

BUNGA RAMPAI

Materi PkM Internasional 2024

Editor: M. Rizqi Azmi, M.H

Salah satu tugas Catur Dharma Perguruan Tinggi bagi dosen adalah melaksanakan kegiatan pengabdian kepada Masyarakat (PkM). Pelaksanaan kegiatan PkM dapat dilakukan di dalam negeri maupun luar negeri atau yang disebut dengan PkM internasional. Buku ini dibuat dalam rangka pelaksanaan kegiatan PkM internasional 2024 di Bandar Seri Begawan Brunei Darussalaam.

Kegiatan PkM internasional ditaja oleh Universitas Ahmad Dahlan selaku host dan diikuti oleh dosen-dosen dari Perguruan Tinggi yang lain selaku co host, seperti dari Universitas Sumatera Utara, Universitas Islam Riau, Universitas Muhammadiyah Yogyakarta, Universitas Muhammadiyah Mataram, UIN Sunan Kalijaga, Perkumpulan Pengajar dan Praktisi Hukum Ketenagakerjaan Indonesia dan STIH Gunung Jati.

Brunai Darussalaam merupakan salah satu tujuan penempatan Pekerja Migran Indonesia (PMI) di luar negeri. Dalam masa pra penempatan, masa penempatan dan masa pasca penempatan PMI di luar negeri masing-masing memiliki problem penerapan hukum. Buku ini berisi mengenai tulisan-tulisan tentang hukum yang diharapkan dapat memberikan manfaat bagi PMI khususnya PMI dengan masa penempatan di Brunei Darussalam



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PkM Internasional 2024

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PRAKATA EDITOR

Dalam buku ini, kami dengan bangga mempersembahkan serangkaian artikel yang berfokus pada isu-isu penting seputar hak-hak pekerja migran Indonesia (PMI) yang menjadi bagian dari kegiatan Pengabdian kepada Masyarakat (PkM) internasional 2024 di Bandar Seri Begawan, Brunei Darussalam. Kegiatan ini diselenggarakan oleh Universitas Ahmad Dahlan sebagai tuan rumah utama, dengan partisipasi dari beberapa perguruan tinggi lainnya serta pihak terkait yang turut mendukung.

Pengalaman PMI di luar negeri, khususnya di Brunei Darussalam, menjadi titik sentral dalam pembahasan kami. Dalam setiap artikel, terungkap berbagai aspek hukum yang relevan dengan kondisi dan tantangan yang dihadapi oleh PMI, mulai dari hak konstitusional hingga keamanan cyber. Harapan kami, tulisan-tulisan ini tidak hanya memberikan pemahaman yang mendalam, tetapi juga memberikan solusi yang konstruktif bagi permasalahan yang dihadapi oleh PMI.

Tim PkM internasional Brunei Darussalam telah dengan cermat menyusun artikel-artikel ini sebagai bentuk komitmen untuk memberikan kontribusi nyata dalam meningkatkan perlindungan dan kesejahteraan PMI. Semoga buku ini dapat menjadi sumber inspirasi dan pengetahuan yang berharga bagi semua pihak yang peduli terhadap isu-isu ini. Terima kasih kepada semua penulis, pihak penyelenggara, dan seluruh kontributor yang turut serta dalam mewujudkan buku ini.

Salam hangat,

M. Rizqi Azmi, m.H

PRAKATA

Salah satu tugas Catur Dharma Perguruan Tinggi bagi dosen adalah melaksanakan kegiatan pengabdian kepada Masyarakat (PkM). Pelaksanaan kegiatan PkM dapat dilakukan di dalam negeri maupun luar negeri atau yang disebut dengan PkM internasional. Buku ini dibuat dalam rangka pelaksanaan kegiatan PkM internasional 2024 di Bandar Seri Begawan Brunei Darussalaam.

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Di dalam buku ini terdapat 14 (empat belas) judul artikel yang ditulis dengan baik oleh tim PkM internasional Brunei Darussalam, antara lain : Telaah Tentang Pemenuhan Hak Konstitusional Pekerja Migran Indonesia (Pmi) Dalam Pemilihan Umum 2024 Pada Masa Penempatan; Penguatan Jaminan Sosial Bagi Pekerja Migran Indonesia Guna Hidup Layak Berkelanjutan Sebagai Amanah Sdg's; Urgensi Pendidikan Hukum Berkeadilan Pancasila Bagi Perempuan Pekerja Migran Indonesia; Cybersecurity Penguasaan Teknologi Digital Sebagai Penguatan Informasi Bagi Pmi Di Negara Penempatan; Pelaksanaan Perlindungan Jaminan Sosial Bagi Pekerja Migran Indonesia; Memahami Kebijakan Dan Urgensi Penguatan Literasi Keuangan Syariah Bagi Pekerja Migran Indonesia Penempatan Brunei Darussalam; Eksistensi Pekerja Migran Perempuan Dalam Rangka Pengentasan Kemiskinan Di Indonesia; Membangun Kesadaran Hukum: Edukasi Dan Sosialisasi Hak-Hak Pekerja Migran Indonesia Di Masa Penempatan; Mediasi Sengketa Hak Jaminan Sosial Pekerja Migran Indonesia; Penguatan Karakter Pancasila Bagi Pekerja Migran Indonesia Dalam Penempatan Brunai

