

# The Role of the International Labour Organization (ILO) in the Protection of the Human Rights of Indonesian Migrant Workers

Anisa Sartika Madaniyah<sup>1</sup>, Diandra Putri Sophianandita<sup>2</sup>, Pradindha Tasya Irawan<sup>3</sup>, Yumi Lestari Silalahi<sup>4</sup>

<sup>1,2,3,4</sup> Faculty of Business and Humanities, Yogyakarta University of Technology, Indonesia  
Email: [madaniyahanisa@gmail.com](mailto:madaniyahanisa@gmail.com)

## Abstract

*As we know, Indonesians themselves have fierce competition in terms of jobs so it is quite difficult to get a job in the country. The lack of jobs makes many Indonesians choose to pit their fate abroad or are often referred to as migrant workers. Indonesia is one of the countries that has quite a large number of migrant workers and is spread all over the world. However, many of Indonesia's migrant workers experience human rights violations from their employers, such as discrimination, sexual harassment, physical and mental violence, withheld wages, and even unpaid wages. Human Rights (HAM) are rights that everyone has since they are still in the womb, including the right to education, freedom of religion, the right to health facilities, the right to work and other rights. To address the violation of the human rights of migrant workers, Indonesia has joined the International Labour Organization (ILO) under the auspices of the United Nations as a forum that functions to provide protection for migrant workers. The ILO also protects workers' rights by improving living standards, wage policies, working hours, work contracts, health services for workers and addressing all workers who have or are experiencing employment problems.*

**Keywords:** Human Rights, Job Protection, International Labour Organization (ILO), Migrant Workers

## Introduction

The issue of human rights violations against migrant workers has been widely discussed in recent years, especially during the pandemic. Human rights, commonly referred to as human rights, are basic principles that govern human freedom universally that makes humans respect and respect each other so that there is no discrimination between each other<sup>1</sup>. With the freedom of human rights to determine their jobs and seeing the lack of jobs in Indonesia, many people choose to pit their fate in other countries or rather to neighboring countries. People who move or go from their own country to the country of people who work and hope to earn a sufficient salary abroad are called migrant workers. Many people are

interested in this job because the salary earned as a migrant worker in another country is greater than working in the country.

Migration by Indonesian workers has occurred before Indonesia's independence, since 1890. At that time, the Dutch East Indies Government placed workers on a contract basis to Suriname, South America. The Dutch government sent several contract workers from Sundanese, Java, Madura and also Batak to work in plantations in Suriname. The workers were hired to replace the duties of freed African slaves as a form of abolition. As a result of the liberation, Suriname's plantations became abandoned, which had an impact on its economy as well<sup>2</sup>.

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<sup>1</sup> Pratama, I.Z., and M. M., Oktaviandono Syahjehan. 2023. "ILO and Indonesia Cooperation in the Protection of Indonesian Migrant Workers in Malaysia Through the Decent Work Country

Programmes (DCWP) Program." *Journal of Diplomacy and International Studies* 49-64.

<sup>2</sup> Rodani, A. 2022. Legal Protection of Indonesian Migrant Workers Abroad. July 29. Accessed January

Currently, One of the options is to become a migrant worker. can be done by some people to improve their welfare. The existence of this job has a positive impact, one of which is reducing the unemployment rate in Indonesia. Meanwhile, this also has a negative influence, namely the risk of human rights violations for migrant workers.

The number of migrant workers in the international world is always increasing from year to year. The high number of migrant workers gives rise to interdependence between countries in various fields, one of which is in the economic field. Migrant workers are a considerable contributor to foreign exchange for the country<sup>3</sup>. Based on data from the Indonesian National Agency for Placement and Protection of Workers, the total remittances to migrant workers reached Rp77.47 trillion from January to September 2014<sup>4</sup>. Behind the nominal amount of money received, there are also many cases of discrimination suffered by PMIs who work there. Many migrant workers are subjected to sexual harassment, violence, delayed salaries, and some are even not paid by their employers. The United Nations finally established the *International Labour Organization (ILO)* which focuses on workers' rights globally<sup>5</sup>.

