

Ratification of International Configuration of Labour Organization to Law Number 18 Years 2017

Uzlifatus Dea Arianty^{1*}, Elverda Nadifa Rosyadi², Farizza Taralita Arrachma Fachrezzi³, Azizah Kaltsum Mabrukah⁴, Era Titis Cahya Rani⁵

^{1,2,3,4,5}Faculty of Law, Universitas Pembangunan Nasional "Veteran" Jawa Timur, Indonesia

*Corresponding Author: 21071010020@student.upnjatim.ac.id

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Abstract: International Conventions which are attended by various countries aim to establish relations, and create world peace, and can be a source of international law. The ILO Convention is one of the Conventions which is the reason why several Conventions have been ratified into Legislation. One of the products of ratification issued by the Government of Indonesia is Law Number 18 of 2017. This law contains the rights of workers or laborers, so it is hoped that the ratification will create gaps and guarantee security, as well as comfort for workers who are in the area. Indonesian country. The obligations of the state, the implications for the state and its citizens, the form and process of ratification are also important aspects in carrying out and ratifying the ratification. The explanation regarding this matter will certainly expand and widen in relation to the provisions that have been stipulated in Indonesian positive law and involve several parties to assist in the adjustment process and existing provisions on the basis of the state.

Abstrak: Konvensi Internasional yang dihadiri oleh berbagai negara bertujuan untuk menjalin hubungan, dan menciptakan kedamaian dunia, serta dapat menjadi sumber hukum internasional. Konvensi ILO menjadi salah satu Konvensi yang menjadi sebab adanya beberapa Konvensi diratifikasi menjadi Peraturan Perundang-Undangan. Salah satu produk ratifikasi yang dilahirkan oleh Pemerintah Indonesia adalah Undang-Undang Nomor 18 Tahun 2017. Undang-Undang ini memuat hak-hak para pekerja atau buruh, sehingga diharapkan adanya ratifikasi tersebut terdapat kesenjangan dan terjaminnya keamanan, serta kenyamanan bagi para pekerja yang berada di negara Indonesia. Kewajiban negara, implikasi terhadap negara dan warganya, bentuk dan proses ratifikasi juga menjadi aspek penting dalam menjalankan dan melakukan pengesahan ratifikasi tersebut. Penjelasan mengenai hal tersebut tentu akan meluas dan melebar terkait dengan ketentuan yang telah ditetapkan di hukum positif Indonesia dan melibatkan beberapa pihak untuk membantu proses penyesuaian dan ketentuan yang adapada dasar negara.

INTRODUCTION

The international labor or international labor organization, commonly called ILO, is an organization or United Nations or as we know it as the United Nations, it has sought to open up opportunities for common employment between women and men, which is certainly worthy, a job that provides a sense of peace, security, stability, productive, just, and humanizing.



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As we know the primary purpose of this organization was to promote rights whether they created a viable work opportunity, create workplace rights, and provide social protection that would be able to avoid the scope of job problems (Khairunnisa & Pranomo, 2016).

Indonesia is trying to create an environment that has the potential to provide rewards, efforts to implement all decisions of the International Institute, in order to prove its sincerity as a member of the United Nations. Based on this statement, efforts to provide provisions and guidance for trade unions Work is the priority of the State of Indonesia. The effort made was a manifestation of consciousness to improve in order to implement the nation's ideal. This form of awareness can include the promotion of workers' interests, the implementation of ratified ILO provisions, and the understanding of established regulations related to the employment aspect.

Taking fourth place with the criteria of the world's largest populated country provides implications for the opening of the scope of work. These implications will always be in line, where the population increases, potentially expanding the scope of employment. This condition is an urgent factor in trying to realize social welfare for all citizens in accordance with what is mandated by the Basis Negara, namely Pancasila. Indonesia develops ways to benefit working groups according to principles and human rights in the world of work. Then it is related to the net worth of human rights that must be campaigned on to the entire population in Indonesia, in order to realize that the enforcement of workers' rights needs to be tried by all walks of life, because it is not just a government issue.

