

**CERTAINTY OF LEGAL PROTECTION FOR VICTIMS OF SEXUAL
HARASSMENT AGAINST INDONESIAN MIGRANT WORKERS
REVIEWED FROM ILO CONVENTION NO. 190 OF 2019 ON
VIOLENCE AND HARASSMENT IN THE WORKPLACE**

Muhammad Abas

muhamad.abas@ubpkarawang.ac.id

Faculty of Law, Buana Perjuangan University, Karawang, Indonesia

Article Information

*Received:*2024-12-20

Revised: 2025-01-20

*Accepted:*2025-02-28

Keywords:

Workers ;Violence;

*Migrants;Protection;Effec-
tiveness*

Abstract

Indonesia is one of the countries that sends many migrant workers abroad, migrant workers who in Indonesia are also called TKI (Tenaga Kerja Indonesia). The problems experienced by Indonesian migrant workers abroad are a form of human rights violations that are a form of modern slavery. Slavery is often associated with human trafficking, because it leads to physical or sexual exploitation for the benefit of an individual or group. In the case of Kartika Puspitasari, an Indonesian migrant worker who was beaten and burned by her former employer in Hong Kong finally managed to get compensation of more than \$ 110,000 or equivalent to Rp1.66 billion. The torture that befell the 40-year-old migrant worker made headlines a decade ago. The case sparked calls from related parties to provide better protection for migrant workers . Kartika's employer was sentenced and imprisoned in 2013. By reviewing the role of the Indonesian government in the case experienced by Kartika Puspitasari, we can see that the government has an important responsibility to protect the rights of Indonesian migrant workers who are victims of sexual harassment in the workplace, in accordance with the provisions contained in ILO Convention No. 190/2019.

I. Introduction

In order to create a work environment that upholds dignity and respect in the future, the United Nations (UN) through its organization, the International Labour Organization (ILO) issued ILO Convention No. 190 and Recommendation No. 206 Concerning the Elimination of Violence and Harassment in the World of Work. The birth of ILO Convention No. 190 along with its Recommendation on June 21, 2019 provides a clear framework for action and opportunities to shape the future of the world of work that is free from all forms of violence and sexual harassment, and ensures the fulfillment of the right to work in a safe and comfortable place. This convention also recognizes that violence and sexual harassment in the world of work are violations or harassment of human rights, where this is a threat to equal opportunities and is not in accordance with decent work for all (Asmar, 2019) .

ILO Convention No. 190 and Recommendation No. 206 on the Elimination of Violence and Harassment in the World of Work emerged in response to the urgent need for comprehensive global standards to address the issue of violence and harassment in the workplace. These instruments were adopted in June 2019 by the International Labour Conference, marking a milestone in the global effort to create a safe and dignified world of work (Azmy, 2012) .

1. Humanitarian Crisis in the Workplace: Violence and harassment in the workplace is a serious problem that threatens human dignity and individual well-being. This crisis creates insecurity and discomfort for workers, disrupts productivity, and damages the image of organizations and the industry as a whole.
2. Demand for a Dignified Work Environment: The international community demands a dignified work environment that respects human rights. This includes the right to work without fear of violence or sexual harassment, as well as the right to feel safe and comfortable at work.
3. The Important Role of the United Nations (UN) and the International Labour Organization (ILO): As international institutions committed to promoting human dignity and social justice, the UN and ILO have an important role in formulating international standards governing violence and harassment in the workplace.
4. Birth of ILO Convention No. 190 and Recommendation No. 206: On 21 June 2019, the ILO issued ILO Convention No. 190 and Recommendation No. 206, which specifically recognize workers' rights to work in an environment free from violence and sexual harassment. The birth of this convention marks the world's commitment to addressing this serious problem and provides a strong legal basis for workers' protection.
5. Protection of Human Rights in the Workplace: Sexual violence and harassment in the workplace are not only violations of workers' rights, but also violations of human rights in general. Therefore, efforts to eliminate violence and harassment in the workplace are an integral part of global efforts to promote justice and

human dignity.

Indonesia is one of the countries that sends many migrant workers abroad, migrant workers who in Indonesia are also called TKI (Tenaga Kerja Indonesia). The development and progress of science and technology in addition to facilitating human traffic from one place to another, from one country to another, also have negative impacts in the form of growth, increase, diversity, and rampant criminal acts. These criminal acts have now developed into organized criminal acts that can be seen from the scope, character, modus operandi, and perpetrators. Indonesia, as a member state of the United Nations, also signed the United Nations Convention Against Transnational Organized Crime on December 15, 2000 in Palermo, Italy, as a manifestation of the commitment to eradicate organized transnational criminal acts through a framework of bilateral, regional, or international cooperation. (LH Adha, 2018) .

