

The Urgency of Developing E-Law Consult Application for Legal Protection of Female Migrant Workers in Central Java

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Abstract

Indonesian migrant workers often receive less than proper treatment and some of them are caught in several cases so that they are threatened with severe punishment and some are even sentenced to death. The essence of providing legal protection for Indonesian female migrant workers is protection against security guarantees from all forms of violence, both physical and psychological, or in other words to provide protection against arbitrary actions by an individual or group. The purpose of this study is to determine the urgency of the e-law consult application for legal protection of female migrant workers in Central Java. The e-law application is expected to help female migrant workers to communicate more easily with the migrant service. The results obtained from this study are based on the questionnaire that has been distributed to respondents, namely an average percentage of 90%, meaning that respondents strongly agree if the e-law consult application is made and designed according to respondent input. The idea of developing an e-law consult application is classified as very good to make it easier for migrant workers to get information and communicate with the Manpower Office, Ministry of Manpower, BP2MI.

1. Introduction

In essence, rights and obligations cannot be separated but often intertwined because rights and obligations are often not commensurate. Every citizen of a country has rights and obligations to obtain a decent life, but in reality, this is still not entirely

established. Rights and obligations are often not commensurate and fulfilled. The 1945 Law of the Republic of Indonesia guarantees that every Indonesian citizen has the same rights and opportunities without discrimination to obtain decent work and a decent life. Decent life The Indonesian government's efforts to provide the best protection for prospective migrant workers (Indonesian workers) through various policies and programs for managing labor migration aimed at achieving safe and fair migration.¹

For developing countries, the encouragement of its citizens to migrate continues to increase, so it becomes a problem and homework for the government, both at the national and local levels. The reason is that migration problems can affect migrant workers and their families. Problems that befall migrant workers abroad include inhumane treatment from employers, low wages and there are several cases of migrant workers' wages not being paid by employers. Cases found by the Indonesian Migrant Workers Guard include employers making contracts with TKI service companies for 45 thousand Saudi Arabian riyals per year or equivalent to IDR 171 million. However, the company only gives the maid a salary of 1,500 Saudi Arabian riyals per month to pay the salary or equivalent to IDR 5.7 million per month (IDR 68 million per year).²

Employment development is based on Article 27 paragraph (2) of the 1945 Republic of Indonesia Law which states: "Every citizen has the right to work and a decent living for humanity", and to overcome this problem the government has taken a policy by issuing Law Number 13 of 2003 concerning Manpower.³ Based on Article 86 paragraph (1) of Law Number 13 of 2003, every worker/laborer has the right to receive protection for occupational safety and health, morals and morality, treatment in accordance with human dignity and values, and religious values.⁴

Protection of Indonesian Migrant Workers abroad is regulated in Law of the Republic of Indonesia Number 18 of 2017 concerning Protection of Indonesian Migrant Workers.⁵ In this Law, the state guarantees the rights, opportunities, and provides protection for every citizen without discrimination to obtain decent work

¹ Ayumidah, Blantika, Hukum Ketenagakerjaan, Jakarta: Sofmedia, 2011.

² Ardhanariswari, Riris, and Kadar Pamuji, Oktafiani Catur P, "Peran Desa Sebagai Basis Migrasi Aman Dalam Perlindungan Tenaga Kerja Indonesia", *Pena Justisia: Media Komunikasi dan Kajian Hukum*, Vol 17 No 1 2017.

³ Shahriyan Rina Shahrullah, Wagiman, and Surya Rizal, "Penyelenggaraan Jaminan Sosial Ketenagakerjaan Terhadap Sektor Jasa Konstruksi Di Provinsi Kepulauan Riau", *Journal of Judicial Review*, Vol 16 No 1 2014.

⁴ Purnomo Didit, "Analisis Faktor-Faktor Yang Mempengaruhi Migrasi Komunitas Warga Sulawesi Selatan Ke Kota Ternate", *Jurnal Ekonomi Pembangunan*, Vol 5 No 2 2019.