It is a unique challenge for the state of Indonesia to promote prosperous societies through enhanced labor. It was also affected by a heterogeneous entencephaly that penetrated 370, with the use of 67 local dialects of 225 million people in Indonesia. According to legislation in the country of Indonesia alone it is good enough to welfare its society. Indonesia itself has ratified a total of 19 ILO conventions consisting of the core conventions and a total of 11 conventions. Moreover, on this occasion the authors will discuss in more detail the 8 core conventions that Indonesia has ratified.

The process culminated in early 1998 with the adoption of the ILO Declaration on basic principles and rights in the workplace. This ILO Declaration states that all ILO member states, even if they have not ratified the relevant Convention, respect and promote principles relating to the basic principles they apply based on their membership in the ILO, affirm that they are obligated to advance. The core rights of the ILO, these Conventions mean that all Member States have the right to follow established rules before ratification. The member states shall be able to establish and respect the provisions according to the convention, as they have been jointly regulated and approved by the member states.

On the other hand, whether associated with this ILO (international organization organization) or an international labor organization is an international body under the United Nations that actively participates in protecting the rights of workers worldwide. And the ILO itself, it also has basic principles that covered the organization. These basic principles of the organization include some of the basics, among other things: (a) That a worker or laborer is not a free commodity or com-

modity, which means that the worker also has the right to have the honor of working as an instrument, (b) This freedom of expression and union was essential for the ongoing progress of the workers and their lives, since the rules of freedom enabled them to make a guarantee of the rights of the workers and workers, (c) That poverty everywhere endangers prosperity for all, without exception, in this case means that the effects of poverty itself are not good for workers and may even very well affect the economic stability of both workers and laborers.

According to the expert opinion of J.g. Starke (1972), each international organization is restricted to its functions and legal responsibilities. Therefore in the process of conformity, usually one that has been governed is a special clause linked with its use, object, as well as the power to govern it, which of course has close ties to one another. Examples of the UN charter (the United Nations) have formulated in total a set of four principal objectives: achieving cooperation in addressing the international scope of economic, cultural, and humanitarian rights as well as a revision of the hope for human rights and human freedom in human rights by not considering national, gender, language and religion in the first chapter (3).

Another form of protection against labor or labor is related to the problem of social discrimination in society. At the ILO Convention No.111 it deals with the discriminatory treatment of working world positions, and has also been agreed and approved by the 42nd International Conference of Employment, for which it was declared its approval in Geneva on 25 June 1958. The convention regulates ILO member states that have participated in ratification to require the elimination of all forms of discrimination in working world positions based on such things as skin color, religion, race, gender, nationality, even

political views.

When the 86th General Assembly of the ILO Organization at the Geneva Convention in June 1998, it approved all forms of declaration of termination on discriminatory behavior in working world positions. International Labor Conferences attended by delegates from the ILO are required to implement the ILO Declaration on rights and principles in the world of work. These rights and principles include, among other things, concurrent negotiations, freedom of union, abolition of a job for the minor, and of course discrimination in a job.

The convention contained its purpose in chapter 1. Among the words "discrimination" referred to are: (a) Discrimination, a behavior that isolates or discriminates according to gender, skin color, religion, race, nationality or political opinion that causes equality and equality in a job and position, (b) Difference, an exception behavior that causes it to wear out and lack of equality, which a worker experiences as a result of several factors.

It is also determined that the so-called considerations include: (a) Sudden refusal with the exception or any form of choice related to a particular business because the specific requirements of a particular business shall not be considered as a form of discrimination, (b) For the purposes of this Convention, the terms "job" and "job" include opportunities for vocational training, opportunities for employment and opportunities for a certain status, and working conditions.

In chapter 3, "each member who instituted the convention endeavors to conform to national circumstances and customs," the explanation related to chapter 3, including: (a) Receives help from cooperative and business-working organizations, as well as related agencies to

strengthen to receive and obey approved policies, (b) Forms a regulatory system, and encourages an educational program that supports and adheres to these regulations, (c) Reject or not accept the whole as to the rules of the rules that are of varying nature the instruction and practices that are not in harmony with established wisdom, (d) Supports the authorisation of a divided policy supervised by national entrepreneurs, (e) Always ensure discretion in the skill guidance activities, exercises that surely guarantee compliance of such wisdom to the skill training activities, skill guidance and post office to be led by national leaders, (f) Provides a supplement to the annual report on the implementation of the convention for the action taken in administering the policies of the results already accomplished in the actions of the doing.

