

# Protection of Indonesian Labor Law Reviewed From The Law on The Placement And Protection of TKI

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**Abstract.** A nation has an obligation to provide every citizen with protection. In a similar vein, the Indonesian government is obligated to safeguard each citizen at all times. Without distinguishing between regular and irregular migrant workers, all are treated in accordance with the values outlined in Pancasila and the Republic of Indonesia's 1945 Constitution. The legal protection given to irregular migrant workers is the essence of the recognition of human dignity, which is innate and inherent in every human being and is a gift from God Almighty. The security of common liberties for sporadic transient specialists is lawful insurance that promises them similar freedoms as other traveler laborers without segregation, equivalent equity, and compelling cures. The CMW states that it restricts victimization residents and transient laborers and ensures equivalent treatment. To a limited extent III of the CMW, from Article 8 to Article 35, security for transient laborers stretches out to unpredictable traveler laborers too. Employers, agents, sending states, and receiving states must uphold these rights. Beth Lyon claims that unauthorized migrant workers have rights under international human rights law.

**Keywords:** TKI, Legal Protection, Migrant Workers

## 1. Introduction

A nation has an obligation to provide every citizen with protection. In a similar vein, every Indonesian citizen must be safeguarded at all times. This is as per the fourth section of Passage 4 of the Prelude to the 1945 Constitution of the Republic of Indonesia.

Moreover, the assurance of the state for its residents applies any place they are in all sides of the world on the grounds that the security gave is one of the freedoms of residents exemplified in the Body of the 1945 Constitution of the Republic of Indonesia Article 28D section (1) which expresses that "Every person has the right to recognition, guarantee, protection and certainty of a just law and equal treatment before the law". Therefore, with the protection of Indonesian citizens wherever they are, the state has not only fulfilled its obligations but has also fulfilled the human rights of these citizens.

When someone is on the territory of a country, they automatically have to follow the rules that apply to that territory. [1] However, even though foreign nationals must comply with the provisions in force in the country where they are located, they are still under the protection of their country of origin. [2]

When a citizen of a country is in a territory belonging to another country, the country of origin of that person certainly cannot easily protect its citizens. The country of origin certainly cannot interact with its citizens at will. This is due to the sovereignty of the other country which cannot be violated by the person's country of origin, even though this is in the context of protecting its citizens.

The Ministry of Foreign Affairs' statistical data indicate that 4,227,883 Indonesian citizens reside abroad. Of this number, more than half are Indonesian Migrant Workers (TKI), namely 60%, and the rest are students, professionals, Ship Crews (ABK), and other Indonesian citizens. The spread of these Indonesian citizens was most concentrated in the Asian region, namely 60.80%, then successively in the Middle East, America, the Pacific, Europe, and Africa. The existence of Indonesian citizens abroad requires encouraging them to actively interact with the local community and be involved in all aspects of social, economic, and legal life. [3]

Recently, the number of Indonesian citizens abroad involved in the legal process has increased. The absolute was noted by the Indonesian Service of International concerns starting around 4,415 Indonesian residents detained abroad, most of whom were convicted in Malaysia with the most cases of immigration violations and fighting, around 283 Indonesian citizens were detained in Australia for cases of people smuggling, drugs, and immigration. Apart from Malaysia and Australia, other countries such as Brunei, the Philippines, and Thailand have also imprisoned Indonesian citizens involved in legal cases in their countries, their number in each of these countries is around 40.

On the other hand, many foreign citizens (WNA) are also involved in legal cases in Indonesia. Statistical data from the Directorate General of Corrections shows that there were 682 foreign convicts in Indonesia as of March 1, 2013. The largest number of foreign convicts came from Malaysia, namely, 144 people, while the type of crime most frequently committed by foreigners in Indonesia was narcotics crimes.

