billion[7].

Based on the official records of the Indonesian Migrant Workers Protection Agency (BP2MI) 2022, there are currently around 3.7 million workers. According to the Coordinating Minister for Economic Affairs, Airlangga Hartarto, this high contribution is considered very helpful for the state, especially in developing migrant worker enclaves through remittances sent to their families. So that Indonesian migrant workers are called heroes of the country's foreign exchange[8].

The amount of contributions and dividends to the country that Indonesian migrant workers have generated has an indirect impact on economic growth in Indonesia. Therefore, it is necessary to get adequate protection, especially since there are still many human rights cases that befall them. The state must protect all its citizens at home and abroad. The issue of human rights is directly related to the existence of human dignity as a creature of God Almighty. That is why, the concept of human rights must be interpreted as a potential possessed by humans by nature originating from God Almighty, as a basic, basic, and basic right that is inherent together with human birth in the world. John Locke said that human rights include the right to life, property, and the right to freedom. From these human rights, then developed into other rights such as the right to speak, religious rights, business rights, cultural rights, political rights, equal rights in law, and so on. Respect for Human Rights Human rights are a set of rights that every human being needs to live in prosperity[9]

Coordinating Minister for Political, Legal and Security Affairs of the Republic of Indonesia (Menko Polhukam RI) Mahfud MD Mahfud said that human rights principles had been included in the Medium-Term Development Plan (RPJM), and had adopted the Universal Declaration of Human Rights and the Universal Declaration of Human Responsibilities, the 1945 Constitution of the Republic of Indonesia in Article 28A-28J has also guaranteed the enforcement of human rights in Indonesia. Understanding this, the Indonesian state has guaranteed human rights to every citizen. [10]

2 Method

The method used in this paper is a descriptive research method. This research was conducted using a literature study with a conceptual approach and a statutory approach. The conceptual approach in this paper is the concept of environmental dispute resolution using alternative dispute resolution. The approach to legislation in this research is to use existing laws in Indonesia relating to settling environmental disputes. The data analysis technique used in this study is a technique of qualitative analysis.

3 Result and Discussion

3.1 Problem Faced by Migrant Worker

Violence is a terminology that is closely related to the meaning of "suffering", both examined from a psychological and legal perspective, which includes behavior human beings, both individuals and groups that cause suffering to others. Violence is basically all forms of behavior, both verbal and nonverbal, carried out by a person or group of people, against another person or group of people, causing negative physical, emotional, and psychological effects on the person who is the target.[12] Violence can be perpetrated by anyone regardless of gender, age, occupation, or education level, and can happen anywhere. Bobi Anwar, Secretary General of SBMI noted that there was an emergency. Of the 643 cases handled by SBMI in 2020, most of the placements were carried out non-procedurally with a percentage reaching 75.74%, while the procedural ones were only 24.26%. Most cases were experienced by women with the percentage reaching 53.65%, while men were 46.35%. [5]

Komnas Perempuan's Annual Record of Violence Against Women (CATAHU) in the 2017-2020 period still records the situation of female workers who have not enjoyed a world of work that is free from violence, harassment and discrimination. In 2020, there were at least 64 direct complaints of cases of violence against women in the workplace. Women workers still experience violations of maternity rights (restrictions on maternity and maternity leave, neglect of menstrual leave, and the absence of reproductive and breastfeeding health facilities), working with poor occupational safety and health standards, sexual violence and harassment, layoffs of pregnant women. Meanwhile, informal sector workers such as domestic workers are still not legally protected and excluded from decent work standards. The situation of women migrant workers during the pandemic is no less sad. Violence against women or what is often abbreviated as KTP, according to Article 1 of the United Nations Declaration on the Elimination of Violence Against Women reads: Violence against women is all forms of violence gender-based causes

that cause pain or suffering to women including threats, coercion, restrictions on freedom, whether occurring in public or domestic areas. Violence against women is a global phenomenon, which does not stand alone but is closely related to various other social problems[13] The Ministry of Women's Empowerment and Child Protection (PPPA) assesses that the thoughts of women who want to work abroad are often influenced by successful Indonesian Migrant Workers (PMI) without considering the background underlying their success. The concept of thinking like that, according to the PPPA Ministry, causes PMI to often get discriminated against and experience rights violations because they have low quality and skills. The reasons are, among others, the low education level of female PMIs, the lack of mental readiness of female PMIs, and the lack of information about safe migration for women[14].