Darussalam; Analysis Of Constitutional Rights Regarding Legal Protection Of Indonesian Migrant Workers Abroad; Perkembangan Dan Dinamika Pekerja Migran Sektor Pekerjaan Informal Serta Peran Pemerintah Dalam Memberikan Perlindungan Hukum; Penguatan Program Desmigratif Sebagai Ketahanan Kesejahteraan Keluarga Pekerja Migran Indonesia Pada Masa Penempatan Di Luar Negeri; Tinjauan Yuridis Mengenai Perdagangan Orang Pada Pekerja Migran Indonesia Di Masa Penempatan.

Terimakasih banyak kepada Kedutaan Besar Republik Indonesia Brunei Darussalam khususnya Atase Tenaga Kerja yang telah banyak membantu terlaksananya kegiatan PkM internasional ini. Tak ada gading yang tak retak, tulisan ini pasti masih banyak kekurangan, sehingga kritik dan saran pembaca sangat diharapkan. Semoga materi PkM internasional yang tertuang didalam buku ini bermanfaat. Aamiin YRA.

Yogyakarta, 9 April 2024

Ketua Tim PkM Internasional

Prof. Dr. Fithriatus Shalihah, S.H.,M.H.



DAFTAR ISI

PRAKATA EDITOR	
PRAKATA	i
DAFTAR ISI.....	viii
TELAAH TENTANG PEMENUHAN HAK KONSTITUSIONAL PEKERJA MIGRAN INDONESIA (PMI) DALAM PEMILIHAN UMUM 2024 PADA MASA PENEMPATAN (Fithriatus Shalihah).....	1-15
PENGUATAN JAMINAN SOSIAL BAGI PEKERJA MIGRAN INDONESIA GUNA HIDUP LAYAK BERKELANJUTAN SEBAGAI AMANAH SDG's (Agusmidah)	16-25
URGENSI PENDIDIKAN HUKUM BERKEADILAN PANCASILA BAGI PEREMPUAN PEKERJA MIGRAN INDONESIA (Indah Nur Shanty Saleh)	26-43
CYBERSECURITY PENGUASAAN TEKNOLOGI DIGITAL SEBAGAI PENGUATAN INFORMASI BAGI PMI DI NEGARA PENEMPATAN (Imam Riadi)	44-53
PELAKSANAAN PERLINDUNGAN JAMINAN SOSIAL BAGI PEKERJA MIGRAN INDONESIA (Ahmad Ansyori)	54-64
MEMAHAMI KEBIJAKAN DAN URGENSI PENGUATAN LITERASI KEUANGAN SYARIAH BAGI PEKERJA MIGRAN INDONESIA PENEMPATAN BRUNEI DARUSSALAM (Nurjannah Septyanun)	65-82
EKSISTENSI PEKERJA MIGRAN PEREMPUAN DALAM RANGKA PENGENTASAN KEMISKINAN DI INDONESIA (Megawati).....	83-98
MEMBANGUN KESADARAN HUKUM: EDUKASI DAN SOSIALISASI HAK-HAK PEKERJA MIGRAN INDONESIA DI MASA PENEMPATAN (Nanik Prasetyoningsih).....	99-120
MEDIASI SENGKETA HAK JAMINAN SOSIAL PEKERJA MIGRAN INDONESIA (Ahmad Ansyori)	121-137
PENGUATAN KARAKTER PANCASILA BAGI PEKERJA MIGRAN INDONESIA DALAM PENEMPATAN BRUNAI DARUSSALAM (Nurul Satria Abdi)	138-147

ANALYSIS OF CONSTITUTIONAL RIGHTS REGARDING LEGAL PROTECTION OF INDONESIAN
MIGRANT WORKERS ABROAD (Ahmad) 148-167

PERKEMBANGAN DAN DINAMIKA PEKERJA MIGRAN SEKTOR PEKERJAAN INFORMAL SERTA
PERAN PEMERINTAH DALAM MEMBERIKAN PERLINDUNGAN HUKUM (Surizki Febrianto)
..... 168-186