A bunch of decides and guidelines that tight spot and control relations among states and other legitimate subjects in the existence of the global local area is alluded to as worldwide regulation. [4] The practice of international law cannot be separated from issues of diplomacy, politics, and attitudes, patterns, or policies of foreign relations. In many cases, although legal considerations remain important, the state is likely seeking the legality of the actions or decisions it takes prioritizing self-interest, expediency, or humanity. According to Dixon, many countries have different characters and attitudes as well as human nature in general. [5]

International law is the whole of the legal principles and principles governing state-to-state relations as well as relations between international subjects or issues that cross national borders. The body of law known as international law is mostly made up of rules of behavior and principles that states feel obligated to follow. Accordingly, it notices their overall associations with each other, as well as their associations with states and people, their associations with global foundations or associations, and certain legitimate principles relating to people and non-legislative elements to the extent that the privileges and commitments of people and non-state bodies are influential for the worldwide local area. [4]

In international law, relations between countries are better known as international relations. [5] Every country in the world has differences, be it different philosophies, history, government structures, culture, education, economic power, and differences in the natural resources owned and produced by each country. This difference is the reason for every country in the world holds international relations.

The embodiment or realization of international relations between countries can be done in various ways either in the form of international agreements forming an international organization or sending representatives to other countries, often called diplomatic

representatives. By sending representatives of a country to another country, it means that the country has entered into diplomatic relations with the country concerned. Diplomatic relations seen from the perspective of modern international relations can be carried out between bilateral countries to maintain and maintain and enhance the development of the nation and state to achieve national goals.

TKI, or Indonesian migrant workers, play a significant indirect role in Indonesia's economic expansion. However, the state is obligated to safeguard all of its citizens, both domestically and internationally, because TKI occasionally encounters issues while working abroad. The Indonesian government has put forth various attempts to reduce how much brutality and different infringement against transient laborers. This approach is framed in a few government strategies in Regulation No. 39 of 2004 on the Situation and Assurance of Indonesian Traveler Laborers Abroad. In worldwide regulation, it is expressed that the state is committed to safeguard its residents living abroad; as such, a sending nation is expected to safeguard its residents abroad if these residents disregard global regulation. [6]

Article 3 of the Vienna Show on Discretionary Relations from 1961 is referred to in this specific circumstance. However, despite the fact that the Indonesian government has issued numerous policies to safeguard Indonesian migrant workers, these policies have not been able to safeguard workers during their pre-, placement, or post-placement periods. Migrant workers, whether they have previously worked abroad or plan to do so, continue to face a number of cases in which their rights have been violated.

One of the cases that occurred related to the problem of Indonesian workers was that on February 10, 2018, there was abuse against a female worker named Adelina, 21 years old, from Abi Village, Oenino District, East Nusa Tenggara who worked in Malaysia. Adelina died after being cruelly tortured by her employer. Malaysian law enforcement officials in Sebrang Prai Tengah received reports of alleged abuse of an Indonesian citizen. Upon receiving the report, Malaysian officials then went to the scene of the incident and immediately took Adelina to the Bukit Mertajam hospital. After undergoing intensive treatment at the hospital, Adelina finally died on Sunday 11 February 2018. Malaysian law enforcement officers then detained two brothers who were Adelina's employers. Adelina TKI from NTT was not registered at the Kupang Indonesian Migrant Worker Protection and Placement Service Center (BP3TKI). [7]

Adelina is an illegal TKI working in Malaysia. South Central Timor officials have pocketed the name of the recruiter who sent Adelina illegally to Malaysia and forged the victim's documents. The forged victim's document was carried out by the recruiter with her real name, Adelina Sau, and not Adelina Lisao. This is because in Abi Village there is no resident named Adelina Lisao. The victim's passport was issued by the East Java Immigration office. When he departed to become a migrant worker, Adelina was said to be 16 years old. According to the birth certificate, the victim was born in 1998, while his passport says he was born in 1992. [7]

The police stated that after the victim was recruited and sent to Malaysia, the victim's parents received Rp. 500,000 from brokers recruiting prospective migrant workers. The money was entrusted by the recruiter through the victim's neighbor. After the victim was taken by the recruiter, communication between the victim and his family was cut off from that moment until the family received information that the victim had died in Malaysia. [7]