Women migrant workers are vulnerable to being victims of violence because they do not have a bargaining position because they are job seekers. Thus, migrant workers are vulnerable to exploitative actions carried out by various parties. Law enforcers tend to ignore cases of human trafficking and other cases of violence experienced by women migrant workers. Of all migrant workers from Indonesia, around 70 percent are women. Therefore, when there are problems that befall migrant workers, they directly intersect with the fate of women. The main problems and difficulties faced by women migrants upon their return to their countries of origin can have socio-psychological effects, such as trauma arising from the migration experience and health and medical problems. Problems with reunification with family and society, namely breaking up with spouse and family, stigmatization and rejection by family and society, especially those who have been trafficked.

Financial difficulties, including coming home empty handed, insufficient or wasted savings and lack of sustainable investment opportunities. Employment and skills related problems, including lack of profitable alternative employment, lack of opportunities and support to start and support sustainable businesses, lack of skills or de-skilling, and filing of complaints about exploitation and abuse . namely the breakup of relationships with partners and families, stigmatization and rejection by families and society, especially those who have been trafficked. Financial difficulties, including coming home empty handed, insufficient or wasted savings and lack of sustainable investment opportunities.

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lack of opportunities and support to start and support sustainable businesses, lack of skills or de-skilling, and filing of complaints about exploitation and abuse[15]

The forms of human rights violations that afflict female Indonesian migrant workers include[16], the forms of violence experienced occurred from the time of recruitment, placement and up to returning home. This form and type of violence occurs from the personal realm to violence carried out by the state through policies that are not in favor of migrant workers. During the recruitment period, migrant workers experience sexual harassment or rape by brokers/sponsors, endless debt bondage to brokers, prohibitions on the use of certain clothing, lack of access to information and knowledge about reproductive and sexual rights and health, medical check-ups, who performs vaginal examinations, forced sterilization (in the form of taking birth control pills) due to regulations that prohibit pregnancy while working abroad.

The forms of violence experienced during work placements abroad are as follows: rape, attempted rape, being forced by the employer to watch pornographic videos, being groped for body parts such as the vagina, chest, and buttocks, by the male employer, being asked to massage the male employer men, forced to see the male employer's genitals, forced to hold the male employer's genitals, forced to serve the sexual desires of the male employer and their children, sold into sex workers, deportation of migrant workers who are detected to be pregnant in the destination country, sexual harassment as well as rape by the employer/employer's family/as well as fellow migrant workers, coercion to make sexual calls by a partner in Indonesia, becoming victims of human trafficking in the form of being sold as sex workers by fellow migrant workers, the prohibition of pregnancy during work, the absence of menstrual leave provided by the employer, the threat of maternal death caused by the high rate of unsafe abortion in the destination country due to being raped by the employer, and the lack of access to protection provided by the state for women migrant workers who are become victims of violence.

Violence that also occurred during the return to Indonesia, among others, the environment perpetrated by the spouse (both boyfriend and husband), having children as a result of rape by the employer, becoming disabled (physical and/mental) due to the violence received during the process. placement. The sexual violence experienced by women migrant workers has an impact on their sexual and reproductive health.

3.2 The Urgency of Woman Migrant Workers Protection

Indonesia, like other nations, has recognized human rights and has stipulated in the 1945 Constitution the violation of the application of retroactive principles in order to guarantee human rights. Because Indonesia respects human rights as an inalienable right, the principle of non-retroactivity is placed as a fundamental principle and is protected by law. The emphasis of this principle is that every citizen has the right not to be prosecuted on the basis of retroactive law.[17] The principle of non-retroactivity cannot be deviated to protect human rights except in the case of serious violations of human rights themselves. This principle must be adhered to by countries of law or by countries that adhere to the non-retroactive principle, to guarantee the rights of each individual in order to avoid arbitrary actions from the authorities so that legal certainty can be achieved. The principle of non-retroactivity is stated in Article 28I of the 1945 Constitution of the Republic of Indonesia: "The right to life, the right not to be tortured, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right

to be recognized as a person before the law, and the right not to be prosecuted on the basis of retroactive law is a human right that cannot be reduced under any circumstances.” In addition to Article 1 paragraph (2) of the Criminal Code, the retroactive nature is also embraced in Article 43 paragraph (1) of Law no. 26 of 2000 concerning the Human Rights Court (“Human Rights Court Law”): “Serious human rights violations that occurred prior to the promulgation of this Law, are examined and decided by the ad hoc Human Rights Court.”