This paper refers to previous studies with similar topics and concepts to explain the role of the ILO in protecting the human rights of migrant workers. *First*, a study entitled "Human Security of Indonesian Migrant Workers: Insecurity and Protection", by Dhanny Safitri and Ali Abdullah Wibisono which describes the situation of migrant workers and the government's efforts in protecting Indonesian migrant workers by applying the concept of human *security*<sup>6</sup>. In this study, Indonesian migrant workers continue to experience insecurity and threats to security in terms of health security and personal security.

*Second*, a study entitled "The Role of International Labour Organizations in Protecting the Human Rights of Indonesian Migrant Workers in Malaysia in 2016 – 2019", by Haniifah Febriliyani which describes the ILO's performance in helping Indonesia resolve migrant worker cases in Malaysia in the period 2016 – 2019<sup>7</sup>. This study also discusses cases of human rights violations against migrant workers in Malaysia, especially cases of employer violence against workers.

From the literature, the author finds similarities with the material that the author raised, such as an explanation of human rights violations for migrant workers, the role

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17, 2024. <https://www.djkn.kemenkeu.go.id/kanwil-kalbar/baca-artikel/15248/Perlindungan-Hukum-Pekerja-Migran-Indonesia-di-Luar-Negeri.html>.

<sup>3</sup> Safitri, Kusnaeni A., Zlbahary T., Umar R., Sastra T., Aini C. R., Ambarsari R. D., Yuliana A., and Ramadhania O. 2005. Exposing the violation of the human rights of Indonesian migrant workers. South Jakarta: Women's Solidarity.

<sup>4</sup> Law and Human Rights Research and Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia. 2017. Analysis of the Impact of Human Rights on the Bill on the Protection of Indonesian Migrant Workers. South Jakarta: Light Tree Team.

<sup>5</sup> Pratama, I.Z., and M. M., Oktaviandono Syahjehan. 2023. "ILO and Indonesia Cooperation in the Protection of Indonesian Migrant Workers in Malaysia Through the Decent Work Country Programmes (DCWP) Program." *Journal of Diplomacy and International Studies* 49-64.

<sup>6</sup> Dhanny, S., and A. A. Wibisono. 2023. "Human Security of Indonesian Migrant Workers; Insecurity and its Protection." *Journal International Studies* 7: 741-769. doi:10.24198/intermestic.v7n2.17.

<sup>7</sup> Febriliyani, H. 2021. "The Role of International Labour Organizations in Protecting the Human Rights of Indonesian Migrant Workers in Malaysia in 2016 – 2019." UPN Veteran Jakarta Repository. <http://repository.upnvj.ac.id/id/eprint/11963>.

of the ILO in addressing these violations, and the existing legal framework to resolve cases of human rights violations for Indonesian migrant workers. Due to the high number of cases of human rights violations, migrant workers need strong organizations such as the government and the ILO to keep workers safe.

This study aims to conduct an in-depth analysis of the role of *the International Labour Organization (ILO)* and how the legal framework is in the protection of human rights for migrant workers. We chose Indonesian migrant workers to be the object of research because Indonesia is one of the countries with the largest number of migrant workers in Southeast Asia. Indonesia is also one of the countries that can be said to be quick in responding to cases of human rights violations against its migrant workers.

## 1. Method

The researcher uses a qualitative approach, qualitative research is research that does not use calculations but describes and analyzes data expressed in the form of sentences or words.<sup>8</sup> The author directs qualitative research that is descriptive. Descriptive research is research that aims to solve problems systematically and factually regarding facts and characteristics of the population by describing or describing these problems and facts.

## 2. Results and Discussion

### a. Humanitarianism Theory

The theory of humanitarianism is a framework that prioritizes humanitarian principles and respect for human rights

(HAM). This view is based on the desire to alleviate human suffering and uphold the basic values of justice, equality, and human dignity. In its essence, humanitarianism emphasizes that every individual has inherent rights that must be respected and protected, regardless of their background, status, or social circumstances. This concept involves the collective responsibility to maintain human well-being and respond to their urgent needs, especially in situations of conflict, natural disasters, or social inequalities that can cause unnecessary suffering<sup>9</sup>.

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Humanitarianism theory also emphasizes the importance of international cooperation, understanding complex human situations, and dealing with individual cases by considering cultural and social contexts. To address humanitarian issues such as the protection of the human rights of Indonesian migrant workers, humanitarianism theory requires proactive, inclusive, and non-

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<sup>8</sup> Moleong, *Qualitative Research Methodology*, (Jakarta: PT Remaja Rosda, 1999), p.

