

COMPARISON OF LEGAL PROTECTION OF LABOR WAGES IN INDONESIA AND SINGAPORE

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ABSTRACT

The lack of job vacancies in Indonesia has resulted in many citizens preferring to go abroad such as Singapore to look for work, they work as Indonesian workers (TKI). The aim of this research is to find out legal protection for Indonesian workers. In this research the author uses normative juridical legal research methods or library research. The results of the research show that regarding the protection of workers' wages, Indonesia has regulated it clearly in Law Number 13 of 2003 concerning Employment and Government Regulation of the Republic of Indonesia No. 3 of 2013 concerning Protection of Indonesian Workers Abroad. The Role of the Government in Indonesia in Protecting Indonesian Workers (TKI) in Singapore are regulated in Law no. 39 of 2004 and supported by Law No. 37 of 1999 concerning Foreign Relations. The Indonesian government has taken steps to protect Indonesian migrant workers, including through the enactment and ratification of Law Number 39 of 2004 concerning the Detention and Protection of Indonesian Migrant Workers Abroad, the Establishment of the National Agency for the Placement and Protection of Indonesian Migrant Workers (BPN2TKI)

Keywords : Indonesian Workers, Legal Protection, International Law

A. INTRODUCTION

In current world developments, Indonesia is considered a developing country and has a problem, namely its population. Indonesia's population growth increases significantly every year, which has a major impact on increasing the workforce. Apart from that, Indonesia's economic growth is still weak, and development prospects are uncertain. As a result of these restrictions, the pace of the Indonesian economy is very dependent on the business world, namely exports and investment. (Putra et al, 2022)

To overcome the problems of economic growth and employment, the Indonesian government has attempted to attract foreign investors to invest in Indonesia. Overcoming one of the problems of employment and unemployment in Indonesia requires investment or relocation to the real sector which is currently uncertain and due to underdeveloped business and investment. This large amount of unemployment is caused by an imbalance between the availability of jobs and the number of workers. For this reason, the Indonesian government is looking for the best way to solve the employment problem, but evidence shows that there are still many unemployed people here and there in Indonesia. Due to the large number of unemployed in Indonesia, job seekers migrate either from one region to another or abroad. Because the wage system abroad is relatively large compared to Indonesia, they move abroad and work abroad as workers (Zulfikar et al, 2012)

The Indonesian government is very Benefits from the presence of workers migrating abroad, namely because it not only reduces unemployment, but can also bring many foreign investors

to Indonesia. However, not all of a person's hopes and dreams can be fully realized. This is also experienced by many workers from Indonesia who migrate abroad, such as to Singapore. In these destination countries, many workers experience problems such as inappropriate treatment, forced labor without wages or torture by employers or masters at their workplace (Ida Hanifah, 2020) .

These various employment problems are mainly caused by a lack of attention from developing countries and labor countries that send workers abroad. Lack of attention, lack of protection, for this reason International Law has a role in providing protection and legal certainty in overcoming the problem of violations in the world of work, both for foreign workers and Indonesian workers to fight for their rights so that undesirable things do not happen. . Due to the large number of cases of Indonesian workers abroad, there is a need for legal protection both internationally and nationally as well as the role of the government which is able to overcome the problems or problems that exist so far related to the placement and protection of migrant workers. Before they go to work in Singapore, during the work period, and after work, and when they return to Indonesia. Here, mutual coordination is needed between local governments, the Ministry of Human Resources and Immigration, the Indonesian Migrant Worker Placement Protection Agency, the Ministry of Foreign Affairs and other relevant authorities, and it is necessary to avoid problems. In this way, it is possible for the labor agency to monitor every step of the migrant worker's journey and follow up if problems arise regarding migrant workers, so that it is known whose responsibility it is and legal issues regarding labor can be resolved and dealt with (Kadek Kresna, 2022) .