⁵ Adharinalti, "Perlindungan Terhadap Pekerja Migran Indonesia Irregular Di Luar Negeri", *Jurnal Rechtsvinding*, Vol 1 No 1 2012.

and income, both domestically and abroad in accordance with their expertise, skills, talents, interests, and abilities.⁶

According to Article 1 number (2) of Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers, Indonesian migrant workers are every Indonesian citizen who will, is, or has done work by receiving wages outside the territory of the Republic of Indonesia.⁷ With the presence of workers who migrate abroad, of course the Indonesian government benefits greatly, because in addition to being able to reduce the number of unemployed in the country, it can also increase the country's foreign exchange.⁸ In an effort to provide protection for Indonesian Migrant Workers to protect the interests of prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers, the Placement of Indonesian Migrant Workers is carried out by BP2MI (Indonesian Migrant Worker Protection Agency) and P3MI (Indonesian Migrant Worker Placement Company). Indonesian Migrant).⁹

Based on data from the Central Statistics Agency in 2019, it explains that there are 7.05 million unemployed Indonesians. The Indonesian government continues to do various ways to overcome unemployment in Indonesia, one of which is sending Indonesian migrant workers.¹⁰ So far, there have been many problems for Indonesian migrant workers in various countries. Immigration data states that there are around 2,600 illegal Indonesian migrant workers who escape abroad every month who are sent and cause legal problems.¹¹

BP2MI has reported migrant worker complaints from January to September 2022, namely from Saudi Arabia as many as 29.5% with a total of 50 complaints, Malaysia as many as 16.5% with a total of 28 complaints, Taiwan as many as 10.6% with a total of 18 complaints, the UAE as many as 7% with a total of 12 complaints, Poland as

⁶ Khasanah Dian Ratu Ayu Uswatun, and Ronald Jolly Pongantung, "Analysis of the Influence of Mood and Emotions on Legal Compliance Levels in Society", *Jurnal Ius Constituendum*, Vol 9 No 2 2024.

⁷ Habibullah and Asep Mulyana, "Sebab Akibat Para WNI Mencari Mata Pencaharian Ke Arab Saudi", *Jurnal Sosial, Ekonomi, Dan Humaniora (Sosiera)*, Vol 3 No 1 2014.

⁸ Gibran Atsil Syah and Khusairy, M. Khusairy, "Analysis and Initiation of Efforts To Exterminate Illegal Indonesian Migrant Workers Syndicate Through Collaboration of the Indonesian Migrant Workers Protection Agency and the Directorate General of Immigration", *Journal of Law and Border Protection*, Vol 5 No 1 2023.

⁹ Husni Lalu, "Perlindungan Terhadap Tenaga Kerja Indonesia di Luar Negeri", *Mimbar Hukum* Vol 23 No 11 2011.

¹⁰ Kristiad Elias Yulio, Rahayu Subekti, and Purwono Sungkowo Raharjo, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia", *Jurnal Pendidikan Kewarganegaraan Undiksha*, Vol 10 No 1 2022.

¹¹ Febrianti Nadya Zerlinda and Wiwik Afifah, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia yang Mengalami Kekerasan Di Luar Negeri", *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance*, Vol 3 No 1 2023.

many as 6% with a total of 10 complaints, and other countries as many as 30.4% with a total of 51 complaints.¹²

The problems that occur are generally because workers who receive information about job opportunities abroad do not come from government agencies/local Manpower Offices/BP2MI, but from brokers who come to prospective workers.¹³

This problem is exacerbated by the fact that the Manpower Law in several destination countries does not guarantee adequate rights for workers. Therefore, the bargaining position of female migrant workers/TKW in fighting for their rights is low. These problems are the basis for the formation of Law Number 13 of 2003 concerning Manpower.¹⁴ Migrant workers must be guaranteed and protected by the state, as a right inherent in a person as mandated by the constitution. Educational background greatly influences the profession obtained by Indonesian migrant workers abroad.¹⁵ The protection provided by the Indonesian government is not only focused on migrant workers, but also all Indonesian citizens who live, settle, or work individually outside the jurisdiction of the Republic of Indonesia.¹⁶

Based on the results of research by Muhammad Junaidi and Khikmah, increasing international cooperation, strict supervision of recruitment agencies, and increasing access to information for Indonesian migrant workers as solutions to overcome this problem, ensuring that they receive strong legal protection in accordance with international and national law.¹⁷ From the results of this study, it can be concluded that access to information for Indonesian migrant workers is very much needed to be able to overcome legal problems.