The basis for retroactive applicability of the Law on Human Rights Courts for gross violations of human rights is the explanation of Article 4 of Law no. 39 of 1999 concerning Human Rights which stipulates that: "The right not to be prosecuted on the basis of retroactive law can be excluded in the case of serious violations of human rights which are classified as crimes against humanity." This retroactive nature is also embraced in Article 43 paragraph (1) of Law no. 26 of 2000 concerning the Human Rights Court (“Human Rights Court Law”): “Serious human rights violations that occurred prior to the promulgation of this Law, are examined and decided by the ad hoc Human Rights Court.” The basis for retroactive applicability of the Law on Human Rights Courts for gross violations of human rights is the explanation of Article 4 of Law no. 39 of 1999 concerning Human Rights which stipulates that: "The right not to be prosecuted on the basis of retroactive law can be excluded in the case of serious violations of human rights which are classified as crimes against humanity." This retroactive nature is also embraced in Article 43 paragraph (1) of Law no. 26 of 2000 concerning the Human Rights Court (“Human Rights Court Law”): “Serious human rights violations that occurred prior to the promulgation of this Law, are examined and decided by the ad hoc Human Rights Court.” The basis for retroactive applicability of the Law on Human Rights Courts for gross violations of human rights is the explanation of Article 4 of Law no. 39 of 1999 concerning Human Rights which stipulates that: "The right not to be prosecuted on the basis of retroactive law can be excluded in the case of serious violations of human rights which are classified as crimes against humanity." “The gross violations of human rights that occurred prior to the promulgation of this law were examined and decided by the ad hoc Human Rights Court.”

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CEDAW or ICEDAW (International Convention on Elimination of All Forms of Discrimination Against Women) is an International Human Rights Agreement that specifically regulates women's rights. This Convention defines principles concerning human rights, norms and standards of conduct and obligations which the states parties to the convention agree to comply with. This convention also talks about the elimination of all forms of discrimination against women, which allows any individual/group who is dissatisfied with the implementation of CEDAW in their country to submit their problems directly to the government and even to the United Nations. The consequence of the ratification of the Convention is that the state binds

itself to guarantee through legislation, policies, temporary special programs and actions so as to realize equality and justice between men and women. Indonesia is one of the countries that signed it. CEDAW was adopted by the United Nations General Assembly on 18 December 1979 and entered into force on 3 September 1981. In June 2007 185 countries had signed this convention.[19]

Indonesia has ratified through Law Number 7 of 1984, also explicitly stating that "Participating countries are obliged to make appropriate regulations to eliminate discrimination against women in the field of work in order to guarantee equal rights on the basis of equality between men and women. women" (Article 11). In line with that, the International Covenant on Economic, Social and Cultural Rights which has been ratified through the Republic of Indonesia Law no. 11 of 2005 also strengthens the protection and promotion of the rights of women workers.

Feminist Legal Theory basically arises because of concerns about an injustice that women experience in the legal sphere. Departing from this, then Feminist Law takes part in assisting women, for women who are in conflict with the law and in realizing reform efforts. There is a definition put forward by Brenda Cosman, that Feminist Legal Theory is a law that uses various cases and experiences of women as an analytical study to see the power relations between women and men.[21] Feminist Legal Theory sees that so far the jurisprudence used still tends to be patriarchal, therefore laws made only by representing men and only men's rights are protected. The law ignores the existing gender, so it is unable to protect women.[21]

However, nowadays, Indonesia has not been able to transform regulations in favor of women. Especially related to the protection of Indonesian Migrant Workers (PMI) Women. Whereas the constitution became the basis for the ratification of several international conventions related to the rights of women migrant workers, for example; Law No. 6 of 2012 concerning Ratification of the International Convention on The Protection Of The Rights Of All Migrant Workers and Members Of Their Families and Law no. 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.

The Law on the Protection of Indonesian Migrant Workers is essentially a commitment to follow up on the ratification of the Convention on the Rights of Migrant Workers and Members of Their Families. But in reality, female migrant workers seem to have been neglected in their protection in Indonesia. The dominance of women workers as migrant workers with their protection is not comparable due to the lack of articles specifically regulating the protection of women migrant workers. Not only that, the existing laws in Indonesia also ignore the provisions that have been formulated in CEDAW. Article 11 paragraph (1) states that participating countries are required to eliminate discrimination against women in the field of work in order to guarantee equal rights on the basis of equality between men and women, in particular:

- 1) The right to work as a human right
- 2) The right to equal employment opportunities, including the application of the same selection criteria in hiring employees
- 3) The right to freely choose a profession and occupation, the right to promotion, job security and all benefits and work facilities, the right to obtain vocational training and retraining including the period of service as apprenticeship, further vocational training and further retraining;
- 4) The right to receive equal pay, including allowances, both for equal treatment with respect to the same value, as well as equal treatment in evaluating the quality of work;

- 5) The right to social security, especially in the case of retirement, unemployment, sickness, disability, old age, and other inability to work, the right to a period of paid leave; and
- 6) The right to protection of occupational health and safety, including efforts to protect the function of continuing offspring.

