

## **UNDERGRADUATE THESIS**

### **Human Rights Protection on Migrant Workers in the International Law and Indonesian Law Perspective**



Proposed By:

NAME	: WANDA AB. DUWILA
STUDENT NUMBER	: 20080610078
MAJOR	: LAW
STUDY PROGRAM	: LAW SCIENCE INTERNATIONAL PROGRAM FOR LAW AND SHARIA

**INTERNATIONAL PROGRAM FOR LAW AND SHARIA  
FACULTY OF LAW  
UNIVERSITAS MUHAMMADIYAH YOGYAKARTA**

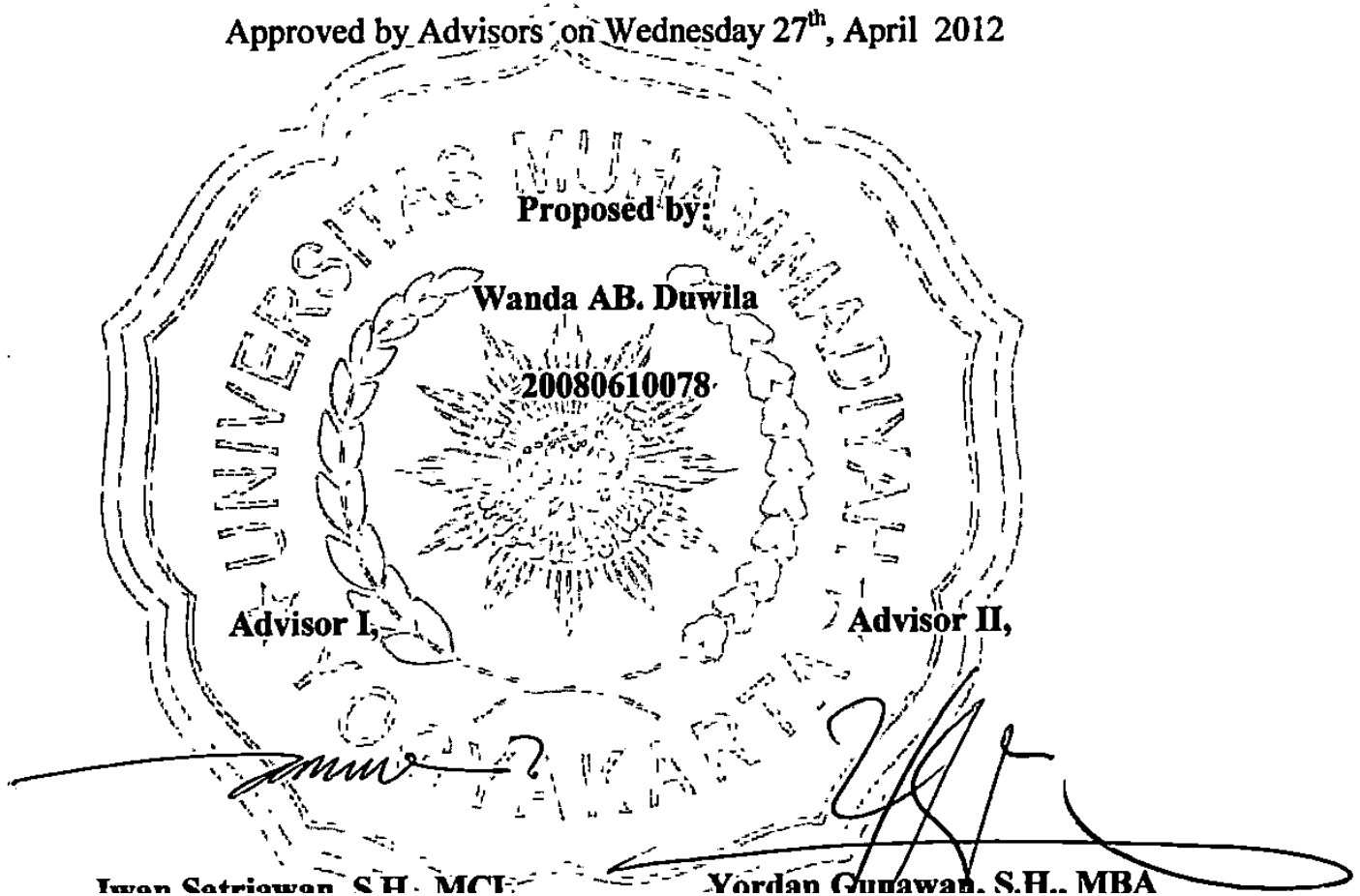
## **APPROVAL PAGE**

### **Human Rights Protection on Migrant Workers in the International Law and Indonesian Law Perspective**

### **UNDERGRADUATE THESIS**

**This undergraduate thesis is submitted as requirements to obtain the law degree  
at Faculty of Law, Universitas Muhammadiyah Yogyakarta**

**Approved by Advisors on Wednesday 27<sup>th</sup>, April 2012**



**CERTIFICATION PAGE**

**Human Rights Protection on Migrant Workers in the International  
Law and Indonesian Law Perspective**

**UNDERGRADUATE THESIS**

**Has been presented to the board of examiners on Monday, 2<sup>nd</sup> May 2012**

**Chairman**



**Dr. Nur Islami, S.H., M.Hum**

**NIP. 0003106101**

**Member I**



**Iwan Satriawan, S.H., MCL**

**NIK 153039**

**Member II**



**Yordan Gunawan, S.H., MBA**

**NIK 153054**

**Approve by**

**The Dean of Faculty of Law**

**Universitas Muhammadiyah Yogyakarta**



**H.M. Endriyo Susilo, S.H., MCL.**

**NIK 153042**

## **MOTTO**

“By time, indeed, mankind is in loss, Except for those who have believed and done righteous deeds and advised each other to truth and advised each other to patience.” (Q.S. Al-Asr)

“Our greatest glory is not in never failing, but in rising up each time we fail.”