## **2. Method**

A type of normative legal research was utilized by the author in this study. It is research that examines the laws and regulations that pertain to or are applied to the issue of Indonesian

Migrant Workers' Protection. Standardizing research is frequently alluded to as doctrinal exploration, where research whose object of study is Guidelines, Regulation, and Library materials. [8]

Secondary data from literary sources are the sources of legal materials used in normative legal research, and they include the following: 1 Essential Legitimate Materials: Legal documents that are authoritative have authority. In this instance, Law No. 18 of 2017 regarding the safety of migrant workers (secondary legal documents: specifically, all publications about laws that are not official documents, such as the ones listed above (three literary books or readings that explain legal protection for Indonesian workers in Malaysia), four research findings on the protection of Indonesian workers, and five pieces of mass media). materials that provide instructions or explanations) in addition to the primary and secondary legal materials included in the study, namely tertiary legal materials: Indonesian Language Dictionary, Popular Scientific Dictionary, Encyclopedia, Legal Dictionary, and Black Law Dictionary.

### **3. Findings And Discussion**

#### **3.1 Law Number 18 of 2017 as the Basis for the Protection of Migrant Workers**

"Indonesian Migrant Workers or Indonesian Migrant Workers are any Indonesian citizens who will, is currently, or has been doing work for which he receives wages outside the territory of the Republic of Indonesia," states article 1 number 2 of Regulation Number 18 of 2017 concerning the Security of Indonesian Transient Specialists.

Law No. 5's article 5 says: Every prospective Indonesian migrant worker or TKI who intends to register to work abroad must adhere to predetermined procedures under Law No. 18 of 2017 Concerning the Protection of Indonesian Migrant Workers. TKI placement executors are responsible for recruiting potential TKI for those who meet the requirements:

- a. at least 18 years of age;
- b. have ability;
- c. physically and intellectually solid;
- d. registered and has a Government managed retirement enrollment number;
- e. have every one of the expected archives

Because these conditions are closely related to the ability of prospective workers and the needs of the company, with the conditions that have been fulfilled by the workforce, it is hoped that mutually beneficial cooperation will be established. The workforce can work according to their capabilities and the company can get the workforce it needs. The requirements for Indonesian migrant workers outlined in Article 13 are governed by Law No. 18 of 2017 titled "Protection of Indonesian Migrant Workers.":

“To be placed abroad, prospective Indonesian Migrant Workers must have documents that include: a. certificate of marital status, for those who are married attach a photocopy of the marriage book; b. certificate of husband or wife permission, parental permission, or guardian permission that is known by the village head or *lurah*; c. work competency certificate; health certificate based on the results of a medical and psychological examination; d. passport issued by the local immigration office; e. Work visa; f. Indonesian Migrant Worker Placement Agreement; and g. Employment agreement”

Article 15 point 2 expresses that the term of the work understanding is a composed arrangement between the Indonesian traveler specialist or TKI and the business and can be broadened. Within the sight of an approved authority at the Delegate Office of the Republic of Indonesia in the position country, the work arrangement's term is broadened. As indicated by article 19 of Regulation No. 18 of 2017 Concerning the Protection of Explorer Workers, work arrangements can't be adjusted without the gatherings' assent, which incorporates:

a Companies that Place Indonesian Migrant Workers are obligated to Place Potential Indonesian Migrant Workers in Positions and Work Types Specified in the Employment Agreement.

b Companies that do not employ Prospective Indonesian Migrant Workers in accordance with the position and type of work specified in the Work Agreement in accordance with paragraph (1) may face administrative sanctions.

The reason for the termination of the employment agreement is:

- a Worker dies.
- b Ends due to the term in the agreement.
- c An industrial relations dispute resolution institution's decision or determination or a court decision.
- d The termination of an employment relationship can be triggered by certain events or conditions specified in the work agreement, company regulations, or collective bargaining agreement.