The problems experienced by Indonesian migrant workers abroad are a form of human rights violations that are a form of modern slavery. Slavery is often associated with human trafficking, because it leads to physical or sexual exploitation for the benefit of an individual or group. The phenomenon of human trafficking victims in Indonesia are migrant workers who are usually women who do not have skills, come from rural areas with low levels of education and do not have many options other than becoming workers abroad. Various triggers that urge the formation of this matter, including the dominant aspects of poverty, unavailability of jobs, shifting development orientation from agriculture to industry and the never-ending economic crisis. However, these workers are not protected by labor regulations in Indonesia or the destination country. Because these female workers work in the homes of their employers, hidden from public observation, their condition makes them vulnerable to violence and exploitation.

Human trafficking is one of the actions experienced by Indonesia. To overcome the crime of human trafficking, the government ratified the UN protection by issuing Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (PTPPPO). In Law No. 21 of 2007 concerning PTPPO, the contents are not much different from the formulation of the UN Protocol and are more detailed or cover the scope of the crime of trafficking from the formulation of the Criminal Code. This is due to several aspects, namely the Law on the Eradication of the Crime of Human Trafficking has broad legal consequences (bound by many laws), such as the Child Protection Law, Immigration Law, Criminal Code, TKI Law, Manpower Law, Law on Administrative and Population Systems, Law on the Placement of TKI Abroad and others. The crime of human trafficking is a transnational crime or transnational crime that has become a global concern for countries in the world. (Defianti & Badriyah, 2023) .

In 2019, the International Labour Organization (ILO) adopted Convention No. 190 on Violence and Harassment at Work. This convention is an important milestone in the global effort to create a safe and dignified working environment for all workers, including migrant workers . However, the implementation of this

convention in the context of protecting Indonesian migrant workers still needs further study. Migrant workers, who are often in vulnerable positions due to their migration status, poor working conditions, and lack of access to the legal system, are particularly vulnerable to sexual harassment.

Many reports and cases show that Indonesian migrant workers experience sexual harassment in the workplace. These cases not only affect the health and welfare of the victims but also affect Indonesia's reputation and bilateral relations with countries receiving migrant workers. and Indonesia has ratified the ILO Convention No. 190 on Violence and Harassment at Work, which shows the government's commitment to protecting workers from sexual harassment, the implementation of this convention is one of the important steps in addressing this problem.

Sexual harassment of Indonesian migrant workers is a critical issue in the selective labor issues in Indonesia. This issue reflects a major challenge in protecting workers' rights, especially those in vulnerable positions. Efforts to address this issue require a comprehensive approach involving the implementation of international law, national policies, education, and cooperation between the government, NGOs, and the international community. This study aims to analyze legal protection for victims of sexual harassment of Indonesian migrant workers, using the perspective of ILO Convention No. 190 of 2019.

This study will examine the existing legal framework, identify gaps in protection, and propose recommendations to strengthen legal protection for Indonesian migrant workers. By understanding the challenges and opportunities in the implementation of ILO Convention No. 190, it is hoped that this study can contribute to the development of more effective policies and practices in protecting Indonesian migrant workers from sexual harassment in the workplace.

2. Research Method

This study uses a normative legal method with a statute approach and a conceptual approach. The normative legal method was chosen because this study focuses on the analysis of legal norms related to the protection of Indonesian migrant workers from sexual harassment, especially in the context of ILO Convention No. 190 of 2019. The statutory approach is used to examine various relevant laws and regulations, both at the national and international levels. Meanwhile, the conceptual approach is used to analyze legal concepts related to the protection of victims and the prevention of violence in the workplace. Primary data is obtained from laws and regulations, international conventions, and other legal documents, while secondary data is obtained from legal literature, scientific journals, and related research reports.

Data collection in this study was conducted through a comprehensive literature study, including tracing laws and regulations, international conventions, law books, journal articles, and credible online sources. Data analysis was conducted qualitatively using descriptive-analytical methods. This

study will systematically describe existing legal norms, then analyze how these norms can be implemented to protect Indonesian migrant workers from sexual harassment in the workplace. Furthermore, this study will examine the conformity between Indonesian national regulations and the standards set out in ILO Convention No. 190 of 2019, and identify possible legal loopholes. The results of the analysis will be used to formulate recommendations to strengthen the legal framework for protecting Indonesian migrant workers from criminal acts of sexual harassment in the workplace.