The principles or foundations used in Feminist Legal Theory are:

- a) Legal arguments developed specifically for justice so that they are not discriminatory and unfair
- b) Special attention to various court cases
- c) The focus is on the formulation of proposals to achieve legal reform, in the form of repealing laws and policies that are analyzed against women, as well as the proposing of new laws.
- d) Feminist legal theory assumes that good law is a law that favors women (and of course anyone) who is socially weakened to then fight oppression. The law is impossible to be neutral and the objectivity of the law, feminists propose a legal perspective that favors women socially as potential victims. As a feminist legal thinker from the University of Iowa, Patricia A. Cain notes, “to be considered a feminist, legal theory must be based on women's experiences”.

3.3 Reformulation of Legal Policy for Women Migrant Workers Indonesia

The perspective that places women as a relatively homogeneous identity is an essentialist perspective. Essentialism believes that the only enemy of women is patriarchy. Whereas the homogenization of women's identities is as problematic as patriarchy. Ideally, looking at women should be in accordance with their respective heterogeneous experiences of self. Therefore, feminist law must be based on the experience of these women.[22]

Anti-essentialism imagines women as diverse identities. The enemy of women, apart from patriarchy, is also the conceptualization and definition of space; private and public, and the position of women in them.[22] Affirmative or egalitarian action in law according to anti-essentialists is not enough. Essentialism in feminist legal theory means conceptualizing a new law that is not much different from the patriarchal positive law they criticize: objective and neutral. When examined, there are several normative problems regarding the protection of Indonesian female migrant workers, namely:

- a) Redundancy legal provisions, double arrangements and also have multiple interpretations making it difficult to implement;
- b) Weak supervision in line with the government structure between the central government, the ministry of manpower as the issuer of permits and the sectoral office of manpower in the regions;
- c) Legal protection policies are still unclear regarding frequent criminal and administrative violations; and
- d) Some protection norms are not accompanied by legal sanctions, especially related to violations committed by administrative officials.

To accommodate their respective weaknesses, feminist legal theory offers hermeneutic and deconstructive methods. According to Carol Smart, more fundamentally it is necessary, among

other things, to redefine women's self with law as a medium through hermeneutics (not merely deductive, inductive, verifying, but departing from the experience of individual women). In addition, deconstruction is needed, for example in the form of redefining public and private spaces for women. Influenced by Michael Foucault's "discourse", according to Smart, there is power in law. Law, according to him, is the same as knowledge, in which there is power to disqualify other truths. Meanwhile, the law consistently adopts non-legal considerations and deviates from internal logic and is closed to the law which is taught by legal positivism.[23], Therefore the "new" legal system allows every woman to define herself individually. In addition, the disclosure of women's personal experiences must be done as a form of increasing women's awareness and creating new knowledge.[24] If the feminist jurisprudence discourse is contextualized with implementation in Indonesia, the various laws discussed are positive laws. However, the content in the law contradicts the doctrine of legal positivism, and instead leads to the realization of the prepositions of feminist legal theory. The two main doctrines of legal positivism are legal neutrality and objectivity, both of which are idealized as prerequisites for the realization of legal certainty. With the existence of special legal alignments for certain genders, then the law is not neutral, because it has special (partial) alignments on the basis of gender considerations.

Thus, it can be said that the legal politics behind the various laws produced deviate from some of the main positive legal doctrines regarding objectivity and legal neutrality. The legal politics behind these laws leads to the construction of feminist legal theory (feminist jurisprudence). The legal construction in the law contains acknowledgments and affirmative actions to improve the quality of life, human security, and women's political participation in various infrastructures and political superstructures as well as in election management organizations.[25]

Feminist legal theory developed in the study of feminist jurisprudence says that: the law shows a number of limitations or links to the reality of social values. These limitations are: first, in reality the formulation of the law is phallogocentric (male dominance), as well as issues or cases that get to the courts are hampered and do not resonate. This status quo is more inclined to premordialization. Second, limitations related to the work process in the legal structure are a problem for feminists in fighting for women's rights, so that success in defending women's rights is not an easy thing.[26]

The scale of migration related to Indonesian workers, especially women, requires Indonesia to be at the forefront of protecting the rights of women migrant workers. An assessment of the existing situation shows that there are several challenges, especially those related to efforts to realize the rights of women migrant workers. For that we need a legal policy direction that "privileges women". The following recommendations can be used as guidelines in preparing efforts to protect women migrant workers, including.[27]:

- a. Ratification of all ILO Conventions 77 and 143 with full implementation in national and local laws, policies and practices;
- b. Fully implement ICRMW in national and local laws, policies and practices;
- c. Ratification and implementation of ILO convention 189 on Decent Work for Domestic Workers;
- d. Apply CEDAW General recommendation No. 26 in law, policy and practice;
- e. Apply international labor standards and provide for labor inspections in workplaces and sectors in which immigrants, in particular immigrant women, are employed;

- f. Establish adequate channels for regular labor mobility and provide mechanisms for the regularization of migrants in irregular situations;
- g. Ensure that all temporary or seasonal migrant work regimes comply fully with labor standards and protection of human rights;
- h. Regarding all labor recruitment agencies and services for regulation and monitoring, under the requirements of ILO Convention 181; and
- i. Provide worker support and consular services based on country of origin representation for the female migrant population in certain countries;

The following are some alternative policies that the government can take regarding the protection of Indonesian female migrant workers.[28]

- a) Establishment of an integrated service center or crisis center in the enclave that provides health, legal, psychological, and psychosocial services;
- b) Providing information on the reproductive rights of women migrant workers;
- c) Providing information on processes that are vulnerable to becoming victims;
- d) Providing information on what to do if a case occurs;
- e) Availability of information regarding remittance management and entrepreneurship;
- f) The existence of health, legal, psychological and psychological assistance facilities in a safe home while working;
- g) There is assistance for victims;
- h) There is assistance in solving cases; and
- i) The existence of entrepreneurship and skills training.

In addition, to prevent Indonesian female migrant workers from becoming victims of cases of trafficking in persons. The rise of trafficking in persons (trafficking) is a type of crime by organized syndicates covering national to international, then several obligations of the state, namely[29][30]: It is necessary to conduct socialization and increase capacity among law enforcement officers and Regional Apparatus Work Units as implementers of the Law on the Eradication of Criminal Acts of Trafficking in Persons (UU PTPPO) and Regional Regulations related to trafficking in persons. Socialization also needs to be carried out to the wider community, including by disseminating rural and remote areas about the dangers and modes of trafficking in persons;

In carrying out capacity building among law enforcement and policy implementation, the government needs to include an understanding of Human Rights and its principles. So that human rights values can be integrated in every activity carried out by law enforcement officials and the implementation of other policies, both at the central and regional levels;

In conducting socialization to the community, especially women, it is also important to apply the principle of empowerment in addition to increasing legal awareness, especially among vulnerable women and girls and their families. Thus they understand the law and can demand and defend their rights as enshrined in the laws and regulations; All law enforcement officers in Indonesia immediately implement the provisions of the PTPPO Law and Regional Regulations related to handling cases of trafficking in persons. No longer just using the Code of Criminal Law (KUHP), and building a consistent control (monitoring) mechanism for the implementation of the PTPPO Law for the protection of

female migrant workers; In this context, the Government is faced with the necessity of having “informed consent” from female migrant workers who want to be examined. In the name of Human Rights, a clear legal umbrella is needed up to the implementation level with regard to legal protection for women migrant workers, which specifically and privileges women as a form of legal transformation that is just. The absence of the issue of protection and conflict resolution in the Memorandum of Understanding (MoU) between Indonesia and each country in the sending and receiving of labor causes there to be no definite reference in the process of resolving cases experienced by Indonesian female migrant workers abroad.[32] Therefore, it is necessary to have an adequate foreign policy strategy for the Government of Indonesia to accommodate the turmoil of international migration of women (especially female migrant workers).

4 Conclusion

The problem of female migrant workers in the study of feminist legal theory is that the state must create a regulation that favors female migrant workers. The regulation must place women in a special position. Some of the demands when examined in feminist legal theory are that the state must Ratify all ILO Conventions 77 and 143 with full implementation in national and local laws, policies and practices, Full implementation of ICRMW in national and local laws, policies and practices, Ratification and implementation of ILO conventions 189 on Decent Work for Domestic Workers, apply CEDAW General recommendation No. 26 in law, policy and practice, apply international labor standards and provide for labor inspections in workplaces and sectors where immigrants work, especially female immigrants, are employed, establish adequate channels for regular labor mobility and provide mechanisms for the regularization of migrants in irregular situations, ensure that all temporary or seasonal migrant work regimes comply fully with labor standards and protection of human rights, regarding all agents and labor recruitment services for regulation and monitoring, under the requirements of ILO Convention 181, and Provide workers' support and consular services on a representational basis. In addition, the state must seek an adequate legal umbrella specifically and specifically for female migrant workers related to health, especially HIV/AIDS screening.

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