Article 6 of Regulation No. 18 of 2017 Concerning the Assurance of Indonesian Transient Laborers, or TKI, states that each imminent TKI has similar expectations to:

- 1) Each Indonesian migrant worker or prospective worker has the right to:
  - a. take a job abroad and select a position based on their skills;
  - b. gain access to capacity-building opportunities through job training and education;
  - c. obtain accurate information about the international labor market, placement procedures, and working conditions;
  - d. obtain nondiscriminatory treatment before, during, and after work, as well as professional and human services;
  - e. worship according to the beliefs and religion you practice;
  - f. get compensation under the appropriate pay norms in the objective nation of position and additionally an arrangement between the two nations or potentially a work arrangement;
  - g. comply with Indonesian and the placement country's laws and regulations to receive legal protection and assistance for actions that may diminish one's dignity;
  - h. solicit an explanation of the Work Agreement's rights and responsibilities;
  - i. get access to communicate;
  - j. mastering travel documents during work;
  - k. associate and gather in accordance with the rules and regulations of the country where you are placed.;
  - l. securing assurances for the safety and security of returning Indonesian migrant workers to their home countries; and/or;
  - m. gather paperwork and work agreements for potential Indonesian migrants and/or current Indonesian migrants.

- 2) Each Indonesian migrant worker is responsible for:
  - a. abide by all applicable laws and regulations, both domestically and in the countries of destination;
  - b. be respectful of the country's traditions and customs;
  - c. follow the Employment Agreement and perform their duties in accordance with it; And d
- 3) Every Indonesian Migrant Worker's Family has rights to:
  - a. The rights of every Indonesian migrant worker's family include;
  - b. receive all of the deceased Indonesian migrants' assets;
  - c. obtain a duplicate of the record and Work Understanding of Planned Indonesian Transient Specialists or potentially Indonesian Traveler Laborers; What's more;
  - d. gain admittance to correspondences

This law must, in essence, protect citizens who will use their right to get a job, especially in other countries, according to article 27 (2) of the 1945 Constitution. This will ensure that citizens can obtain labor placement services quickly and easily while still prioritizing workers' physical, moral, and dignity safety. This guideline on a fundamental level is comparable opportunities, value, direction consistency, and without division in any construction. It has been contended that most of position related issues are connected with common liberties, so this regulation incorporates countless crook sanctions. If the requirements of one of the travel documents are not met, it can constitute a criminal act. The absence of even one document puts the worker at risk of being ineligible or illegal to work in the placement country and this makes the TKI vulnerable to inhumane or other exploitative treatment in the destination country of placement. Maintain security, order, and world peace but also security for humans (human security) wherever these humans are. [9] Security for humans is a form of respect for human rights for their dignity and worth so that humans have the right to live in freedom, are entitled to receive protection, free from fear, threats and torture, discrimination, and so on.

This regulation likewise discusses equivalent freedoms and chances to find a new line of work and a good pay in light of mastery, skills, talents, interests, and abilities without discrimination; the existence of state assurances regarding the safeguarding of citizens' human rights at work or home; In order to safeguard overseas migrant workers, both central and regional government agencies are integrated, as is community participation in a legal system.

Government policies regarding Indonesian workers that have been issued by the government are as follows:

- a. Basic Manpower Provisions Law No. 14 of 1969 (State Gazette of the Republic of Indonesia, 1969, No. 55, Supplement to State Gazette of the Republic of Indonesia, 1969, No. 2912).
- b. Law Number 7 of 1981 concerning Compulsory Labor Reports (State Gazette of the Republic of Indonesia of 1981 Number 39, Supplement to State Gazette of the Republic of Indonesia Number 3201).
- c. Law Number 9 of 1992 concerning Immigration (State Gazette of the Republic of Indonesia of 1992 Number 33, Supplement to the State Eid of the Republic of Indonesia 3474).
- d. Shipping Law No. 21 of 1992 (No. 98 of the State Gazette of the Republic of Indonesia in 1992).