3. Results and Discussion

Law Enforcement Mechanism Against Criminal Acts of Sexual Harassment Against Indonesian Migrant Workers in the Workplace, Taking into Account the Provisions of ILO Convention No. 190/2019

Workers are an integral part of the globalization phenomenon that has changed work patterns and labor mobility around the world. In this context, understanding migrant workers becomes crucial to understand the dynamics of migration, their challenges, and their contribution to the economy and society. In the related literature, there are various definitions and concepts that help in understanding migrant workers (Jumaah, 2023). According to the International Labour Organization (ILO), migrant workers are defined as individuals who work outside their home country, either with official or unofficial status, for a certain period of time with the aim of earning income. This definition highlights the important aspects of geographical and occupational mobility inherent in migrant workers.

In Indonesia, the definition and legal status of migrant workers are regulated in several laws and regulations governing employment and migration issues. Here are some relevant regulations: (LA Adha et al., 2020)

1. Law Number 13 of 2003 concerning Manpower: This law is the main legal umbrella in regulating employment relations in Indonesia. Although it does not specifically regulate migrant workers, this law provides a basis for the protection of workers' rights, including the rights of migrant workers.
2. Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Migrant Workers Abroad: This law specifically regulates the placement and protection of Indonesian migrant workers abroad, including migrant workers. This law stipulates the obligations and responsibilities of the state in protecting and supervising the process of placing Indonesian workers abroad, as well as providing protection for the rights of migrant workers.
3. Government Regulation Number 10 of 2018 concerning the Placement of Indonesian Migrant Workers Abroad: This regulation is a derivative of Law Number 39 of 2004 and provides further guidance on the procedures and mechanisms for the placement of Indonesian workers abroad, including migrant workers. This regulation also regulates the role of placement agents and the protection mechanisms that must be provided to migrant workers.

4. Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 4 of 2019 concerning Procedures for Supervision and Placement of Indonesian Migrant Workers Abroad: This regulation explains in more detail the mechanisms for supervision and placement of Indonesian migrant workers abroad, including regulations related to providing protection to migrant workers .
5. Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers: This law specifically regulates protection for Indonesian migrant workers, including migrant workers . This law affirms the rights of Indonesian migrant workers as well as the state's obligations in providing protection, assistance, and guidance to them.

Upon arrival in the destination country, female migrant workers are often faced with work conditions that are not as promised, for example with relatively long working hours, no holidays, prohibited from worshipping, unpaid salaries or if paid, always inadequate (insufficient), neglect and forced repatriation, fraud by agents to extend work visas, physical and psychological abuse, such as eating stale food or animal food, being beaten until seriously injured, being doused with hot water, having their fingers cut and bitten, having their bodies disfigured, having their ears stabbed with rattan, and sexual assault such as harassment, rape and being forced to work for prostitution (Asmar, 2019) .

The adoption of this convention reflects international recognition that violence and harassment in the workplace, including sexual harassment, constitutes a serious human rights violation. This phenomenon not only negatively impacts individual victims, but also harms organizations and society at large. Prior to Convention No. 190, there was no international standard that specifically and comprehensively addressed the issue of violence and harassment in the workplace. This created gaps in worker protection, especially for vulnerable groups such as migrant workers . This Convention establishes a broad definition of violence and harassment, encompassing a wide range of unacceptable behavior, including sexual harassment. It also covers a wide range of work-related situations, not just the physical workplace.

All the problems faced by female migrant workers are not something new to hear, the author examines the case of a migrant worker named Kartika Puspitasari, an Indonesian migrant worker who was beaten and burned by her former employer in Hong Kong finally managed to get compensation of more than \$ 110,000 or equivalent to Rp1.66 billion. The torture that befell the 40-year-old migrant worker made headlines a decade ago. The case triggered an appeal from related parties to provide better protection for migrant workers .

Kartika's employers were sentenced and imprisoned in 2013. The court accused them of committing abuse. They burned Kartika with an iron, beat her with a bicycle chain and attacked her with a paper cutter. The cruelty left scars and physical trauma. Kartika initially did not know who to complain to after receiving inhumane treatment for two years. The torture she suffered was only

revealed after she sought protection from the consulate and she returned to her homeland in 2014 without receiving any wages.