Another crucial part of the ILO organization's rule relates to the labor/labor wage. This is similar to the 1951 no. 100 year convention on the same pay for shellac.

In chapter 1 of this convention is: (a) The term "wage" includes the understanding of whether it is paid or paid, principal or minimum, and whatever other income is paid directly or indirectly, either in cash or in material form by superiors as to the work performed by the workers, (b) The equivalent "wages" for male and female workers of equal value 'refers to the assigning of wages without discrimination based on gender. This means that the wages are equated according to the work involved.

In chapter 2 of this convention is: (a) With measures consistent with methods already in force to establish the agreed value of wages according to the regulations of the law, each member must promote according to the way that has been applied to ensure the performance of equal hired principles for the workers and the workers of equal

value, (b) This principle can be carried out with several conditions, among other things: (1) By enforcing established national laws or regulations, (2) Abash is acknowledged by the duly constituted wage governing body, which is legally recognized by the state, (3) Through an agreement between workers and businessmen. (4) By combining some of the established rules in accordance with chapter 2 of the convention.

METHODS

The method of research is empirical juridical. Because this approach makes it possible for a writer's paper on rules in both law and international regulations that are closely related to the study. Every research analysis of this requires data on resolving the problem. The data the author uses for this analysis is a secondary data obtained through research on literature.

This method of analysis is used as the basis for conclusion-making for research that can later be objectively accounted for issues related to ratification in the ILO convention to Law No. 1. 18th of 2017 for perspective in slavery as a violation of human rights. And the conclusion that can be taken deductively is that it's a public way of thinking that leads to a special nature.

RESULTS AND DISCUSSION

The ratification of the international convention finds (ILO) against legislation number 18 of 2017

The country of Indonesia has been a member of the international organization (ILO) since 1950. Since then, Indonesia has ratified some of the conventions. The ratification of some of these conventions will undoubtedly have several objectives, among them will be the realization of the principles of human rights, increase social

protection for all peoples, and create opportunities for viable, earning jobs.

As one of the most densely populated countries in the world, workers are an important factor in the movement of the economy. Indonesia is obligated to safeguard the social welfare of its people, in accordance with the implementation of the 1945 constitution that is the basis of Indonesian law. This presents a unique challenge to the government. The ratification required, therefore, for a number of ILO conventions that are swept up in some of the republic of Indonesia's laws and then renewed into the 2017 no. 18 constitution. In all, there are eight ratified conventions: (a) ILO convention No. 105 of 1957 concerning the Abolition of Forced Labour the convention contained the abolition of all forms of forced labor. The convention was approved by the 40th International Employment Conference and ratified by Indonesia in 1999. It was updated to Considerants letter C Law Number 18 of 2017. (b) ILO Convention No. 29 of 1930 concerning forced work or compulsory labor (forced or compulsory labor) the convention contains either forced labor or compulsory labor. In this convention, all member states of the ILO are required to prohibit all forms of forced or compulsory labor, except those intended to serve the state, such as military service. Then also except for mandatory work in an emergency, court decision, or the form of a cooperative joint. The convention was ratified by Indonesia in 1933. It was updated to Considerants letter C Law Number 18 of 2017. (c) ILO Convention No. 98 of 1949 Concerning the Application of the Right to Organize and Negotiate Together (The Application of The Principles of The Right to Organize and to Bargain Collectively) The convention included the basic right of a person to organize and conduct a negotiation together, and was ratified by Indonesia in 1956. However, since it has not been done to the maximum