PENGUATAN PROGRAM DESMIGRATIF SEBAGAI KETAHANAN KESEJAHTERAAN KELUARGA
PEKERJA MIGRAN INDONESIA PADA MASA PENEMPATAN DI LUAR NEGERI (Haura Salsabiela
El Sabrina Nazar, Fithriatus Shalihah, Agusmidah) 187-206

TINJAUAN YURIDIS MENGENAI PERDAGANGAN ORANG PADA PEKERJA MIGRAN INDONESIA
DI MASA PENEMPATAN (Imtikhan Anas Shob’ron, Andre Zaki Juliana)..... 207-220

ANALYSIS OF CONSTITUTIONAL RIGHTS REGARDING LEGAL PROTECTION OF INDONESIAN MIGRANT WORKERS ABROAD

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INTRODUCTION

The constitutional rights to legal protection of Indonesian migrant workers abroad are crucial for ensuring their safety and well-being. Indonesian laws emphasize the protection of these workers through various measures. The 1945 Constitution of the Republic of Indonesia guarantees the right to work and a decent living for Indonesian citizens, leading many to seek opportunities abroad (I Wayan Gde Wiryawan 2023). Legal protection for Indonesian migrant workers includes safeguards against various forms of violence, such as harassment, rape, and persecution, aiming to prevent any acts of arbitrariness and ensure their security (Purnamasari, Isretno Israhandi, and Barthos 2023). Additionally, the government has implemented laws like Law Number 18 of 2017 to regulate the protection of Indonesian migrant workers abroad, emphasizing the need for proper legal reforms to safeguard their rights effectively (Matompo 2022).

The problems related to the constitutional rights and legal protection of Indonesian migrant workers abroad stem from various factors highlighted in the research contexts. Challenges include issues such as exploitation, lack of synchronization in laws and regulations, insufficient legal awareness, weak law enforcement, and inadequate policy implementation despite existing protective laws (Prabaningrum Kusumawati and Khairun Hamrany 2023), (Musrin, Simatupang, and Anatami 2022), (Purnamasari, Isretno Israhandi, and Barthos 2023), (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasajo 2023), (I Wayan Gde Wiryawan 2023). The Indonesian government's efforts to safeguard migrant workers through legislation like Law No. 18/2017 have faced obstacles like black markets, brokering practices, and institutional shortcomings, necessitating interventions such as improved leadership coordination, policy

socialization, and enforcement of legal rules. These challenges underscore the need for a comprehensive approach involving legal reforms, enhanced awareness, and effective policy implementation to ensure the constitutional rights and legal protection of Indonesian migrant workers abroad.

The analysis of constitutional rights to legal protection for Indonesian migrant workers abroad aims to address the vulnerabilities and insecurities faced by these workers (Prabaningrum Kusumawati and Khairun Hamrany 2023), (Perdana 2023), (I Wayan Gde Wiryawan 2023). Indonesian Migrant Workers (PMI) are often subjected to exploitation, violence, discrimination, and injustice while working overseas (Safitri and Wibisono 2023). The government's efforts in protecting these workers involve ensuring that legal protections are implemented correctly and that there is coordination among relevant parties (Indradjaja and Chamdani 2023). While the government has demonstrated the practice of human security principles in its strategies, challenges still exist that need to be overcome to safeguard the rights of migrant workers effectively. Additionally, legal protection for outsourced workers/laborers in Indonesia is crucial, requiring better understanding and socialization of laws and regulations to prevent issues like diploma detention and ensure fair treatment.

Research Focus, The study delves into the constitutional rights and legal protection of Indonesian migrant workers abroad, emphasizing their significance in ensuring the safety and well-being of these workers. **Key Findings:** 1) Indonesian laws prioritize the protection of migrant workers through various measures, aligned with constitutional guarantees such as the right to work and a decent living; 2) legal safeguards aim to prevent acts of violence and ensure the security of migrant workers, including protections against harassment, rape, and persecution; 3) the government has implemented laws like Law Number 18 of 2017 to regulate and enhance the protection of Indonesian migrant workers abroad, highlighting the need for ongoing legal reforms. **Primary Issues Identified:** 1) exploitation and vulnerability of Indonesian migrant workers due to factors like lack of synchronization in laws and regulations; 2) insufficient legal awareness and weak law enforcement contribute to challenges in protecting migrant workers effectively; 3) obstacles such as black markets and brokering practices hinder governmental efforts to safeguard migrant workers abroad; 4) inadequate policy implementation despite existing protective laws exacerbates the challenges faced by migrant workers.

Research Objective: The study aims to address the vulnerabilities and insecurities faced by Indonesian migrant workers abroad, focusing on issues such as exploitation, violence, discrimination, and injustice. It emphasizes the importance of proper legal implementation and coordination among relevant parties to ensure the constitutional rights and legal protection of migrant workers. Additionally, it underscores the need for extending legal protection to outsourced workers and laborers within Indonesia itself.