From the various descriptions above, the author is interested in making a study with the title Comparison of Legal Protection for Labor Wages in Indonesia and Singapore. To make it easier for the author to carry out research, the author has formulated it into three problem formulations, namely: the first 1). How does legal protection for labor wages compare in Indonesia and Singapore?, second 2). What is the Role of the Government in Indonesia in Protecting Indonesian Workers (TKI) in Singapore ?, and the third 3). What are the steps taken by the Indonesian government to protect Indonesian workers in Singapore ?

In this research the author uses normative juridical legal research methods or library research. This is research that examines document studies, namely using various secondary data such as statutory regulations, court decisions, legal theory, and can be in the form of expert opinions. This normative type of research uses qualitative analysis, namely by explaining existing data with words or statements, not with numbers. This type of normative juridical legal research or research that finds the truth of coherence, namely whether there are legal rules in accordance with norms and whether there are norms in the form of orders or prohibitions in accordance with legal principles, as well as whether a person's actions are in accordance with legal norms or legal principles (Zainal Ali, 2021).

B. DISCUSSION

1. Comparison of Legal Protection for Labor Wages in Indonesia and Singapore

The placement of migrant workers abroad is carried out by taking into account dignity, human rights, legal protection, equal employment opportunities, and providing employment opportunities for workers and preparation of workers in accordance with national needs. Work is very important in human life so everyone needs it. Work can be interpreted as a source of income for a person to meet the living needs of himself and his family. It can also be interpreted as a means of self-fulfillment where a person feels that his life has become more valuable for himself, family and the environment. Therefore, the right to work is a human right that is inherent in a person which must be respected (Ratih Probisiwi, 2015) .

However, in reality, due to the limited number of job vacancies available in the country, many Indonesian citizens are looking for work abroad or becoming Indonesian Migrant Workers (TKI) such as in Singapore. The number of people working in Singapore increases from year to year. On the other hand, the number of workers working in Singapore and the number of Indonesian workers working in Singapore have a positive side in overcoming several unemployment problems in the country, but there is a risk regarding the inhumanity of Indonesian workers outside. TKI can be exposed to this risk both when working abroad and during the departure process after returning to Indonesia. Therefore, preventive measures must be taken to avoid or at least reduce the risk of inhumane treatment of migrant workers (Brandon, 2022).

Basically, this problem requires appropriate and appropriate legislation to regulate the proper placement of workers. Providing good services and intermediaries includes the principles of cheap, fast, uncomplicated and safe. Regulations that violate these principles lead to the placement of illegal workers, which of course results in minimal protection for the workers involved. With the increasing number of migrant workers wanting to work in Singapore and the number of migrant workers currently working in Singapore, there are cases where migrant workers are treated inhumanely at home and abroad. Incidents related to the fate of Indonesian migrant workers are increasingly diverse, even leading to human trafficking, which can be classified as a crime against humanity. Legally, so far the statutory regulations that underlie the placement and protection of migrant workers abroad are *the Staatsblad* of 1887 Number 8 and the Ministerial Regulation concerning the Deployment of Indonesian Migrant Workers to Work Abroad, as well as implementing regulations. The regulations of this ordinance are so simple and short that they cannot substantially meet growing needs. Weak ordinances and the lack of laws governing the detention and protection of migrant workers in Singapore have so far been overcome by ministerial regulations and enforcement regulations. Other obstacles in protecting migrant workers abroad are different jurisdictions, the binding legal force regarding the legal protection of migrant workers abroad, and the will of law enforcement officials (Arpangi, 2016).

At world level regulations, you can see jurisdictional limitations and binding legal force. For example, in the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which was signed on January 31 2007. Although the contents of this Declaration fully reflect the rights of Indonesian migrant workers, it is not binding and depends on the commitment of each signatory to implement it. The same obstacles also apply to the 1990 International Agreement concerning the Protection of the Rights of All Migrant Workers and Their Families. In general, countries hosting migrant workers abroad have not yet ratified it, and Indonesia itself has only just signed and not yet ratified it. In connection with the various notes signed, this can provide a framework for bilateral cooperation in the placement and resolution of migrant workers' overseas problems, but will not attack the legal systems of other countries. Local level regulations are also subject to legal restrictions. Considering that the issue of foreign migrant workers is cross-regional and even cross-border, the initiative to create a good *Perrdur Perrdur* is meaningless if other regions do not have the same procedures. Cases of falsification and recruitment of undocumented KTPs do not occur at TKI's residence abroad in the future. In addition, Law No. 39 of 2004 does not clearly regulate the authority of regional governments over the detention of migrant workers abroad and the resolution of problems of migrant workers abroad (Hanif Nur Widhiyati, 2020).