¹² Ayunda Rahmi, Raihan Radinka Yusuf and Hari Sutra Disemadi, "Efektivitas Kebijakan Pemerintah Tentang Perlindungan Sosial Pekerja Migran Indonesia: Studi Hukum di Provinsi Kepulauan Riau", *Justisi*, Vol 7 No 2 2021.

¹³ Ompi Melisa Marty, Rudy R. Watulingas, and Nixon Stenly Lowing, "Peran Pemerintah Indonesia Dalam Menangani Masalah Hukum Yang Menimpa Tenaga Kerja Indonesia di Luar Negeri", *Jurnal Fakultas Hukum Universitas Sam Ratulangi*, Vol 12 No 2 2023.

¹⁴ Agung Asri P and Ludfie Jatmiko, "Jaminan Kesehatan Dalam Hak Konstitusional Bagi Pekerja Migran Indonesia Dalam Konstruksi Negara Kesejahteraan", *The Prosecutor Law Review*, Vol 1 No 3 2023.

¹⁵ Bambang Widiyahseno, "Paradigma Baru Model Pelindungan Pekerja Migran Indonesia Dalam Perspektif Undang-Undang RI Nomor 18 Tahun 2017", *Jurnal Sosio Informa*, Vol 4 No 03 2018.

¹⁶ Pongantung, Ronald Jolly and Dian Ratu Ayu Uswatun Khasanah, "Model Partisipasi Masyarakat Melalui Mapalus Sebagai Local Wisdom Dalam Eksistensi Hukum dan Masyarakat di Minahasa Selatan", *Jurnal USM Law Review*, Vol 7 No 2 2024.

¹⁷ Junaidi Muhammad and Khikmah, "Perlindungan Hukum Dan Penempatan Pekerja Migran Indonesia Di Luar Negeri", *Jurnal USM Law Review*, Vol 7 No 1 2024.

This is in line with the research results of Windi et al that although there are various legal instruments designed to protect migrant workers, their implementation is often hampered by various factors, such as lack of coordination between institutions, weak law enforcement, and limited access for migrant workers to justice. The research results also show several recommendations, including the need to increase awareness and legal education for migrant workers, strengthen the role of the state in protecting their rights, and establish a special institution tasked with ensuring that the protection of migrant workers' rights is carried out morally and respects their dignity as human beings.¹⁸

The research results from Berkat Anugrah Kurunia Situmorang, Marzuki, Ibnu Affan show that the complexity of protecting Indonesian migrant workers abroad is very diverse, and unexpected things can arise. The obstacle in providing protection for informal Indonesian migrant workers is weak supervision in line with the government structure between the central government, the Ministry of Manpower as the issuer of permits, and the regional employment sectoral services.¹⁹ From the results of this study, it can be concluded that protection for migrant workers is very important because of the many diverse problems faced by migrant workers. This study is also in line with Arista et al which resulted in government efforts in highlighting building and implementing a legal framework to support the rights of Indonesian Migrant Workers. However, there are still challenges that need to be overcome, such as improving monitoring and law enforcement to ensure that the policy is implemented effectively. The results of this study provide broader insight into the dynamics of the Indonesian government's role in protecting workers' rights, with the aim of making this protection more effective and comprehensive.²⁰ From the results of the study, it was concluded that monitoring and law enforcement for migrant workers need to be carried out systematically in order to protect workers' rights. Based on these problems, basic knowledge is needed for workers about legal self-protection. One solution to solving the problems of migrant workers is with the e-law consult application. The e-law consult application can be used by migrant

¹⁸ Windi Arista, Rusmini, and Mada Apriandi Zuhir, "Legal Ideas Related to Protecting The Rights of Indonesian Migrant Workers with Morality and Dignity," *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, Vol 23 No 3 2024.