Research Method

This research is normative legal research using legislative (Sidik 2023), conceptual (Serediuk 2023) and historical approaches (Merdova et al. 2023). The data for this article is primarily sourced from legal texts, including publications by legal professionals, legal articles, scientific opinions, and legal symposium proceedings (Troshchenkova and Rudneva 2023), (Humenna and Kalyniuk 2023), (Shatrava et al. 2023). These sources provide a comprehensive understanding of legal concepts, professional competence, and legal guarantees within various legal contexts. (No Title n.d.).

Results and Discussion

a. Constitutional Foundation for Legal Protection of Indonesian Migrant Workers

The legal protection of migrant workers, particularly Indonesian Migrant Workers (PMI), is grounded in constitutional rights and international agreements. The protection encompasses various aspects such as social, economic, and legal safeguards (Matompo 2022), (Kirilenko, Alekseev, and Chaava 2022). The legal framework for safeguarding migrant workers' rights involves the establishment of work agreements that outline protections during pre-placement, placement, and post-placement periods (I Wayan Gde Wiryawan 2023). International conventions like the 2000 International Convention on the Protection of the Rights of All Migrant Workers play a crucial role in ensuring the rights of migrant workers are upheld (Arista, Emirzon, and Apriandi 2022). The legal protection of migrants' labor rights is a significant focus, with attention given to international and national legal instruments that regulate labor relations in the context of migration (Kozin et al. 2020).

The Constitution of Indonesia mandates the protection of human rights for its citizens, including migrant workers, both domestically and abroad. Legal protection for

Indonesian migrant workers encompasses various aspects such as physical and psychological security, social welfare, and economic safeguards (Safitri and Wibisono 2023). Efforts by the Indonesian government to safeguard migrant workers' rights align with human security principles, aiming to ensure freedom from fear, want, and the ability to live with dignity (I Wayan Gde Wiryawan 2023). However, challenges persist due to inadequate implementation of protection statutes and lack of coordination among relevant parties (Perdana 2023). The government's legal protection initiatives have shown progress in reducing the vulnerability of Indonesian workers facing the death penalty overseas, emphasizing forgiveness and legal support for those in distress (Matompo 2022). Additionally, guidance and advocacy provided by government agencies play a crucial role in educating workers about their rights and legal systems in host countries (Purnamasari, Isretno Israhandi, and Barthos 2023).

Constitutional rights of migrant workers are a crucial aspect of legal protection, especially in the context of international migration. Various studies emphasize the significance of ensuring the legal protection of migrant workers' rights (Kirilenko, Alekseev, and Chaava 2022), (Pratiwi 2022), (Yunus, Rezki, and Anggraeni 2020). The legal frameworks, such as international conventions and national constitutions, play a vital role in safeguarding these rights (Козіп 2020), (Kartono et al. 2022). Challenges exist in implementing consistent rules for protecting these rights, leading to inconsistencies in practice. Local governments and NGOs often step in to provide additional support and legal protection for migrant workers and their families. Enhancing legal regulations, adjusting local laws, and expanding community involvement are suggested strategies to improve the protection of migrant workers' constitutional rights.

Constitutional rights play a crucial role in providing legal protection to individuals abroad. The legal status of refugees and migrant workers is a significant aspect of this linkage (Bysaga, Byelov, and Nechiporuk 2023), (Arista, Emirzon, and Apriandi 2022). Legal guarantees, including the protection of constitutional rights and freedoms, are essential for safeguarding individuals' rights overseas (Bysaga, Byelov, and Kalyniuk 2023). Diplomatic protection by states can lead to legal consequences aimed at repairing harm suffered by individuals in their rights or interests (No Title n.d.). Furthermore, in the context of climate change threatening constitutional rights, international cooperation becomes vital to protect these rights effectively (No Title n.d.). Therefore, the connection

between constitutional rights and legal protection abroad underscores the importance of upholding fundamental rights through legal mechanisms both domestically and internationally

Constitutional principles play a crucial role in the legal protection of migrant workers. The Indonesian Constitution emphasizes the protection of Indonesian migrant workers' rights abroad, ensuring security and preventing violence (Kirilenko, Alekseev, and Chaava 2022), (Matompo 2022). Similarly, the Malaysian Constitution focuses on equality before the law and prohibits slavery and forced labor, safeguarding migrant workers' fundamental rights (Pratiwi 2022). Furthermore, the legal framework for protecting migrants' labor rights involves analyzing key regulations at both international and national levels, highlighting the importance of national laws in safeguarding labor rights (Kozin et al. 2020). These constitutional principles guide the legal protection of migrant workers, ensuring their rights are upheld and respected within the constitutional framework of their respective countries.