## **DEDICATION**

I dedicate this thesis to:

Allah SWT

Mommy and Daddy: Windy W. Mandiri and Drs. Zulfikra B. Duwila. Mom, Dad, without your pray and motivation I cannot do this, even though sometimes I made your tears falling down but I do believe, your love will keep me anytime.. anywhere.

Grandma and Grandpa (Rest in Peace): Hi. Sainah Buamona and H. Abdullah Duwila eventhough you can't saw me and hug me anymore but I am sure you still beside me, give me your support, and always love me.

My brothers: M. Iqbal A. Duwila and Rizkullah B. Duwila life is not easy, like a fiction books, we have face it all good or evil. And i do believe both of you can overcome those obstacles.

My beloved Program: International Program for Law and Sharia Faculty of Law

Universitas Muhammadiyah Yogyakarta

## PREFACE

Alhamdulillah, at last i can finish my thesis titled "HUMAN RIGHTS PROTECTION ON MIGRANT WORKERS IN THE INTERNATIONAL LAW AND INDONESIAN LAW". Thanks to Allah SWT who always gives me His blessing, power and guidance to finish this undergraduate thesis. Thanks to my advisors, Iwan Satriawan, S.H., MCL and Yordan Gunawan, S.H., Int.MBA who guided me through this journey with patient, wisdom and compassion. Thanks to all the lecturer of Faculty of Law for the support, effort, time and patient in transferring your knowledge and wisdom to me during my learning process.

Special thanks are owed to my beloved family Mommy and Daddy your love makes me standing still and through it all. My beloved brothers especially for my brother M. Iqbal Alfaridzi I hope you can be a responsible man for your family in the future. My big family, aunts and uncles who always support me to do my best, and also give me extra money, I am so grateful to have you all. May Allah bless us all.

My close friends, especially for batch 2008 (Anin, Damas, Huda, Indro, Meta, Miki, Raid), almost 4 years we were being together through all the sad and happy time. I do believe, even if we are separated in distance we can still be together.

My lovely friends, Kak'Frenty (I learn so many things from you brother, that perhaps I cannot found it in outside), Kak'Irfan, K'Ady, Mbak'Okti,

Mbak'Kila, Mbak'Susila, Mase'Fien and Mase'Yera (thanks for being there

when I fall, I cried and also be good listeners) Ikhwan Pendekar, Syapri, Dek'echa, Dek'ria, Dek'arum, Dek'dinda, Dek'Ima, Dek'Kiky. And all of my friends I'm sorry I cannot mention you all. And also the cutest stuff "rere" my best motorcycle that I ever had and "my beloved lenny" small but handy

## TABLE OF CONTENTS

<b>APPROVAL PAGE.....</b>	<b>ii</b>
<b>VALIDATION PAGE.....</b>	<b>iii</b>
<b>MOTTO PAGE.....</b>	<b>iv</b>
<b>DEDICATIONS PAGE.....</b>	<b>v</b>
<b>PREFACE.....</b>	<b>vi</b>
<b>TABLET OF CONTENTS.....</b>	<b>vii</b>
<b>CHAPTER I: INTRODUCTION</b>	
A. Background.....	1
B. Research Question.....	8
C. Research Objective.....	8
D. Benefits of the Research.....	9
1. Practical	
2. Theoretical	
<b>CHAPTER II: LITERATURE REVIEW</b>	
A. An Overview of Human Rights.....	10
B. Who is Migrant Workers?.....	11
C. International Law and Indonesian Law pertaining to the Migrant Workers	13
D. An Overview of Human Rights Violations	16



E. International Law and Indonesian Law Protection on Migrant Workers	
a. Migrant Workers from International Perspective.....	18
b. Migrant Workers from Indonesian Perspective.....	21

### **CHAPTER III: RESEARCH METHOD**

A. Type of Research.....	29
B. Data Collection.....	29
C. Data Analysis.....	30

### **CHAPTER IV: RESULT AND DISCUSSION**

A. Analysis on Protection of Migrant Workers from International Law	31
B. Analysis on Protection of Migrant Workers from Indonesian Law	36
C. The Problem of Migrant Workers Protection	
1. The Problem of Migrant Workers Protection from Indonesian Government	47
2. The Problem of Migrant Workers Protection from International Institution	52

### **CHAPTER V: CONCLUSION AND RECOMMENDATION**

A. Conclusion.....	55
B. Recommendation.....	56