With the enactment of Labor Law No. 13 of 2003, the Ordinance on the Deployment of Indonesian Workers Abroad becomes invalid, and the obligation to send workers abroad is regulated by other laws. Individual legal regulations are expected to be able to develop legal

norms that protect migrant workers from various attempts and inappropriate treatment by foreign employers. By referring to Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, this law basically needs to protect citizens, especially those who exercise their right to work abroad, so that they can obtain employment services quickly and easily. Simply put, worker safety is prioritized in a dignified manner, both physically, morally and in their honor and dignity as workers (Febri, 2019).

Regarding the protection of workers' wages, Indonesia has regulated it clearly in Article 88 of Law Number 13 of 2003 concerning Employment. And to protect the rights of Indonesian workers who work abroad such as Singapore, the Indonesian government has issued Republic of Indonesia Government Regulation No. 3 of 2013 concerning Protection of Indonesian Workers Abroad.

2. The role of the Indonesian government in protecting Indonesian workers (TKI) in Singapore

Due to the large population and unequal employment opportunities in Indonesia, many people complain that it is very difficult to find work, and many choose to work abroad. There's a lot of work. These workers who work abroad are known as migrant workers or TKI. This means people who work in countries where they are not citizens of the country where they work for a relatively long time. Migrant workers are also known as TKI. For citizens working abroad (TKI), the Indonesian government is obliged to protect its citizens abroad. In protecting migrant workers abroad, the state faces problems between the interests of protecting foreign citizens and the laws that apply in the country to Indonesian citizens (I Gede Angga Aditya, 2022).

Protection of citizens has two different legal areas, namely the national legal territory and the legal territory of the receiving country or the place where the worker works so that as long as the migrant worker is still in Indonesia, if a potential violation or judgment against the migrant worker occurs, the existing law in Indonesia is U Invitation No. __ 13 years and other laws and regulations related to this issue. This is because future migrant workers are still within Indonesia's sovereign territory, but if future migrant workers are already abroad, it is impossible according to Indonesian law, even if they are not working, then the future migrant workers' law applies to migrant workers is also different. Reaching or exceeding its jurisdiction. Since this is an intergovernmental issue, to protect these workers, international law is necessary so that law enforcement agencies will comply with local laws if one of the workers has problems abroad must follow and comply with the laws in force in the Country where they are located (Barda, 1990).

In Law no. __ 39 of 2004 Article 6 states that the government is responsible for further efforts to protect Indonesian migrant workers abroad, so that these migrant workers are appointed without encouragement and pressure from outside parties. Protecting migrant workers also requires the involvement of various political parties, including migrant worker families, trade unions, and other political parties that clearly exist. Protecting migrant workers is the duty of the State Secretary as well as the Secretary of State. This is in accordance with Article 19 (b) Law no. 37 of 1999 concerning Foreign Relations. This means that the Representative of the Republic of Indonesia is obliged to provide protection, protection and national legal assistance to Indonesian citizens and foreign legal entities. To comply with laws and regulations, as well as international laws and practices. In connection with existence If there is a problem of legal protection for migrant workers, there needs to be an agreement between Indonesia and the country where the migrant workers are located which is intended to overcome the problem of legal protection for migrant workers that already exists between

countries. This agreement, called an international agreement, a special form and appointment agreement regulated by international law, is made in writing and establishes rights and obligations in the field of public law. Because international agreements affect the interests of both countries, the contents of the agreement must be able to bring together the strengths of the two countries for common interests and goals without limiting their capabilities (Achmad Zulfikar, 2019).