<sup>9</sup> Lauri, Antonio De. 2021. "Humanitarianism: An Overview." *CMI Insight (CMI Insight)* 3: 2-5. <https://www.cmi.no/publications/file/7782-humanitarianism-an-overview.pdf>

discriminatory strategies and policies. The ILO is an example of an international organization committed to ensuring humanitarian standards in the international labor environment and supporting international cooperation to achieve these goals.

#### **b. Theories of liberalism**

The theory of liberalism presents views that promote individual freedom, the protection of human rights, and the equitable development of the economy through a free market system. In the context of protecting the human rights of migrant workers, the theory of liberalism can be related to the role of the ILO as a representation of commitment to these liberal values. Liberalism underscores the importance of individual rights and fair freedoms, including workers' rights to work in humane conditions and without discrimination<sup>10</sup>

The ILO is an international institution that focuses on labor issues and functions to apply the values of liberalism within the scope of human rights protection. By setting international standards for workers' rights, fair wages, and a well-maintained work environment, the ILO helps to create a work environment that is consistent with the principles of liberalism. In addition, the ILO supports the idea of eliminating discrimination and protection of migrant workers as part of a liberal approach to justice and human rights<sup>11</sup>. Therefore, the ILO can be seen as a key actor that supports liberal values in protecting the human rights of Indonesian migrant workers through its

involvement in creating inclusive and fair labour policies.

The role of the ILO as a manifestation of its commitment to liberal values is becoming increasingly important in terms of the protection of migrant workers' rights. The ILO not only plays a role in setting international standards for workers' rights, equal pay, and maintained working conditions, but also actively seeks to ensure that the principles of liberalism are implemented and monitored at the global level.

It is important to recognize that migrant workers are often faced with complex risks of exploitation and rights violations, especially in the context of working abroad. By upholding the principles of liberalism, the ILO provides a normative foundation that views every individual, including migrant workers, as a holder of rights that must be respected and protected. In addition to setting standards, the ILO also works to encourage and inform people about the rights of migrant workers. By supporting the idea of eliminating discrimination and providing special protection for migrant workers, the ILO helps to realize a fair and humane working environment, in accordance with the principles of liberalism that emphasize individual rights.

Indonesia has approximately 200 million people. With the large population in Indonesia, the competition in the domestic job market has become very tight which makes job opportunities few so that many people decide to take a job. In addition,

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<sup>10</sup> Jeffrey, W. 2018. "Introducing Liberalism in International Relations Theory." E-International Relations 1-4. <https://www.e-ir.info/2018/02/18/introducing-liberalism-in-international-relations-theory/>.

<sup>11</sup> Nurfitri, Nugrahaningsih, Alunaza Hardi, and Zahirah Ratu. 2020. "The Role of International Organization for Migration in Handling Human Trafficking in Sambas Regency, West Kalimantan Province." *Journal of International Relations* 9: 68-82. doi:<https://doi.org/10.18196/hi.91163>

working abroad also offers more promising wages, which is a strong motivation for Indonesian workers to find work outside. Neighboring countries such as Malaysia, Singapore, and even some Middle Eastern countries provide more exciting financial offers than offers from domestic companies. Labor migration is also a government program to reduce domestic unemployment as well as a place to earn foreign exchange. This program is expected to provide a wider range of job opportunities, especially in various fields that are growing in destination countries.

According to data from Bank Indonesia (BI), in 2022 Indonesia itself has a total of 3.44 million migrant workers spread across other countries. In comparison, this figure has increased by 5.59% compared to the previous year, which amounted to 3.25 million migrant workers<sup>12</sup>. This figure makes Indonesia one of the countries with the most migrant workers in Southeast Asia. Indonesian migrant workers mostly work as *housemaids* or domestic helpers. Many migrant workers also work in companies by filling various positions ranging from company staff, operators, to managerial. There are also migrant workers who work in the health sector such as nurses and medical workers. On the other hand, there are also those who work in agriculture such as *harvesters*, *plantation workers*, and *agriculture farming*. Some workers even work as public servants such as *bus drivers*, *cleaning services*, *nursing homes*, *waitresses* and others.