So with the case that occurred above, the author provides a mechanism for enforcing the law against criminal acts of sexual harassment against Indonesian migrant workers in the workplace involving a series of steps and procedures that must be followed by the relevant parties, both at the national and international levels. The following is a descriptive description of the law enforcement mechanism, taking into account the provisions of ILO Convention No. 190/2019: (YULIUS, 2023)

1. Case Reporting: Based on Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, victims can report cases of sexual harassment through various channels. Article 21 of the Law requires Indonesian representatives abroad to provide protection to Indonesian Migrant Workers (PMI). Reporting mechanisms include:
 - a. 24-hour hotline managed by the Indonesian Embassy/Consulate General
 - b. Secure online reporting platform
 - c. Direct reporting to the Indonesian representative office

The confidentiality of the reporter's identity is guaranteed in accordance with Article 30 of Law No. 31 of 2014 concerning Protection of Witnesses and Victims.

1. Initial Assistance: In accordance with the Regulation of the Minister of Foreign Affairs No. 4 of 2008 concerning Citizen Services at Indonesian Representative Offices Abroad, the Indonesian Embassy/Consulate General is required to provide assistance and legal protection to Indonesian citizens facing legal problems abroad. Assistance includes:
 - a. Legal assistance by lawyers appointed by the Indonesian Embassy/Consulate General
 - b. Psychological counseling
 - c. Explanation of victims' rights and the legal processes that can be taken
2. Investigation: Based on Article 19 of Law No. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, which also includes sexual exploitation, Indonesian representatives are obliged to facilitate law enforcement in cases involving Indonesian citizens abroad. The investigation process involves:
 - a. Coordination with local police
 - b. Collection of evidence and testimony with due regard to the principle of victim protection
 - c. Case documentation for legal process purposes
3. Mediation and Non-Litigation Settlement: Referring to Article 85 of Law No. 18 of 2017, dispute resolution between PMI and Employers can be done through deliberation. This process includes:
 - a. Mediation facilitated by Indonesian representatives

- b. Negotiations for fair compensation or settlement
- c. A written agreement that binds both parties
- 4. Legal Process: If the case proceeds to court, this process refers to local law and bilateral agreements between Indonesia and the destination country. Law No. 18 of 2017 Article 21 paragraph (1) letter b states that Indonesian representatives are required to provide legal assistance in accordance with the provisions of laws and regulations in the destination country as well as international law and customs.
- 5. Cross-Country Coordination: Based on Article 39 of Law No. 18 of 2017, the Government can form bilateral, regional, and multilateral cooperation in the implementation of PMI Protection. This includes coordination with relevant ministries in destination countries for law enforcement.
- 6. Repatriation and Reintegration: In accordance with Article 24 of Law No. 18 of 2017, the Government is responsible for the Protection of Indonesian Migrant Workers abroad, including facilitating repatriation. The reintegration program is implemented based on Government Regulation No. 10 of 2020 concerning Procedures for the Placement of Indonesian Migrant Workers by the Indonesian Migrant Workers Protection Agency.
- 7. Prevention and Education: Referring to Article 6 of Law No. 18 of 2017, the Government is required to conduct socialization and dissemination of information to prospective migrant workers. This includes education on workers' rights and how to protect themselves from sexual harassment.
- 8. Monitoring and Evaluation: Based on Article 74 of Law No. 18 of 2017, the Government has established an integrated data collection and reporting system regarding the implementation of PMI Protection. This includes monitoring cases of sexual harassment and evaluating the effectiveness of protection mechanisms.
- 9. International Cooperation: Law No. 18 of 2017 Article 39 mandates the Government to carry out international cooperation in order to improve the quality of PMI Protection. This includes efforts to encourage the ratification and implementation of ILO Convention No. 190/2019 in PMI destination countries.

ILO Convention No. 190/2019 provides an important legal basis for law enforcement against criminal acts of sexual harassment against Indonesian migrant workers in the workplace. Here are some articles in ILO Convention No. 190/2019 in this case:

Article 1: Defines “violence and harassment” in the world of work as unacceptable behaviour and practices, or threats thereof, whether single or repeated, that have the intention, result in, or are likely to result in physical, psychological, sexual or economic harm. This definition includes sexual harassment of migrant workers .

Article 2: Expanding the scope of protection not only in the physical workplace, but also during travel to and from work, work-related social events,

and work-related communications. This is particularly relevant for migrant workers who are often in vulnerable situations outside formal working hours.

Article 4: Requires member states to respect, promote and realize the right of everyone to a world of work free from violence and harassment. This is the basis for Indonesia to demand protection for its migrant workers in destination countries.