- e. The Minister of Labor's Decree No. Jo is KEP-204/MEN/1999. The Minister of Labor's Decree No. KEP138/MEN/2000 must be altered because it no longer meets the requirements of current events.
- f. Decree Number KEP-104 A/MEN/2002 of the Republic of Indonesia's Minister of Manpower and Transmigration.
- g. Law No. 39 of 2004 on the Placement and Safety of Indonesian Migrant Workers in Other Countries
- h. Protection for Indonesian Traveler Laborers is covered by Guideline No. PER.07/MEN/V/2010 of the Pastor of Labor supply and Immigration.
- i. Guideline No. PER.14/MEN/X/2010 of the Pastor of Labor supply and Immigration in regards to the Position and Assurance of Indonesian Transient Specialists Abroad
- j. The Republic of Indonesia issued Regulation No. 3 in 2013 for the Protection of Indonesian Migrant Workers Abroad.
- k. Regulations of the Republic of Indonesia's Minister of Foreign Affairs Number: Concerning the Protection of Indonesian Citizens Abroad, Law No. 5 of 2018 Permenaker No. 18 of 2018 with regard to PMI and Social Security

### **3.2 Legal Protection for Irregular Migrant Workers (No Documents)**

The relocation of our residents is referred to because of the nation's restricted open positions, basic and modest conveyance techniques, low degrees of schooling and abilities, low homegrown wages, and the shortfall of data to towns with respect to systems for working abroad. abroad as a TKI without legitimate documentation.

Legal protection for irregular migrant workers is based on the 1945 Constitution (amendment) Article 28 D paragraph 2 which states:

“Everyone has the right to work and receive fair and proper compensation and treatment in a work relationship. In addition, Article 28 I paragraph 4 states that the protection, promotion, enforcement and fulfillment of human rights is the responsibility of the state, especially the government.”

Because the world has become aware of this irregular workforce's existence, it is necessary to regulate it through an international legal instrument. These devices include:

- a. Regulations for migrant workers outlined in ILO Convention No. 97/1949, among other things, regarding Employment Migration
  - This show was supported in Geneva on July 1, 1949. Just 49 countries have sanctioned it, as indicated by information from the Worldwide Work Association (ILO) from 2011. This show has not been sanctioned by Indonesia.
- b. The rules controlled in ILO Show No. The Show Concerning Movement in Oppressive Circumstances and Advancement of Correspondence, Opportunity, and Treatment of Settler Laborers (Relocation in States of Misuse and Expanded Open doors for Transient Specialists) was approved by the Unified Countries in 1975. On June 24, 1975, this convention was signed in Geneva. Indonesia is not included in the ILO's 2011 list of 23 countries that have ratified it. This agreement governs, among other things:
  - 1) the obligation of the getting country to maintain the freedoms of traveler laborers (Arts. 1);

- 2) underline the need to examine the presence of unlawful traveler laborers who utilize transient specialists in an unlawful way (Craftsmanship. 2 and 3);
- 3) arrangements for migrant workers and their families to have equal access to positions, social security, and individual or collective freedoms (Art. 10); 4)

In its considerations, this convention also acknowledges the existence of facts about illegal immigrants (clandestine), necessitating the application of a special standard to prevent the exploitation of illegal migrant workers and other forms of cruel treatment.

One of the qualities of a state in light of law and order is the security of basic freedoms given by the 1945 Constitution. Saudargo Gautama gives the thought of a law and order state as "a nation where people have privileges against the state, where human rights are recognized by law, where to realize the protection of these rights the power of the state is separated up to state administrative bodies, legislators and the judiciary are in various hands, and with the composition of the judiciary which is independent of its position to be able to provide proper protection to everyone who feels their rights have been aggrieved, even if this happens utilizing the state itself. The characteristic of a rule-of-law state is that it guarantees human rights and legal protection is crucial for the existence of the state. [10]