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<sup>12</sup> Mustajab, Ridhwan. 2023. *The number of Indonesian Migrant Workers is 3.44 million in 2022*. 2 27. Accessed 1 14, 2024. <https://dataindonesia.id/tenaga-kerja/detail/jumlah-pekerja-migran-indonesia-sebanyak-344-juta-pada-2022>.

The high number of Indonesian migrant workers does not guarantee that there will be low discrimination against Indonesian migrant workers scattered around the world. Judging from the data available at the Indonesian Migrant Workers Protection Agency (BP2MI), it is recorded that in the period from 2020 to 2023 there were around 1,900 Indonesian migrant workers who died and as many as 3,377 workers who returned to Indonesia in a state of physical and mental disability<sup>13</sup>.

In the context of the high number of Indonesian migrant workers, the challenges experienced by them are not only limited to competition in the international job market, but also include the risk of discrimination, human rights violations, and even accidents or incidents that can result in physical and mental disabilities. While labor migration can help earn foreign exchange and reduce unemployment within the country, it is important for governments to provide the best possible protection to migrant workers. A report by the Indonesian Migrant Workers Protection Agency (BP2MI) shows that the rights and welfare of migrant workers must be recognized and protected.

This could include stronger diplomatic advocacy to fight for migrant workers' rights at the international level, more competent cooperation agreements with destination countries, and stronger law enforcement against exploitative or discriminatory practices against migrant workers. In addition, the government can strengthen training and preparation programs before departure, such as

<sup>13</sup> Sheptiany, Christine. 2023. Fact Check: Emergency of Indonesian Migrant Workers. 6 9. Accessed 1 15, 2024.

education on workers' rights, safe working conditions, and mechanisms for reporting rights violations. Strengthening complaints mechanisms and legal protections for migrant workers is also important to ensure that they can report violence or discrimination without fear of repression.

Through these measures, the government can more effectively safeguard the welfare of Indonesian migrant workers, create a safer work environment, and reduce the risk of discrimination and other negative impacts that migrant workers may face during their period of working abroad.



**Graph 1.** Number of Indonesian Migrant Workers, 2015 - 2022

Source: *Data Indonesia, 2023 (edited)*

From data taken by BP2MI from January to July 2023, there are 5 (five) categories of complaints against Indonesian migrant workers, namely 82 complaints of workers who fail to depart, 42 complaints of workers who want to be repatriated, 24 complaints of workers who are sick or hospitalized, 13 complaints of unpaid salaries, and 9 complaints of workers who died in the destination country<sup>14</sup>.

Indonesian migrant workers are spread all over the world. It is recorded that Indonesian migrant workers are spread across approximately 150 countries in the world, ranging from neighboring countries,

namely Malaysia and even to Saudi Arabia. Indonesian migrant workers make a significant contribution to the economic balance and sustainability of development in destination countries. The existence of migrant workers in various sectors has created a global footprint that has a real impact on global economic development.

The main challenge faced by migrant workers is the high reporting of cases involving human rights violations against migrant workers. Due to the large number of migrant workers working in Indonesia, the country must have a clear legal framework to take care of its workers spread across the

<sup>14</sup> Indonesian Migrant Workers Protection Agency . 2023. *PMI Placement and Protection Data*. Annual

Report, Data and Information Center. <https://www.metrotvnews.com/play/KRXCmvL-fact-check-darurat-pekerja-migran-indonesia>.

world. Indonesia also cooperates with the ILO to monitor immigrants from Indonesia. The purpose of this collaboration is to

provide supervision and monitoring of the human rights standards of migrant workers.

**Table 1.** Distribution of Indonesian Migrant Workers (in thousands)

Locations	2016	2017	2018	2019	2020	2021	2022
Malaysia	1862	1876	1902	1883	1633	1628	1670
Saudi Arabia	969	963	961	961	833	833	837
Hongkong	132	178	208	250	231	281	339
Taiwan	177	208	264	328	283	290	331
Singapore	106	98	99	103	88	91	95
Jordan	48	48	48	48	40	43	43
United Arab Emirates	60	51	48	45	36	37	39

Source: Bank Indonesia and BNP2TKI (edited)

#### **a. The Role of the International Labour Organization (ILO) in the Protection of the Human Rights of Indonesian Migrant Workers**

Indonesia is a member of the *International Labour Organization (ILO)* to save the human rights of Indonesian migrant workers. The ILO is an international organization of the IGO type under the care of the United Nations (UN) that focuses on protecting the human rights of migrant workers in the world<sup>15</sup>. Indonesia joined the ILO on June 12, 1950. In 2004, the ILO assisted Indonesia in drafting Indonesia's Bill on workers' rights and working conditions which eventually became the main subject of the legislation plan in the House of Representatives and parliament<sup>16</sup>. The ILO's willingness to assist the Government of Indonesia is crucial in strengthening

Indonesia's plans and policies for migrant workers.