extent, this Act was created specifically into Law Number 21 of 2000 concerning the Union. Updated to Article 6 paragraph 1 letter K of Law Number 18 of 2017. (d) ILO Convention No. 87 of 1948 Concerning Union Freedom and Protection of Organized Rights (Freedom of Association and Protection of Rights to Organize) The convention contains the basis of the right to be unionized and organized, ratified in 1998. Updated to Article 6 paragraph 1 letter of Law Number 18 of 2017. (e) ILO Convention No. 111 of 1958 Concerning Discrimination in Employment and Employment (Discrimination in Respect of Employment and Occupation) The convention aims to equalize the rights of workers in national and state life. Ratified Indonesia in 1999. Updated to Article 2 letter G, Article 6 paragraph 1 letter D of Law Number 18 of 2017. (f) ILO Convention No. 100 of 1951 on Equal Pay for Male and Female Workers for Equal Employment (Equal Remuneration For Men and Women Workers for Work of Equal Value) The convention is about the right to be given equal pay between women and men over equal pay. It was ratified by Indonesia in 1957. Updated to Article 6 paragraph 1 letter F of Law Number 18 of 2017. (g) ILO Convention No. 138 of 1973 Concerning Minimum Age for Employment (Minimum Age for Admission to Employment) The convention contains restrictions on the age at which work is permitted. Ratified Indonesia in 1999. Updated to Article 5 paragraph 1 and Article 66 of Law No. 18 of 2017. (h) ILO Convention No. 182 of 1999 Concerning the Elimination of Child's Worst Forms of Employment (Elimination of The Worst Forms of Child Labor) This Convention contains regulations to require the removal of bad jobs for children. Ratified Indonesia in 2000. Updated to Article 34 letter E of Law Number 18 of 2017.

The implications for the ratification of the international convention elections in the 2017 2017 law on migrant workers

According to silalahi (2005: 43), implications are a set of consequences that arise because of the imposition of a policy or program, which allows for a good or a bad cause to one or more of those that are the intended subjects of the policy and program (Silalahi, 2005). In a process of ratification which corresponds to the no. 24 year 2000 international agreement article 6 verse (1), which can be argued that the ratification makes a fundamental difference by simply signing a compact. Where the process of signing an international treaty cannot and is defined as a binding form. While the ratification (ratification) is part of the accession form that is not the accession, the acquisition, and the attainment. The endorsement itself has some criteria in its implementation. An international treaty will be ratified when it comes to: (a) Issues regarding the political aspect, defense and security of the state, and peace. (b) The setting and changing of the boundaries of a country. (c) The right and sovereignty of a sovereign nation. (d) Human rights and environmental issues. (e) Rule of law. (f) Foreign loan and grant issues.

Quoting from different literature, it can be found that a type of agreement if based on a stage of classification into two things: (a) The agreement stages through the negotiation, signing, and ratification process. (b) The agreement phase is passed through the only negotiation and signing only.

The above literature suggests that the ratification stage is a further law for a country to confirm the preliminary stage of signing. According to A. Hamid S. Ratification is a matter related to state law seen from the perspective of its internal procedures (Hamid, Attamimi, 1982). The

ratification can be interpreted externally, only when the ratification of the treaty is said to be a concentrated international act by the treaty and the evidence of its validity is regulated by international treaty law. The ratification process implicates as confirmation action, a state act act against the law act of officials who have signed a full-power agreement. When the process of signing an agreement without full power by the big three, or an official authorized to sign through full power. Then there is the process of bonding and possible adoption. It is worth noting in these conditions that the position of the 2017 number 18 law on pegerja migrants is the source of the law born from the ratification of the ilo convention. Professor bagir has signaled the release of an international treaty in the format of the ratification act as a "scientific contradiction" problem (Manan,2008). According to 2000's no. 24 law on international treaties it is not specifically stated as to the position of international treaties in a constitutional system. However, in statute no. 24 of 2000, it is clear that international treaties can be ratified into the presidential act. Theoretically there are several legal options regarding the placement of international treaties within the law of legislation, which is: (a) The flow of monism, (b) The flow of dualism.

The distinction between these two streams can be described in the following table:

Table 1. Difference of Monism and Dualism

Monism	Dualism
International law and national law can be said to be a unitary unit.	International law and national law have different jurisdictional ranges by region.