States have worldwide expectations as subjects of global regulation. The Declaration of the Honors and Commitments of Nations contains the state's assumptions. A survey named Essential Opportunities and Commitments of American Republics followed, up until the Honors and Commitments of State or Montevideo Show in 1933 (Skillet American). [11] International law and human rights law both have a significant focus on the state. The state, as the primary entity, is accountable for defending, upholding, and advancing human rights. The international community (states)'s success in fighting for the recognition, respect, and enforcement of human rights values in human rights instruments marks the protection, fulfillment, and enforcement of human rights by states. States are required by these international human rights instruments to uphold and uphold human rights principles. Fundamental principles like universality, equality, nondiscrimination, indivisibility, and inalienability are contained in the international human rights instruments. the principles of interdependence and interdependence, state responsibility in human rights law and international law, local remedies, state sovereignty, and the protection of foreign nationals.

Even though the nation in question has not ratified the convention, these general legal principles are applicable to all nations. The principles have the character of jus cogens, in which the regulations are required to be upheld by all international communities and cannot deviate from general legal principles.

The HAM standards have the personality of jus cogens. The issues that are viewed as crucial to society are the focal point of jus cogens. The issues or content of a jus cogens guideline should have a huge or even principal importance for the global local area.[12]

Human rights are basic human rights, which are a gift from God Almighty. Because human rights are natural rights, other humans and other living things cannot revoke them. It is believed that human rights have universal values, which indicate that they transcend space and time. These broad characteristics are then changed over into various public legal things in various countries to get and keep up with human characteristics, recalling tranquil agreements for the field of normal opportunities. Opportunity, balance, independence, and wellbeing are human qualities. In addition, human dignity is the fundamental principle of human rights.

Human rights are a set of international standards that the state must meet at a minimum level. The international community will use this minimum standard to evaluate and score the country's compliance with its international human rights obligations.[13] Indonesia has ratified a number of international human rights treaties that provide legal protection for migrant workers.

The obligation of the Indonesian state to safeguard its tenants is clearly conveyed in the 1945 Constitution of the Republic of Indonesia (hereinafter dense as the 1945 Constitution of the Republic of Indonesia). As an independent, sovereign country, Indonesia is bound by this obligation to uphold its citizens' rights and protect their lives. "...to protect the entire Indonesian nation and all of Indonesia's bloodshed, promote public welfare, educate the nation's life, and participate in carrying out world order based on eternal peace and social justice," reads the opening paragraph of the 1945 Constitution. The responsibility of the state to protect its citizens, both within and outside of Indonesia's borders, is the goal of the state.

The Republic of Indonesia is obligated to safeguard all Indonesians, including unauthorized migrant workers. International labor law, worldwide common freedoms regulation, and global regulation all give legitimate insurance to sporadic transient specialists. Legal norms or rules pertaining to the protection of irregular migrant workers are the material objects of legal protection for those workers. These norms and rules originate from statutory regulations of customary law and international law originating from treaties or agreements between countries and international conventions. Besides that, legal protection for workers can also be through international organizations (bilateral, regional, and global), through policies aimed at protecting and placing workers in a proper position as human being.

The obligation to protect is contained in Indonesian national legal legislation, among others:

- b. Extraterritorial jurisdiction, which is exercised by representatives of a nation in friendly nations, ensures a nation's protection of its citizens abroad.
- c. UU no. 37 of 199948, in which the Indonesian government safeguards the rights of Indonesian citizens or legal entities who are having legal issues with representatives from other nations in Indonesia.
- d. UU no. 13 of 2003, the way of thinking of work is a field of individuals' business that should be safeguarded and surefire by the state as a basic liberty connected to an individual as ordered by the constitution.
- e. Law No. Article 4 of the TKI Protection Act of 2004 states that "all efforts to protect the interests of prospective TKI/TKI in realizing guaranteed rights under statutory regulations" apply to Article 4 of the TKI Protection Act. However, the PPTKLN Law is applicable to irregular migrant workers.
- f. Law No. explains how Indonesian citizens are protected. 12 of 200651, also known as "Protection of Indonesian Citizens," is based on the idea of "maximum protection." This means that the government is obligated to provide every Indonesian citizen with complete and unwavering protection regardless of the situation, both inside and outside the State of Indonesia.