The number of human rights violations against Indonesian migrant workers is quite high. Cases of human rights violations of Indonesian migrant workers continue to increase every year. We can see in Table 1. the highest distribution of Indonesian migrant workers is in Asian countries and even Middle Eastern countries.

The ILO had held a campaign with the Indonesian Migrant Workers Union (SBMI) to raise public awareness of the rights of migrant workers in Indonesia and other countries through several activities, namely:

1. Organizing public campaigns at the domestic level on the care of immigrants from various workplaces such as Central Java and East Java

<sup>15</sup> Febriliyani, H. 2021. "The Role of International Labour Organizations in Protecting the Human Rights of Indonesian Migrant Workers in Malaysia in 2016 – 2019." *UPN Veteran Jakarta Repository*. <http://repository.upnvj.ac.id/id/eprint/11963>.

<sup>16</sup> Velensy, C. 2017. "The Role of the International Labour Organization (ILO) in Protecting Indonesian Migrant Workers in Saudi Arabia in 2012-2016." *JOM Fisip* 4 (2): 1- 11.

and Lampung. The campaign is about basic workers' rights, safe migration education, and sharing experiences with the migrant worker community.

2. Representing migrant workers in voicing their aspirations for the protection of migrant workers starting from the recruitment stage to the return of workers and ensuring appropriate criteria for migrant workers in terms of employment agreements, wages, custody and others.
3. Acting as a representative of the aspirations of migrant workers abroad by organizing music festivals in working countries such as Hong Kong.
4. Participate in the collection of public service information and participate in various media campaigns against migrant workers who are the culprits of labor migration problems
5. Participate in the celebration of World Migrants Day which is held on December 18 every year.

In May 2012, the ILO supported the Indonesian government to sign the United Nations Convention for the Protection of the Rights of Migrant Workers and Their Families (1990) through several campaigns and stakeholder group meetings<sup>17</sup>. This campaign channels a broader understanding to the community on the importance of protecting the rights of migrant workers and their families.

Table 1. also shows that the most Indonesian migrant workers are located in Malaysia. Apart from Malaysia's geographical location which is very close to Indonesia, the similarity of language and

culture is also a supporting factor why many PMI choose Malaysia as a place to pit their fate. However, the number of complaints from migrant workers in Malaysia is also quite high. Many migrant workers experience discrimination in the country. This is of particular concern to the ILO. From 2012 to 2015, the Indonesian government and the ILO signed the *Decent Work Country Programme (DCWP)* with the aim of providing jobs and social security as well as establishing good industrial relations for all workers in Indonesia, including migrant workers<sup>18</sup>. The DCWP contains several programs that can help address human rights violations of Indonesian migrant workers. Some of the ILO's programs are disseminating communication materials through brochures, documentaries, posters and other media containing the situation of Indonesian migrant workers in various countries to raise public awareness of the existence of human rights of migrant workers that must be protected, helping Indonesia develop laws on labor and immigration by encouraging the Indonesian government to create policies or plans for migrant workers Indonesia, especially in Malaysia, collaborates with the Indonesian Ministry of Foreign Affairs by increasing the capacity of employees for foreign services on migrant workers so that they can be faster in dealing with worker problems, as well as providing assistance to the Ministry of Manpower of the Republic of Indonesia to advance the Indonesian Migrant Worker Training Center. However, Indonesia's DCWP designed with the ILO had to end at the end of 2015 so that

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<sup>17</sup> Velensy, C. 2017. "The Role of the International Labour Organization (ILO) in Protecting Indonesian Migrant Workers in Saudi Arabia in 2012-2016." *JOM Fisip* 4 (2): 1- 11.