The implementation of international legal norms by law enforcement is the same	The implementation of international legal norms by law enforcement as national legal norms
International law is incorporated by national law	International law is transformed into national law
Allowing legal conflict to arise	It does not allow conflicts because the jurisdiction is different

Source: Damos Dumoli Agusman (2010)

In Indonesia, it does not place any strict restrictions on the above two streams. It's just that today the character of international treaties is becoming more intrusive. Thus it cannot be seen as an act of regulating the conduct of a country with another country, but also related to how the state treats the country itself (Glashausser, 2008). When Indonesia ratified the International Labour Organization (ILO) Convention into Law No. 1 of the World Trade Organization (WTO) in 1959, it was the first time that Indonesia had ratified the International Labour Organization (ILO) convention. 18 In 2017, all ratified material was legally binding, whether it be national legal or international law, and no longer required national legislation to make the treaty legally binding. It has been described in Article 13 of Law Number 24 of 2000 that the laying down of legislation resulting from ratification/enforcement of an international treaty in a country sheet is intended so that every citizen can know that the Agreement by the Government has been binding on everything that is in place. Including Indonesian citizens.

Due to the ratification process of the ILO convention, the government had to accept all forms of consequence of this act, especially in *Lex loci delicti*, that any act of law would apply within its jurisdiction. Therefore, this enactment/ratification encourages the government to further increase the protection of workers, not only Indonesian workers, but also TKA (Foreign Workers) while in its jurisdiction. This is because the rule of law applies in which country the event occurred. The protection of migrant workers is also an imperative of human rights enforcement.

The ratification of the international convention elections in the 2017 2017 law on migrant workers will be ratified

In the international agreement law, the no. 24 year 2000 bill for ratification or ratification requires a bill of approval of the house of representatives, to be negotiated as a national law. Article 9 of the bill turns out to be. Gives the implications of clarifying article 11 of the 1945 constitution concerning the phrase "parliament agreement". The President's letter 2926/hk/1960 mentions that only urgent agreements have obtained approval of the house of parliament, hence it provides broad coverage when the agreement during ratification was ratified. It can be concluded that the parliament no longer has the power to prior prior consent proceedings.

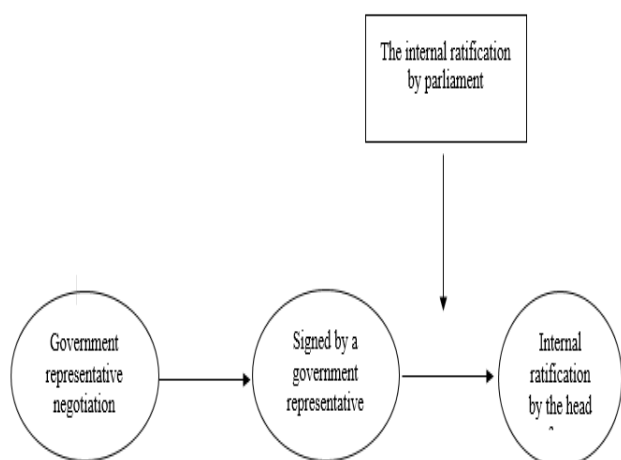
Legislation on legislation that corresponds to act number 10 in 2004 on legislation forming, explaining that there are two stages of legislation that is: (a) Through prolegnas, which in this effort would not require the approval of President RI. (b) Not through prolegnas, who in certain circumstances were enabled to get permission from President RI.