Article 7: Requires member states to adopt laws and regulations defining and prohibiting violence and harassment in the world of work, including gender-based violence and harassment.

Article 9: Requires member states to take appropriate measures to prevent violence and harassment in the world of work, including identifying sectors or occupations and work arrangements in which workers are more exposed to violence and harassment.

Article 10: Requires Member States to take appropriate measures to: (a) Monitor and enforce national laws and regulations regarding violence and harassment in the world of work; (b) Ensure easy access to appropriate and effective remedies and safe, fair and effective reporting and dispute resolution mechanisms and procedures; (c) Protect the privacy and confidentiality of those involved and witnesses; (d) Provide for sanctions, where appropriate, in cases of violence and harassment in the world of work.

Article 11: Stresses the importance of guidance, resources, training or other tools being made available to workers and employers and relevant authorities, in an accessible form.

Article 15: Requires member states to ensure that labour inspection bodies and other relevant authorities are empowered to address violence and harassment in the world of work.

According to researchers, the law enforcement mechanism for sexual harassment of Indonesian migrant workers in the workplace has undergone significant development with the existence of ILO Convention No. 190/2019. This convention provides a comprehensive legal framework that strengthens protection and law enforcement efforts for migrant workers. The existing mechanism includes a series of steps ranging from reporting cases, assisting victims, investigations, legal processes, to repatriation and reintegration of victims. The implementation of ILO Convention No. 190/2019 into the national legal system and bilateral agreements with destination countries for migrant workers strengthens Indonesia's position in protecting its citizens abroad. However, challenges in cross-border law enforcement still exist, especially related to jurisdiction and differences in legal systems between countries.

Therefore, continued efforts are needed to improve international coordination, strengthen the capacity of Indonesian diplomatic missions, and raise awareness and education for prospective migrant workers. By aligning national law enforcement mechanisms with international standards set out in ILO Convention No. 190/2019, Indonesia can be more effective in protecting the

rights of its migrant workers from sexual harassment in the workplace, while also encouraging the creation of a safe and dignified working environment for all workers.

The Role of the Indonesian Government in Protecting the Rights of Indonesian Migrant Workers Who Are Victims of Sexual Harassment in the Workplace, in Accordance with the Provisions of ILO Convention No. 190/2019

In the case of Kartika Puspitasari, an Indonesian migrant worker who was beaten and burned by her former employer in Hong Kong finally managed to get compensation of more than \$110,000 or equivalent to Rp1.66 billion. The torture suffered by the 40-year-old migrant worker made headlines a decade ago. The case sparked calls for related parties to provide better protection for migrant workers. Kartika's employer was sentenced and imprisoned in 2013. The court trial accused them of committing abuse. They burned Kartika with an iron, beat her with a bicycle chain and attacked her with a paper cutter. The cruelty left scars and physical trauma and she returned to her homeland in 2014 without receiving any wages. Kartika initially did not know who to complain to after receiving inhumane treatment for two years. The torture she suffered was only revealed after she sought protection from the consulate.

At home with her husband and three children in Padang, West Sumatra, Kartika cried as she received the news via video call. But Kartika, who has been diagnosed with post-traumatic stress disorder (PTSD), added that the money was not commensurate with the physical and mental injuries she had suffered. A spokesman for the Asian Migrants Coordinating Body in Hong Kong said the compensation was "the largest amount so far" received by a domestic worker in an abuse case. He called Kartika's treatment extreme but "not isolated" and called on the Hong Kong government to review its policies to expedite such legal processes, and to ensure victims eventually get the compensation they deserve.

By law, Hong Kong's estimated 340,000 migrant domestic workers, mostly women from Indonesia and the Philippines, are paid below the regional minimum wage. They are required to live with their employers, making it difficult for some workers who find themselves in hostile employers to escape. Rights groups have documented a range of abuses against domestic workers in the financial hub, including trafficking, forced labor, sexual abuse and beatings. While compensation like the one in Kartika's case is rare, it is not without precedent.

In 2017, a Hong Kong court awarded \$103,400 to Erwiana Sulistyaningsih, who was held captive, starved and beaten to the point of losing control of her bodily functions. But most victims cannot afford to sue in Hong Kong, especially after their visas expire at the end of their contracts, activists say. Despite the high-profile abuses, many women still become migrant workers in the hope of escaping dire poverty in their home countries.