<sup>18</sup> Febriyanti, H. 2021. "The Role of International Labour Organizations in Protecting the Human Rights of Indonesian Migrant Workers in Malaysia in 2016 – 2019." *UPN Veteran Jakarta Repository*. <http://repository.upnvj.ac.id/id/eprint/11963>. p. 8.



at that time there was an increase in PMI complaints in Malaysia<sup>19</sup>.

In 2015, on May 6-7, Indonesia through the Ministry of Manpower and the ILO held the Asian Tripartite Meeting in Bali and was attended by business organizations, workers and government representatives from seven Asian countries (India, Pakistan, Nepal, Sri Lanka, the Philippines, Nepal, and Bangladesh). In this convention, the ILO together with these countries discussed what are the main issues in the course of migration in Asia with Middle Eastern countries and produced five points, namely fairness in recruitment, international partnerships and cooperation, good jobs and working conditions, increasing the development effect of migration, skills for returning workers and prospective workers. In addition, the Tripartite Meeting also provides a forum for members to share their experiences and study the steps that must be taken in the future so as to realize fair migration for Asian and Arab countries<sup>20</sup>.

The ILO specifically created the Decent Work Programme for Indonesian Migrant Workers which focuses on several key sectors, namely social protection, economic relations, as well as the creation of new jobs and prioritizing the socio-economic context. The ILO itself has an office located in Jakarta that provides technical advice to improve protection for migrant workers. "Improving work migration arrangements for more decent protection for migrant workers" is one of the foundations of the Profitable Jobs Program for Indonesian Migrant Workers. There is also the ILO Social Protection Programme which aims to

achieve the target of the previous program, namely the National Decent Work Programme.

In protecting the human rights of Indonesian migrant workers, the ILO has accomplished several important achievements, namely:

1. The ILO has successfully provided assistance to partners from the government and private sectors to improve the existing legal and policy framework in Indonesia and develop it into laws and regulations, and indirectly help increase political commitment and policy transformation in Indonesia.
2. The ILO has succeeded in providing decent protection to migrant workers by implementing several campaigns through social media to raise public awareness.
3. The ILO has succeeded in improving the capacity of the migration system for workers by increasing the capacity of partners to strengthen their respective organizations.
4. The ILO has succeeded in increasing the capacity of migrant workers and their families by developing several training standards including financial education for migrant workers and their families so that they can manage their income well.
5. The ILO has succeeded in increasing the capacity of migrant worker organizations and communities by

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<sup>19</sup> Febriliyani, H. 2021. "The Role of International Labour Organizations in Protecting the Human Rights of Indonesian Migrant Workers in Malaysia in 2016 – 2019." *UPN Veteran Jakarta Repository*. <http://repository.upnvj.ac.id/id/eprint/11963>. pp. 8-10

<sup>20</sup> International Labour Organization. 2015. Realizing equitable migration between Asia and Arab States. 5. Accessed 17, 2024. [https://www.ilo.org/jakarta/info/public/pr/WCMS\\_366138/lang--en/index.htm](https://www.ilo.org/jakarta/info/public/pr/WCMS_366138/lang--en/index.htm).

building cooperatives in the areas where migrant workers come from<sup>21</sup>.

The ILO also holds a convention that results in several rights that must be obtained by Indonesian migrant workers during their placement, including:

1. The right to receive wages for work that has been carried out or in accordance with the employment contract agreement.
2. The right to receive physical and mental health facilities, such as when the worker is sick or in an emergency, justice and equality of legal protection.
3. The right not to obtain coercion or forced labor.
4. The right to work hours that are still reasonable.
5. The right to rest and rest and to be free from all forms of discrimination, violence, torture, and sexual harassment at work.
6. The right to freedom of association and a decent standard of living.

#### **b. Indonesia's Legal Framework for Protecting the Human Rights of Migrant Workers**

Indonesia's legal framework to protect the human rights of migrant workers consists of three levels, namely international, regional, and national levels. At the international level, Indonesia has committed to protecting the rights of migrant workers through various international legal instruments. The ILO has several conventions that can become international legal instruments that regulate the protection rights of Indonesian migrant workers, including:

1. ILO Conventions No. 87 and No. 98 on Freedom of Association. The content of this convention is that no one person can prohibit or force migrant workers to unionize. Migrant workers need unions to share information and protect each other indirectly.
2. ILO Conventions No. 100 and 111 on the Elimination of Discrimination. This convention contains that discriminatory acts that have been attached to migrant workers are acts that do not respect, respect, and do not uphold the dignity of migrant workers.
3. ILO Conventions No. 29 and No. 105 on the Elimination of Forced Labor. This convention states that forced labor such as unpaid wages, improper wages, jobs that are incompatible with those in the employment contract, and non-granting of leave are contrary to international legal instruments and can be said to be a violation of human rights.