Law No. 6-1, paragraph 1 18 of 2017 regarding the Protection of Indonesian Migrant Workers, seek legal protection for actions that may degrade dignity in accordance with Indonesian and placement country laws and regulations; Obtain assurances regarding the safety and security of Indonesian migrant workers returning to their home country.

The participation of the Indonesian State in several international organizations is also a form of the state's obligation to protect its workers who are abroad, one of which is that Indonesia can take advantage of the ASEAN forum. January 13, 2007, At the twelfth ASEAN

Culmination in Cebu-Philippines, ASEAN pioneers drafted the ASEAN Statement on the Security and Advancement of Transient Laborers' Freedoms. This obligation contains obligations for sending countries and receiving countries as well as ASEAN's obligations as a regional cooperation to protect the rights of migrant workers. As a development to this statement, The ASEAN Board on the Execution of the ASEAN Declaration on the Protection and Headway of the Honors of Transient Workers (ACMW) was spread out by the New Clerics of the ASEAN countries. The situation in ASEAN indicates that irregular and undocumented workers are dominant. However, until now, ASEAN countries have not reached a consensus on legal instruments regarding the promotion and protection of the rights of undocumented migrant workers. Even though the mandate through Article 22 states the importance of harmonizing labor laws at the national level with international standards according to ILO provisions. These international standards cover working and living conditions, enforcement of labor standards, labor contracts, etc.

CMW restricts oppression nationals and transient laborers and ensures equivalent treatment. To some degree III of the CMW, from Article 8 to Article 35, insurance for traveler laborers reaches out to sporadic transient specialists too. Employers, agents, sending states, and receiving states must uphold these rights. Beth Lyon claims that unauthorized migrant workers have rights under international human rights law.[14] There are 3 principles of human rights protection for undocumented migrant workers namely:

- a. Equal treatment under all business guidelines is guaranteed by the choice to move toward confirmation and equilibrium under the careful focus of the law, paying little heed to migration status; paying little heed to movement status, laborers' freedoms and recuperation should be focused on similarly; Moreover, the choice to ascend to security and consistency under the careful focus of the law further describes additional safeguards for unlicensed experts in light of their shortcoming.
- b. Workers' rights and remedies ought to be provided equally regardless of the country of immigration.
- c. Additional shields for unapproved laborers are ordered by the option to rise to assurance and correspondence under the watchful eye of the law in light of their weakness.

The protection of migrant workers is also regulated in ILO provisions, as the same standard for countries to have protection rules for migrant workers in their national law, especially for Indonesia as one of the ILO member countries. ILO conventions are binding for its member countries; therefore, member countries must be able to implement them. This obligation begins with the ILO Convention No. 1 adopted the Declaration of Fundamental Rights and Principles at Work. in June 1998, 86. Both national and international laws available to Indonesian migrant workers are a form of existing legal protection. This is where the function of legal protection is to protect every Indonesian citizen, including those with irregular migrant worker status.

#### **4. Conclusion**

Without perceiving ordinary and irregular transient trained professionals, all are treated according to the characteristics showed in Pancasila and the Republic of Indonesia's 1945 Constitution. The legitimate security given to unusual explorer workers is the substance of the affirmation of human honorability, which is normal and natural in every individual and

is a gift from God All-strong. The insurance of basic liberties for unpredictable transient specialists is legitimate security that promises them similar privileges as other traveler laborers without segregation, equivalent equity, and effective cures. The CMW states that it disallows oppression residents and traveler laborers and ensures equivalent treatment. To some degree III of the CMW, from Article 8 to Article 35, security for transient laborers reaches out to sporadic traveler laborers also. Businesses, specialists, sending states, and getting states should maintain these freedoms. Beth Lyon asserts that unapproved traveler laborers have freedoms under global common liberties regulation.

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