In the sexual harassment case experienced by Kartika Puspitasari in court, Kartika testified that the abuse left prominent black scars on her back, stomach and left arm. The lawyer said the severity of Kartika's injuries affected her future employment options. She was said to have never been able to afford the necessary surgery and medical treatment. The husband and wife who had employed Kartika, who completed sentences of three and a half and five and a half years respectively, did not oppose the civil suit, Kartika said she felt her former employer was given

too light a sentence for the abuse.

From the above case, we must review Article 1 of Law Number 39 of 1999 concerning Human Rights, which defines torture as an act committed against a person, either intentionally or unintentionally, which results in significant physical or psychological suffering and takes the form of discrimination against people. Thus, it can be said that torture against Indonesian workers abroad is a violation of their human rights (HAM). To respond to this situation, the steps that can be taken involve evaluating, investigating, and supervising how the human rights violations occurred. In addition, it is necessary to seek various efforts that can be implemented to prevent torture against Indonesian workers abroad. This approach is needed to ensure the protection and respect for the human rights of Indonesian workers abroad, as well as to ensure that migrant workers receive proper and adequate protection in accordance with applicable human rights norms.

The experience of torture experienced by Indonesian workers abroad has violated international human rights rules. Human rights themselves are recognized internationally and regulated by various international legal instruments, such as the Universal Declaration of Human Rights, hereinafter referred to as the UDHR and the International Covenant on Civil and Political Rights, hereinafter referred to as the ICCPR. Therefore, if torture occurs to Indonesian Migrant Workers abroad, firm action must be taken, both at the national and international levels, to ensure adequate protection for Indonesian migrant workers abroad. In the context of international law, human rights principles apply throughout the world, even if the violations occur abroad. However, the application and enforcement of human rights can vary from country to country, and there are challenges in upholding human rights principles at the international level. If an Indonesian migrant worker is tortured abroad, there are several legal remedies that can be taken. For example, cases can be reviewed by international courts or human rights bodies such as the International Court of Justice or the United Nations Human Rights Commission (UNHRC). (Palit, 2021) In addition, some countries have universal jurisdiction and can try human rights violations committed in other countries.

Behind the rampant cases of torture against Indonesian workers abroad, there are a number of factors that are the main triggers. One of them is the lack of legal protection received by Indonesian workers abroad. This limitation may be caused by inequality in legal regulations between the country of origin and the country of destination, which can create loopholes and be vulnerable to exploitation. (Sholina, 2022) It is important to recognize that many Indonesian migrant workers work without having valid official documents. This condition opens the door wide for exploitative practices and torture, because without official protection, these workers become very vulnerable to arbitrary actions from employers or authorities in the workplace. Therefore, there needs to be improvement and enhancement in the implementation of supervision procedures and ensuring that every migrant worker has valid and adequate documents to protect their rights.

The inability of the Indonesian Migrant Workers Protection Agency (BP2MI) to provide adequate supervision is a serious challenge in protecting migrant workers. The lack of communication access to the Indonesian Embassy in the country where the migrant workers are placed is also a serious problem. Limited access can hinder efforts to resolve problems and respond quickly to emergency situations. Therefore, concrete steps need to be taken to improve communication access, such as providing training to migrant workers on their rights, providing efficient communication channels, and ensuring the availability of appropriate consular

support.

So the author reviews the role of the Indonesian government in the case experienced by Kartika Puspitasari reviewed from the ILO Convention No. 190/2019 in the case experienced by Kartika Puspitasari, the author can review the role of the Indonesian government by considering the provisions contained in the ILO Convention No. 190/2019 concerning Violence and Harassment in the Workplace. Kartika Puspitasari is a real example of an Indonesian migrant worker who was a victim of sexual harassment in the workplace abroad. The following is a review of the role of the Indonesian government in the Kartika Puspitasari case, in accordance with the provisions of the ILO Convention No. 190/2019:

Victim Protection: The Indonesian government has an obligation to protect victims of sexual harassment in the workplace, including Kartika Puspitasari, in accordance with Article 9 of ILO Convention No. 190/2019. This includes providing adequate assistance and protection to victims, including access to necessary medical, psychological, and social services.

Monitoring and Law Enforcement: The Indonesian government must ensure that cases of sexual harassment in the workplace, such as that experienced by Kartika Puspitasari, are handled seriously and fairly in accordance with applicable laws. This includes comprehensive investigations into the case and fair law enforcement against perpetrators, in accordance with Article 15 of ILO Convention No. 190/2019.

Education and Training: The Indonesian government should provide education and training to Indonesian migrant workers before they leave for overseas, as well as to placement agencies and employers at their destinations. This training should include awareness of the crime of sexual harassment in the workplace and preventive measures that can be taken, in accordance with Article 5 of ILO Convention No. 190/2019.