Indonesia as a country of law must also have national laws that regulate the protection of its migrant workers, including:

1. Law Number 13 of 2003 concerning Manpower. This regulation provides a legal basis for the establishment of further regulations that are more specific in nature related to the protection of migrant workers.
2. Law Number 6 of 2012 concerning the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Family Members. This provision is a form of interpretation of international agreements with the aim of providing equal protection for migrant workers

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<sup>21</sup> Organization, International Labour. 2013. 10 Years of Handling Work Migration in Indonesia. Jakarta: ILO Jakarta.

and their families over the rights of the economy.

3. Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. This law covers various important aspects, namely the monitoring and supervision of migrant worker recruitment agencies, the mechanism for handling migrant worker reporting, and the provision of stricter sanctions for violations of migrant workers' rights.
4. Law number 18 of 2017 replaces Law number 39 of 2004. This change in the law aims to provide a legal framework that has been adapted to the development of the times and the needs of migrant workers.

In addition to the national level, Indonesia also regulates migrant worker regulations at the regional level, namely through Regional Regulations on the Protection of Migrant Workers.

The legal framework provides comprehensive protection of the human rights of migrant workers, both economic and cultural rights, public and political rights, and legal rights. Indonesia also conducts bilateral agreements with migration destination countries which are also part of Indonesia's efforts to provide maximum protection for the rights of migrant workers.

The Government of Indonesia has made efforts to implement this legal framework, such as:

1. Raising public awareness of migrant workers' rights
2. Providing training and socialization on the protection of migrant workers,
3. Increasing international cooperation in the care of migrant workers.

However, the legal framework still faces several obstacles, including:

1. There are still many human rights violations of migrant workers
2. Lack of law enforcement for human rights violations of migrant workers.
3. Lack of public understanding and awareness of the rights of migrant workers.

In addition to the legal framework of the Indonesian state, migrant workers must still obey the laws in the destination country or the country where the worker works. Migrant workers must also respect and appreciate existing cultures or customs. Migrant workers are required to report to the Embassy of the Republic of Indonesia (KBRI) available in the country where they work on the arrival, return, and whereabouts of migrant workers to ensure information so that if there are various things that are beyond expectations, the government can quickly handle the incident.

#### **4. Conclusion**

The role of the ILO in protecting the human rights of Indonesian migrant workers is to help the Government of Indonesia to overcome the high number of human rights violations against Indonesian migrant workers scattered around the world. The ILO has created several programs that specifically handle migrant worker cases, one of which is the Decent Work Program for Indonesian Migrant Workers which focuses on several main sectors, namely social protection, economic relations, as well as the creation of new jobs and prioritizing the socio-economic context. Indonesia also participates in several ILO conventions as an international legal instrument that can regulate the protection of the rights of Indonesian migrant workers.

Seeing that there are still many violations of the human rights of Indonesian migrant workers, the government should be

able to act more decisively and apply existing laws to protect migrant workers. Governments can also enter into bilateral agreements with migration destination countries to provide maximum protection. In addition, the Government of Indonesia also needs to provide an understanding of public awareness of the importance of migrant workers' rights. Government agencies can also conduct periodic monitoring or supervision to monitor the condition of migrant workers so that they can minimize problems with migrant workers.

Overall, the role of the International Labour Organization (ILO) has proven to be very important in facing the challenges of human rights violations of Indonesian migrant workers. This is evidenced by the Decent Work Program for Indonesian Migrant Workers, which focuses on social protection, economic relations, and the creation of new jobs. This programme is a clear example of the ILO's efforts to help the Indonesian government address this issue.

Nonetheless, the Indonesian government must take additional measures to achieve maximum protection. To uphold the human rights of migrant workers, strict action and enforcement of existing laws are essential. To provide the best protection for migrant workers in their destination countries, bilateral agreements with migration destination countries can also be made.

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