The implementation of constitutional rights for migrant workers abroad involves various legal protections and practices. Indonesia, as a state party to international conventions, has made efforts to protect the rights of its migrant workers overseas (Imron et al. 2022). The legal protection of Indonesian migrant workers' rights abroad is considered advanced, primarily guided by international conventions, although some inconsistencies in application exist (Setiawan and Karim 2022). In the context of deepening international integration, ensuring the socio-economic rights of migrant workers is crucial, with a focus on harmonizing migration legislation at different levels (Kirilenko, Alekseev, and Chaava 2022), (Pratiwi 2022). Additionally, the Malaysian Constitution emphasizes equality and prohibits slavery and forced labor, providing a framework for recognizing fundamental rights of migrant workers within the country (Amin, Aziz, and Hamid 2019).

State institutions play a crucial role in guaranteeing constitutional protection by upholding the rights and freedoms of citizens (Zhang 2022), (Kovtunyak 2022). These institutions, such as the Parliament, President, executive, and judiciary, are essential for ensuring the realization of political rights and freedoms (Bukach 2022). Additionally, the concept of protecting the constitution involves legal tools like constitutional control and the amendment process to maintain the relevance of the basic law and limit state power in favor of the people (GONCHAROV 2022). Furthermore, the protection of constitutional

principles against misuse, as seen in the analysis of public control, is vital for safeguarding national security and democratic values (Mohammed 2022). Overall, a robust system of state institutions is necessary to ensure the legitimacy of state authority, protect citizens' rights, and maintain the constitutional order.

Access to justice and law enforcement of the constitutional rights of migrant workers are crucial aspects that require attention. Various studies highlight the challenges faced by migrant workers, such as lack of awareness of rights, difficulties in accessing justice, and inadequate enforcement of decisions (Wang 2022), (Mitsilegas and Holiday 2018), (No Title n.d.). Legal aid organizations play a significant role in overcoming these issues by providing assistance and handling cases of migrant workers, although challenges like lack of information and advocacy mechanisms persist (No Title n.d.). Efforts to improve access to justice for migrant workers include community-centered lawyering, organizing by worker centers, and collaboration with government enforcement agencies to enhance workers' capacity to organize effectively (Mialhe and Zedes 2018). Ensuring access to justice for migrant workers is essential not only for their protection but also for upholding their fundamental rights within the legal framework.

The protection against exploitation and discrimination of the constitutional rights of migrant workers is a critical issue globally. Various international conventions and legal instruments, such as the 2000 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, aim to safeguard migrant workers' rights (No Title n.d.), (Pratiwi 2022). However, challenges persist, with migrant workers often facing substandard working conditions and discriminatory treatment (Gächter 2022), (Kirilenko, Alekseev, and Chaava 2022). Efforts to enhance legal protection include harmonizing migration legislation at international, supranational, and state levels to ensure socio-economic fairness and uphold fundamental human rights (Lee and Micah-Jones 2022). It is essential for governments to take stern action against exploitation, provide equal treatment to all workers, and create mechanisms to monitor and enforce migrant workers' rights effectively.

The health, safety, and welfare of migrant workers should take precedence over constitutional rights due to the significant risks they face in hazardous working conditions, often leading to poor health outcomes and occupational fatalities (ICOH Statement on Protecting the Occupational Safety and Health of Migrant Workers 2022), (Bretones and Santos 2020). Migrant workers are exposed to discriminatory, dangerous,

and difficult work environments, with higher rates of adverse occupational exposures compared to non-migrant workers (Moyce and Schenker 2018), (No Title n.d.). Despite the UN Universal Declaration of Human Rights emphasizing the right to just and favorable working conditions, migrant workers often endure human rights violations, abuse, and exploitation (No Title n.d.). Therefore, prioritizing the health and safety of migrant workers is crucial to address the disparities they face in access to healthcare, language barriers, and workplace injuries.

The evaluation of compliance with constitutional rights in policy implementation for migrant workers reveals significant challenges and shortcomings. Studies on Indonesian and Indian migrant workers highlight issues such as ineffective protection, breaches of fundamental rights, and policy failures during the COVID-19 pandemic. Indonesian research emphasizes the impact of problem characteristics, policy environment, and diverse worker behavior on implementation (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasojito 2023), (Imron et al. 2022), (Kumar and Choudhury 2021). Similarly, Indian studies underscore how the lockdown exacerbated difficulties for domestic migrant laborers, violating their rights under labor laws and the constitution (Manulangga et al. 2023), (Kumar and Choudhury 2021). These findings emphasize the critical need for improved leadership coordination, legal enforcement, and socialization to enhance policy implementation and safeguard the rights of migrant workers.