Legal Aid: The Indonesian government should provide legal aid to Kartika Puspitasari and other victims of sexual harassment in the workplace abroad. This includes providing access to adequate legal services for victims who need it, in accordance with Article 9 of ILO Convention No. 190/2019.

International Cooperation: The Indonesian government should work with governments of destination countries, international organizations, and non-governmental organizations to improve protection for Indonesian migrant workers in workplaces abroad. This includes exchanging information, coordinating actions, and establishing strong partnerships in protecting the rights of migrant workers, in accordance with Articles 9 and 15 of ILO Convention No. 190/2019.

By reviewing the role of the Indonesian government in the case experienced by Kartika Puspitasari, we can see that the government has an important responsibility to protect the rights of Indonesian migrant workers who are victims of sexual harassment in the workplace, in accordance with the provisions contained in ILO Convention No. 190/2019. These steps must be implemented seriously and effectively to ensure justice for victims and prevention of future cases of sexual harassment in accordance with the mandate of Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, it is explained that the placement of Indonesian migrant workers abroad aims to realize the rights of every citizen to get decent work. (Mandala, 2021)

Prevention efforts are carried out through more intensive pre-departure education programs, while case handling is strengthened by increasing the capacity of Indonesian diplomatic missions abroad. The government is also active in

international forums to fight for the rights of migrant workers and encourage the ratification of ILO Convention No. 190/2019 by destination countries. However, challenges remain, especially in terms of cross-border coordination and law enforcement in foreign jurisdictions. Therefore, the Indonesian government continues to strive to strengthen bilateral and multilateral cooperation, as well as develop more effective monitoring and evaluation mechanisms. By aligning national policies with international standards set out in ILO Convention No. 190/2019, the Indonesian government demonstrates a strong commitment to protecting the rights and dignity of its migrant workers, while contributing to global efforts to create a safe and sexual harassment-free working environment for all workers.

This is done by respecting human dignity and providing appropriate protection to Indonesian migrant workers working abroad. This law reflects the government's commitment to ensuring that Indonesian migrant workers receive fair treatment, their rights are protected, and their presence in the international workplace is fully respected. However, there is still a need for continued evaluation and improvement in the protection system for Indonesian workers abroad to improve the safety and welfare of Indonesian workers working abroad.

4. Conclusion

The conclusion of this study are US follows:

- a. From the discussion on the law enforcement mechanism against criminal acts of sexual harassment against Indonesian migrant workers in the workplace, taking into account the provisions of ILO Convention No. 190/2019, several conclusions can be drawn, namely: ILO Convention No. 190/2019 provides a clear and comprehensive framework for protecting migrant workers from violence and harassment in the workplace. This convention sets out international standards that member countries, including Indonesia, must comply with in maintaining the safety and welfare of migrant workers, the state has the primary responsibility to ensure effective law enforcement against cases of sexual harassment against migrant workers. This includes the establishment and implementation of national policies in accordance with the standards of ILO Convention No. 190/2019, as well as ensuring the existence of an effective mechanism for handling cases of sexual harassment, the existence of Law enforcement must ensure adequate protection for victims of sexual harassment, including Indonesian migrant workers. This includes providing access to assistance, recovery and rehabilitation services for victims, as well as protection against retaliation or other discriminatory actions, as well as providing education and awareness about workers' rights, as well as preventive measures against sexual harassment in the workplace, are important parts of handling cases of sexual harassment. The government and related parties must provide education and training to migrant workers and other related parties. Thus, this descriptive conclusion emphasizes the importance of implementing law enforcement mechanisms in accordance with the provisions of ILO Convention No. 190/2019 in handling cases of sexual harassment against Indonesian migrant workers in the workplace. Commitment and cooperation from all related parties are needed to protect the rights of migrant workers and prevent violence in the workplace.
- b. Based on the case of Kartika Puspitasari, an Indonesian migrant worker who experienced sexual harassment and violence at work in Hong Kong, and taking into account the provisions of ILO Convention No. 190/2019, several conclusions can be