When legalization is incorporated into the form of legislation, it applies more constitutional rights than the parliament as

a legislative legislature. Professor natabaya suggests that "approval of the house" must have implications in the birth of the article "the law". (Natabaya, 2000). In line with the opinion of professor Utrecht that the agreement of the house of representatives of the international agreement can be interpreted as a formal perception. However, opposite to hamid attamimi's suggestion that not always the "parliament" would give birth to the product of the law (Hamid, 2022). In the 2017 no. 18 act it is a kind of ratification act through the "approval of the house." As for the ratification phase of the 2017 no. 18 year 2017 ratification of the international agreement Labour organization can be described as follows:

Approval of house model confirmation

Chart 1. Line of Approval/Ratification of DPR model



Source: Damos Dumoli Agusman (2010)

From the chart it may be known that to promote the legitimacy of an international agreement that in practice often concludes. Therefore, under article 11 of the constitution of 1945, the President was commissioned as the head of state (executive) to make an international agreement on the approval of the parliament in the form of confirmation. Hence, the ratified international agreement of the confu-organization (ILO). To the 2017 statute of

18 is legally binding to the country that ratifies it.

State obligations in the process of ratification

Ratification itself is the principal goal of entering and enforcing regulations into the national legal system within a country. A process for ratification forms one type of country participation in an international agreement. Ratification by ratification may be the act or rule of a President or press. It is hoped that rationing an international agreement will enhance the culture of law, legal content and legal structure. A country in the ratification process has some obligations such as countries should actually ensure that there is harmony between international treaties and regulatory regulations or constitutions in the country. Because it's important to see if the international agreement conflicts with the constitution or not. The conflict of norms within the international agreement can be seen after the international agreement is followed.

This harmony is essential because the constitution on a country is the highest form of rule in any state. Then, in order to show that the same point of view the current government will ratify the international agreement with the public's point of view. So the equations of viewpoint between government and DNA also need to be done and agreed upon to be incorporated into the constitution. Because people have the right to obtain sovereignty and the government, who receive it from the community as well as the exercise of it. The constitution is also a tool for management and insure that governments can perform their duties towards communities such as welfare. People also have the right to monitor their duties as well as through electronic media, to vote for them directly on the basis of elections to carry out material tests of government legislation.

Then, too, to ensure the absence of covert interventions one country can commit to the sovereignty of another, owing to international treaties that are often used as state one political instrument to another.

In the process of ratification of an international agreement, changes need to be made into national law. Because there will be a change in conditions in a country that will also follow. A country has an obligation to be able to transform the rules of the international agreement into regulations of legislation. In these matters it is important to translate the rules of an international agreement into the regulatory rules. The reason for the need for such transformations is that the international agreement with the law category makes it a goal to change the rules in a country. Another is the result of the ratification provision that cannot be used as a basis for enforcing an international agreement within national law.

In both the President's laws and regulations, the ratification only contains two chapters. The first is about the legalization of laws for international treaties, and then the second contains the beginning of time for them to expire. There are a lot of rules in international treaties that are followed by a country especially Indonesia that is contrary to national law in Indonesia. If so, then the national law in Indonesia must be an amendment, and if there is no arrangement, there is a possibility of a new appearance. The amendment must be promptly made to minimize the confusion between the use of the provisions of the international agreement and the regulations of legislation.

CONCLUSION

The control and guardancy of workers' rights is inherent in the urgency of international law, so the international organization advocates the rights of labor and guarantees the continuity of those

rights created by ilo, an international organization that seeks to provide shelter, opportunities, and opportunities for the rights of the laborers. The law created by ilo became the international law that can ratify the laws of a country. Indonesia became one of the countries that ratified the law of the ilo convention.

Indonesia ratifies at least 8 (eight), ilo convention signed and ratified in the 2017 no. 18 constitution. The ratification resulted in the effects of the ratification already bearing on confirmation action, signing, and adoption. The process for ratification must correspond to the provision made by the no. 24 of 2000 act on international agreements.

By passing legislation does not necessarily require approval of the house, and the validation of the agreement of the house may be viewed as only a formal thought. However, the 2017 statute number 18 is one of the kinds ratified by the approval of the house of representatives, in other words, as a confirmation for the process to ratify the ilo convention to Indonesian law, which contained the 18 year 2017 law. Countries have an obligation to implement the ratification process by adjusting the harmony of the international agreement to the country's constitution, the urgency of the international agreement. This is because the transformation of international treaties into positive laws can affect society. To prevent recourse of retraction between the international convention and the constitution of the country requires proper translators and interpretations so that implementing the law will go well, as expected

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