¹⁹ Berkat Anugrah Kurunia Situmorang, Marzuki, and Ibnu Affan, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia Informal Menurut Undang Undang Nomor 18 Tahun 2017 Tentang Perlindungan Pekerja Migran", *Jurnal Ilmiah METADATA*, Vol 3 No 2 2021.

²⁰ Asnawi Aceng Rohani, Anne Gunawati, Dede Agus, Siti Romdanah, Aris Suhadi, Lili Suryanti, Mohammad Fasyehhudin, and Beni Prawira Candra Jaya, "The Role of the Indonesian Government in the Legal Protection of Indonesian Migrant Workers," *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, Vol 23 No 3 2024.

workers to gain knowledge related to legal protection for immigrant workers and can be used for direct consultation with legal experts. Therefore, this study will discuss the urgency of the e-law consult application for legal protection of female migrant workers in Central Java.

2. Research Method

This research is research and development, namely E-Law Consult. The development model used is the 4-D model from Thiagarajan, Semmel and Semmel which is modified.²¹ The development model of Thiagarajan, Semmel and Semmel is known as the 4-D model, this model consists of 4 stages, namely: define, design, develop, and disseminate. In this article, only up to the step of defining or collecting information related to problems in the field faced by female migrant workers.

The subjects of this study were migrant workers and people who had been migrant workers. The subjects of the trial were people who had been migrant workers. The data collection for this study used a questionnaire. The respondent questionnaire was distributed in 3 different districts, namely Wonosobo Regency, Kendal Regency, and Minahasa Regency. The number of questionnaires distributed was 30 respondents. The respondent questionnaire consists of 12 questions that are directed to understand the content and form of the application to be developed, so that the e-law consult application will be in accordance with the needs of female migrant workers. Another purpose is that the respondent questionnaire is given to determine the urgency of the application to be developed.

Data analysis used to analyze the migrant worker response questionnaire to the urgency of the e-law consult application can be measured by a list of indicators and scoring of migrant worker responses. Each answer will be given a score as in the table below.

Tabel 1.1 Migrant Worker Response Scoring Guidelines

	Answer Score	
	Positive Statement	Negative Statement
Strongly agree	4	1
Agree	3	2

²¹ Sugiyono, Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif dan R&D, Jakarta: Alfabeta 2018.

Disagree	2	3
Strongly Disagree	1	4

The formula for calculating the migrant worker response is as follows:

$$\text{Percentage: } \frac{\text{jumlah skor total}}{\text{jumlah skor maksimum}} \times 100\%$$

Tabel 1.2 Migrant workers' response criteria for e-law consult applications

Percentage	Category
81 % - 100%	Very Good
61 % - 80%	Good
41 % - 60%	Pretty Good
21 % - 40%	Not Good
0% - 20%	Very Poor