drawn regarding the role of the Indonesian government in protecting the rights of migrant workers who are victims of sexual harassment at work: The Indonesian government has an obligation to protect the rights of Indonesian migrant workers who are victims of sexual harassment at work, in accordance with the provisions of ILO Convention No. 190/2019. This includes providing adequate protection to victims, including access to the necessary medical, psychological, and social services. The Indonesian government must ensure that there is an effective monitoring and law enforcement mechanism for cases of sexual harassment at work involving Indonesian migrant workers. Comprehensive investigations and strict law enforcement against perpetrators must be carried out in accordance with the provisions of ILO Convention No. 190/2019. The Indonesian government must provide legal assistance to victims of sexual harassment, such as Kartika Puspitasari, and take diplomatic steps to ensure that their rights are protected at the international level. This includes active case monitoring and advocacy on behalf of victims in international forums, as well as close cooperation between the Indonesian government and the governments of destination countries, international organizations, and non-governmental organizations to improve protection for Indonesian migrant workers in workplaces abroad. This cooperation should include information exchange, coordination of actions, and the formation of strong partnerships. Thus, the conclusions of the Kartika Puspitasari case and the provisions of ILO Convention No. 190/2019 underscore the importance of the Indonesian government's role in protecting the rights of Indonesian migrant workers who are victims of sexual harassment in the workplace. Implementation of the provisions of the convention is an important step to ensure adequate protection for Indonesian migrant workers at the national and international levels.

References

- Adha, LA, Asyhadie, Z., & Kusuma, R. (2020). Social Security Policy for Indonesian Migrant Workers. *Journal of Notary Affairs*, 1 (2). <http://risalah.unram.ac.id/index.php/risalah/article/view/13>
- Adha, LH (2018). Socialization of Increasing Understanding of Protection of the Rights of Indonesian Migrant Workers in Sesela Village. *Private Law*, 4 (1), 273–286.
- Asmar, S. (2019). *The role of women's solidarity institutions in the protection and empowerment of female migrant workers and their families* [BS thesis, Jakarta: Faculty of Da'wah and Communication Sciences, UIN Syarif Hidayatullah]. <https://repository.uinjkt.ac.id/dspace/handle/123456789/44011>
- Azmy, AS (2012). *The State and Female Migrant Workers: Examining Protection Policies during the Susilo Bambang Yudhoyono Administration 2004-2010*. Yayasan Pustaka Obor Indonesia. <https://books.google.com/books?hl=id&lr=&id=oQnuDQAAQBAJ&oi=fnd&pg=PR1&dq=KU+BUR UH+MIGRAN&ots=vVI1cUsFJW&sig=ePdJDWC7zljO3bzVklshedpqAU>
- Defianti, LR, & Badriyah, S. (2023). Torture of Indonesian Migrant Workers Abroad in Human Rights. *National Seminar-Human Rights Friendly City*, 3, 60–69. <https://conference.untag-sby.ac.id/index.php/semnas/article/view/3456>
- Jumaah, SH (2023). Advocacy of Indonesian Migrant Workers (Adbmi) and its Role in Overcoming Human Trafficking of Indonesian Migrant Workers in East Lombok. *TheJournalish: Social and Government*, 4 (3), 241–248.
- Mandala, R. (2021). *The Role of the International Labour Organization (Ilo) in Protecting Indonesian Migrant*

- Workers [PhD Thesis, Riau Islamic University]. <http://repository.uir.ac.id/id/eprint/11553>
- Najitama, F., HI, S., & SI, M. (2014). *Migrant Women A Life History* . CV Pustaka Ilmu Group. <http://eprints.iainu-kebumen.ac.id/id/eprint/297/>
- Nurulfadilah, G. (dt). *Advocacy Journalism in the Voice of Workers Column in Konde Media*. Co [BS thesis, Faculty of Da'wah and Communication Sciences, Syarif Hidayatullah State Islamic University ...]. Retrieved March 21, 2024, from <https://repository.uinjkt.ac.id/dspace/handle/123456789/73881>
- Palit, BR (2021). Legal protection against acts of violence and sexual harassment in the world of work based on ILO Convention No. 190 of 2019. *Lex administratum* , 9 (7). <https://ejournal.unsrat.ac.id/index.php/administratum/article/view/34939>
- Sholina, CA (2022). Fulfillment of the human rights of Indonesian migrant workers' children on oil palm plantations in Tawau, Sabah, Malaysia. *Journal of Human Development* , 3 (1), 18.
- YULIUS, O. (2023). *THE ROLE OF INVESTIGATORS IN LAW ENFORCEMENT OF NON-PROCEDURAL MIGRANT WORKER RECRUITMENT AND DISPATCH IN LAMPUNG PROVINCE IN 2022 (Case Study of Lampung Police)* [PhD Thesis, UNIVERSITY OF LAMPUNG]. <http://digilib.unila.ac.id/id/eprint/71202>