The enforcement of constitutional rights for migrant workers varies globally (Boucher 2023), (Marsden, Tucker, and Vosko 2020), (Pratiwi 2022), (Bruzelius and Seeleib-Kaiser 2023), (No Title n.d.). Different countries employ various enforcement mechanisms, such as self-regulation, workplace inspections, and civil or criminal litigation, to ensure compliance with rights. For instance, Canada introduced a unique federal enforcement system in 2015 to protect migrant workers' rights through work permits and workplace standards. In Indonesia, legal protections for migrant workers' constitutional rights are considered advanced but still face inconsistencies in application. Across the EU, enforcement of labor rights for mobile and migrant workers, especially in agriculture, is lacking, leading to exploitation and the need for administrative enforcement. Alternative labor organizations in the US and Canada play a crucial role in improving working conditions and rights consciousness among migrant farm workers.

The protection of constitutional rights for migrant workers faces obstacles despite legal frameworks in place. While international conventions like the ASEAN Consensus and the International Convention on Migrant Workers' Rights aim to safeguard these rights (Asmorojati et al. 2022), (Pratiwi 2022), challenges persist. Issues include the vulnerability of undocumented workers, administrative costs, and inconsistencies in applying rules (Kirilenko, Alekseev, and Chaava 2022), (Aminulloh and Astriani 2023). The need for improved legal regulations at international, supranational, and state levels is crucial to ensure socio-economic fairness and uphold human rights (No Title n.d.). In Malaysia, the lack of constitutional provisions for social security rights poses challenges in protecting migrant workers, necessitating a human rights approach for better implementation. Overall, there is a call for enhanced compliance with constitutional rights and addressing obstacles to realize effective protection for migrant workers.

Based on the description above, it can be concluded briefly, namely. The legal protection of migrant workers, particularly Indonesian Migrant Workers (PMI), is anchored in constitutional rights and international agreements. While significant strides have been made in recognizing and safeguarding the rights of migrant workers, challenges persist, necessitating continued efforts to enhance legal protections and ensure effective enforcement mechanisms. Constitutional principles serve as a cornerstone in the legal protection of migrant workers, emphasizing the importance of upholding fundamental rights within the constitutional framework of respective countries. International conventions and legal instruments play a vital role in safeguarding these rights, yet inconsistencies in implementation and enforcement remain prevalent. Access to justice, enforcement of constitutional rights, and addressing obstacles to protection are critical areas that require attention. Collaboration among state institutions, civil society organizations, and international stakeholders is essential to overcome these challenges and ensure the full realization of migrant workers' constitutional rights. Prioritizing the health, safety, and welfare of migrant workers is paramount, given the risks they face in hazardous working conditions. Protecting migrant workers against exploitation and discrimination requires concerted efforts at the local, national, and international levels to create an environment that upholds human dignity and respects fundamental rights. In conclusion, the protection of migrant workers' constitutional rights demands a comprehensive and coordinated approach that addresses legal, social, and economic dimensions. By strengthening legal frameworks,

enhancing enforcement mechanisms, and promoting collaboration among stakeholders, we can advance the cause of justice and uphold the rights of migrant workers worldwide.

b. Efforts to Improve Constitutional Rights in the Legal Protection of Indonesian Migrant Workers

Constitutional challenges faced by Indonesian migrant workers in the context of globalization stem from inadequate legal protection, inconsistent policy implementation, and institutional shortcomings. The Indonesian government's efforts, as outlined in various laws such as Law No. 18/2017 and Law No. 11 of 2020, have not fully addressed the complexities of protecting migrant workers (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasojó 2023), (Harahap and Oemar 2020), (Pratiwi 2022). Despite advancements in legal guarantees and practices, there are still inconsistencies in applying rules, hindering effective protection of workers' rights (Purwadi 2022). The need for synchronized laws and regulations, clear state responsibilities, and improved governance mechanisms is evident to ensure comprehensive protection for Indonesian migrant workers amidst the challenges posed by globalization (No Title n.d.). Addressing these constitutional challenges requires strategic interventions like high-level leadership coordination, completion of implementing rules, and enhanced policy enforcement.

The non-fulfillment of constitutional rights has negative impacts on Indonesian migrant workers. Despite legal protections in place, challenges persist in effectively safeguarding their rights (Pratiwi 2022), (Hidayah et al. 2022). Issues such as black markets, brokering practices, and institutional problems hinder policy implementation, leading to inadequate protection (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasojó 2023). Specifically, Indonesian women workers abroad face insufficient protection under Law Number 18 of 2017 (Saputera 2022). The state's responsibility towards these workers is also questioned due to unclear authority and lack of synchronization in laws and regulations (Purwadi 2022). These shortcomings result in injustices in labor dispatch, inappropriate placement, low salaries, and instances of violence and harassment, highlighting the urgent need for improved legal assurances and practices to uphold the constitutional rights of Indonesian migrant workers.