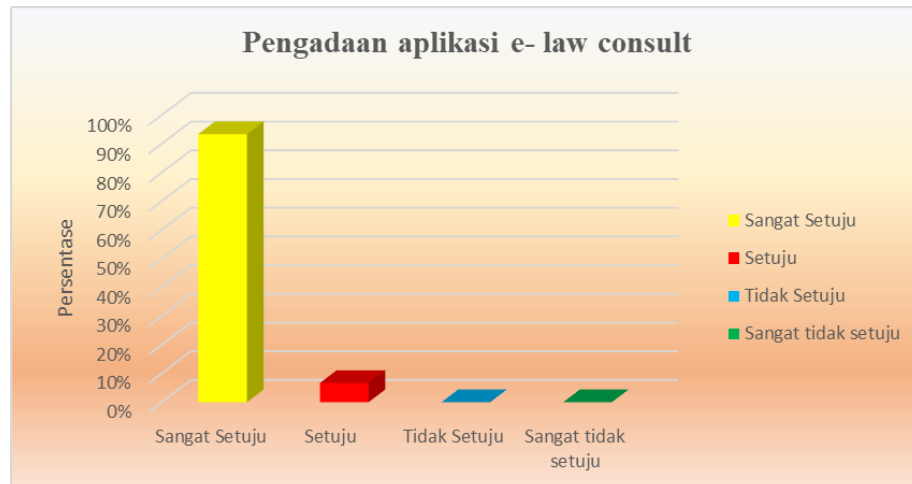
3. Results and

Discussion

The results obtained from this study are respondent questionnaires that have been distributed and analyzed in 3 different districts, namely Wonosobo Regency, Kendal Regency, and Minahasa Regency. From the results of the analysis, positive input was obtained from migrant workers. Various inputs have been collected to build the e-law consult application. The results of the questionnaire that has been distributed, the majority of female immigrants want a simple application consisting of data that can be integrated with the Manpower Office, Ministry of Manpower, BP2MI, e-law features are also complete with handling services, and e-law lists by registering names, addresses and those who depart.

The following are the results of the respondent questionnaire that have been analyzed and presented in the form of a diagram below:

Gambar 1.1 Bar chart of e-law consult application procurement



In the picture above, there are 28 respondents who strongly agree or have a percentage of 93% and 2 respondents agree or have a percentage of 7%. From these results, the procurement of e-law applications is classified as very good, meaning that respondents strongly agree if the e-law consult application is made for consultation advice and reports if problems occur when working abroad.

Gambar 1.2 Bar diagram of e-law consult application user friendly



In the picture above, there are 26 respondents who strongly agree or have a percentage of 87% and 4 respondents agree or have a percentage of 13%. From these results, the procurement of e-law applications is classified as very good and respondents strongly agree if the e-law consult application is made user friendly, meaning it is easy to operate and use for consultation facilities related to legal problems.

Gambar 1.3 Bar diagram of e-law consult application user friendly



In the image above, there are 27 respondents who strongly agree or have a percentage of 90% and 3 respondents agree or have a percentage of 10%. From these results, the online-based e-law consult application is classified as very good and respondents strongly agree if the e-law consult application is made online or link-based so that it is easy to use anywhere and anytime if needed for legal consultation. From the three diagram results regarding the input of the e-law consult application to be created, namely getting an average percentage of 90%, meaning that respondents strongly agree if the e-law consult application is made and designed according to respondent input. And the e-law consult application is considered very good for facilitating migrant workers to obtain information and communication with the Department of Manpower, Ministry of Manpower, BP2MI.

The shortcomings in the implementation of this research are that it is still in the stage of collecting problems and input related to the creation of an e-law consult application that will be developed for migrant workers, so it has not reached the stage of implementing the e-law consult application. The problems and input that have been collected to create the e-law consult application will be adjusted to the needs of migrant workers so that the e-law consult application in the future can help migrant workers when they encounter problems abroad.

The results of this study are also in line with (Maryanto et al.) that the e-law consult application shows weaknesses in legal protection for teachers, especially due to a lack of legal understanding. E-Law Consultation can be a means to help teachers

in handling legal problems related to their profession as teachers. The e-law application for teachers also received quite a lot of positive responses.²²

4. Conclusion

Based on the results of the analysis of the discussion that has been described, it can be concluded that there is input from respondents regarding the e-law consult application that will be created so that the e-law consult application is in accordance with the needs of migrant workers. The percentage of the questionnaire that has been distributed to respondents is an average percentage of 90%, meaning that respondents strongly agree if the e-law consult application is created and designed according to respondent input. The idea in developing the e-law consult application is classified as very good to make it easier for migrant workers to get information and communicate with the Department of Manpower, Ministry of Manpower, BP2MI.

5. Suggestion

It is better if the e-law consult application can be produced immediately and can be tested on migrant workers, so that it can help migrant workers in getting information to communicate with the Department of Manpower, Ministry of Manpower, BP2MI.

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