Challenges facing the protection of Indonesian Migrant Workers (PMI) include issues like black markets, brokering practices, and institutional hindrances (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasojó 2023). Despite efforts by the Indonesian

government to protect PMIs, vulnerabilities persist, such as physical and mental violence, unpaid wages, and human trafficking (Safitri and Wibisono 2023). The legal protection for PMIs abroad is often inadequate due to poor implementation of protection statutes and lack of coordination among relevant parties (I Wayan Gde Wiryawan 2023). Efforts to address these challenges involve providing guidance, advocacy, and legal knowledge to PMIs, as well as diplomatic cooperation to protect workers in host countries (Purnamasari, Isretno Israhandi, and Barthos 2023). Additionally, steps have been taken to reduce the number of PMIs facing capital punishment overseas through improved legal protection and forgiveness from victims' families (Perdana 2023).

To strengthen constitutional protection for Indonesian Migrant Workers (IMWs), policy improvements are crucial. Recommendations include high-level leadership coordination, completion of implementing rules, policy socialization and supervision, and enforcement of legal rules (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasajo 2023). The state's obligation to protect IMWs' human rights, both domestically and internationally, is emphasized, requiring legal, social, and economic protection measures (Matompo 2022). Ensuring correct implementation of protection statutes and enhancing coordination among relevant parties are essential for adequate IMW protection (I Wayan Gde Wiryawan 2023). Additionally, reforming laws to synchronize regulations vertically and horizontally, increasing legal awareness among IMWs, and strengthening law enforcement are vital steps (Musrin, Simatupang, and Anatami 2022). Integrating data and information systems among various government agencies can enhance IMW protection services sustainably (Al Farisi et al. 2022).

To strengthen the legal system and law enforcement for the protection of Indonesian Migrant Workers (PMI), several key factors need attention. The existing challenges include issues like black markets, brokering practices, and institutional hindrances to policy implementation (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasajo 2023). Legal protection efforts encompass pre-placement, during work, and post-placement periods, aiming to ensure security from various forms of violence (Purnamasari, Isretno Israhandi, and Barthos 2023). Coordination among relevant parties and correct implementation of protection statutes are crucial for effective safeguarding of PMI rights (I Wayan Gde Wiryawan 2023). Additionally, enhancing the legal awareness of prospective PMI, strengthening supervision by labor inspectors, and improving law enforcement are essential steps (Matompo 2022).

Reforming laws, focusing on high-level leadership coordination, completing implementing rules, and enforcing legal regulations are recommended interventions to enhance the protection of Indonesian Migrant Workers (Musrin, Simatupang, and Anatami 2022).

International cooperation plays a crucial role in safeguarding the constitutional rights of Indonesian Migrant Workers (PMI). Indonesia collaborates with countries like Saudi Arabia through agreements to protect PMI rights (I Wayan Gde Wiryawan 2023). The government mandates legal protection for PMI, ensuring security against various forms of violence (Matompo 2022). However, challenges persist, such as inadequate implementation of protection statutes and lack of coordination among relevant parties (Venisha 2023). Efforts include requiring placement companies to have permits and deposit funds for PMI protection (Purnamasari, Isretno Israhandi, and Barthos 2023). Additionally, support mechanisms like guidance, advocacy, and diplomatic cooperation are provided to PMI facing legal issues abroad [5]. Despite these international efforts, there is a disparity in Indonesia's focus on protecting PMI abroad compared to ensuring rights for migrant workers within its borders (Setiawan and Karim 2022).

The protection of Indonesian Migrant Workers (PMI) faces challenges due to issues like black markets, lack of coordination, and inadequate legal implementation (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasajo 2023), (I Wayan Gde Wiryawan 2023). Legal protection efforts aim to safeguard PMIs from various forms of violence and ensure their rights are fulfilled throughout the employment process (Matompo 2022). Instances of PMIs facing the death penalty overseas highlight the vulnerability of these workers, emphasizing the importance of effective legal protection and government intervention (Perdana 2023). Amidst the Covid-19 pandemic, the state's protection measures have been insufficient, focusing mainly on repatriation and lacking reinforcement through stricter permit regulations (Hidayah et al. 2022). To enhance PMI protection, interventions such as leadership coordination, rule completion, socialization, and legal enforcement are recommended. Strengthening legal protection, ensuring company compliance, and imposing stricter permit requirements are crucial steps to safeguard PMIs' rights effectively.

The legal protection of Indonesian Migrant Workers (PMI) is crucial and involves various aspects such as pre-placement, during work, and post-placement periods. Efforts

to enhance this protection include ensuring security from all forms of violence, requiring placement companies to have permits and financial deposits, and establishing work agreements for PMI abroad (Purnamasari, Isretno Israhandi, and Barthos 2023), (Matompo 2022), (I Wayan Gde Wiryawan 2023). However, challenges persist in policy implementation, with issues like black markets and lack of coordination hindering effective protection (Wajid Fauzi, Roy Valiant Solomon, and Eko Prasajo 2023). Additionally, the government's recent focus on legal protection has shown promising results in reducing the number of PMI facing capital punishment overseas, often due to self-defence in response to sexual violence (Perdana 2023). To further strengthen legal protection, interventions like high-level leadership coordination, rule completion, socialization, and enforcement are recommended.

Based on the description above, it can be concluded briefly, namely. Efforts to improve constitutional rights in the legal protection of Indonesian migrant workers are imperative to address the challenges faced by these vulnerable individuals in the context of globalization. Despite advancements in legal frameworks and policy initiatives, significant gaps remain in ensuring comprehensive protection for Indonesian migrant workers. Constitutional challenges, including inadequate legal protection, inconsistent policy implementation, and institutional shortcomings, hinder effective safeguarding of migrant workers' rights. The Indonesian government's efforts, though commendable, have not fully addressed these complexities, highlighting the need for synchronized laws, clear state responsibilities, and improved governance mechanisms. The non-fulfillment of constitutional rights has adverse effects on Indonesian migrant workers, leading to injustices in labor dispatch, inappropriate placement, low salaries, and instances of violence and harassment. Policy improvements, such as high-level leadership coordination, completion of implementing rules, and enhanced enforcement, are essential to strengthen constitutional protection for Indonesian migrant workers. Challenges facing the protection of Indonesian migrant workers include issues like black markets, brokering practices, and institutional hindrances. Addressing these challenges requires strategic interventions, including strengthening legal protections, enhancing coordination among relevant parties, and reforming laws to synchronize regulations vertically and horizontally. International cooperation plays a crucial role in safeguarding the constitutional rights of Indonesian migrant workers. Collaboration with destination countries, diplomatic efforts, and support mechanisms are essential to address

vulnerabilities and ensure effective protection for migrant workers abroad. In conclusion, strengthening the legal system, enhancing enforcement mechanisms, and promoting international cooperation are vital steps to improve constitutional rights in the legal protection of Indonesian migrant workers. By addressing these challenges and implementing effective policies and interventions, we can advance the cause of justice and uphold the rights and dignity of migrant workers in Indonesia and beyond.

CONCLUSION

In conclusion, the protection of Indonesian migrant workers abroad is fundamental to ensuring their safety, well-being, and fulfillment of constitutional rights. Indonesian laws and international agreements provide a legal framework aimed at safeguarding the rights of migrant workers, including protections against exploitation, violence, and discrimination. Despite these legal protections, challenges persist due to issues such as inadequate implementation, lack of coordination, and institutional shortcomings. Efforts by the Indonesian government to protect migrant workers have shown progress, but further improvements are necessary. These include enhancing leadership coordination, completing implementing rules, socializing policies, and enforcing legal regulations effectively. Strengthening legal awareness among migrant workers, reforming laws to synchronize regulations, and improving law enforcement mechanisms are vital steps towards comprehensive protection. International cooperation also plays a crucial role in safeguarding the rights of Indonesian migrant workers, particularly through agreements with destination countries and diplomatic efforts. However, disparities exist between the focus on protecting migrant workers abroad and ensuring rights for migrants within Indonesia's borders. Addressing these challenges requires a holistic approach involving government intervention, legal reforms, increased awareness, and international collaboration. By prioritizing the constitutional rights and legal protection of Indonesian migrant workers abroad, we can work towards creating a safer and more equitable environment for all migrant workers, both domestically and internationally.

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Buku ini berisi materi yang disampaikan oleh tim pengabdian masyarakat internasional di Brunei Darussalam tahun 2024. Materi yang ditujukan utamanya untuk pekerja migran Indonesia (PMI) di Brunei Darussalam ini meliputi beragam judul seperti Pelaksanaan Perlindungan Jaminan Sosial Bagi Pekerja Migran Indonesia, Mediasi Sengketa Hak Jaminan Sosial Pekerja Migran Indonesia, Telaah Tentang Pemenuhan Hak Konstitusional Pekerja Migran Indonesia (PMI) Dalam Pemilihan Umum 2024 Pada Masa Penempatan, Membangun Kesadaran Hukum: Edukasi dan Sosialisasi Hak-Hak Pekerja Migran Indonesia di Masa Penempatan, dan lain lain. Buku ini diharapkan dapat bermanfaat bagi PMI penempatan di Brunei Darussalam pada khususnya dan di penempatan lain pada umumnya.

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