The position of an international agreement is between two countries, and no State burdened or encumbered. Because relations between the two countries have been established, The Indonesian government can improve diplomatic relations between the two countries. Article 7 Letter D states that the Government will make diplomatic efforts to maximize the rights and protection of TKI in the destination country, as in Law Number 37 of 1999. Because protection issues must be in accordance with national law of the host country or international law, the contents of the agreement International law also limits the protection of migrant workers, and agreements between the two countries must not touch the root of the problem. It is not possible to protect the offer directly. As We know, bilateral agreements only states a bilateral obligation to provide protection, so that existing problems will continue to be resolved by the laws of the countries with worker migrant. Protection of TKI can only be implemented in Indonesia based on national law where the TKI are located (wahyudi et al. 2019).

The Indonesian government needs to ratify international agreements to protect foreign workers and improve diplomatic relations between the two countries. For example , Indonesian and foreign workers can apply laws that apply internationally. Apart from ratifying international agreements, the Indonesian Government also wants Law Number 39 (PPTKILN) of 2004 concerning the Placement and Protection of Foreign Migrant Workers, because this law cannot provide protection for foreign Indonesian Migrant Workers. And what is no less important, the Indonesian Government needs to review and perfect the memorandum of understanding with TKI recipients. There are several international agreements that clearly guarantee labor protection. International human rights law regulates the rights to life, personal security, torture and other forms of cruel, inhuman or degrading treatment. In the Declaration on the Elimination of Violence against Women, the United Nations has stated that it is obliged to prevent, investigate and punish violence against women, whether by states or individuals, in accordance with national and international law. All countries have a responsibility to address the violence workers face at every stage of the migration process. To fulfill obligations under international human rights law, all parties must do something to prevent and stop such violence, including punishing perpetrators of violent crimes, in accordance with applicable laws and established programs. Because the protection of migrant workers abroad is only in accordance with the laws and regulations in force in Indonesia, various types of violations of migrant workers by entrepreneurs continue to increase without a clear and targeted response from the Indonesian government. As a result, foreign migrant workers are in poor working conditions and quality of life, and worse. With the Ratification of the 1990 Immigration Treaty only a discourse, the Indonesian government can see from their journey. The agenda for ratifying the Immigration Treaty is included in the National Human Rights Agenda (RAN) 1998-2003, RANHAM 2004-2009, and RANHAM 2010-2014, but until now it has not been implemented because there is no goal for its achievement target (Darmawan Yusuf, 2023).

The employment relationship between migrant workers and employers begins with the existence of an employment contract between both parties. The work contract contains the rights and obligations of both parties which are regulated in the agreement between the

province of Indonesia and the country where the TKI resides. Therefore, the relationship between the two parties between migrant workers and their state employers cannot be separated from the relationship between the two countries. Because TKI are the weak party, they actually need significant protection, because there are economic, social and psychological differences in the work relationship between TKI and their employers, so stronger protection is needed. To protect Indonesian workers abroad, the National Agency for Placement and Protection of Indonesian Workers (BNP2TKI) will organize employment based on a written agreement. coordinated by the Minister of Human Resources in accordance with Article 4 of Presidential Regulation No. 81 of 2006 in carrying out its functions and duties. For this reason, if Indonesian workers are needed, the Minister of Manpower will take over and handle the placement management process. Abroad, it is important to know that state diplomacy has another body in charge, the Minister of Foreign Affairs. Because there are two institutions operating in the same field, this means that the Minister of Manpower and the Secretary of State must coordinate so that problems do not occur. There are several agencies involved in protecting migrant workers, so it is necessary to coordinate between BNP2TKI and the Ministry of Manpower and the Ministry of Immigration, as well as between the domestic Ministry of Manpower and the Ministry of Foreign Affairs (Guus Heerma et al, 2012) .

3. Steps taken by the Indonesian Government to protect Indonesian workers residing in Singapore

There are two options for migrant workers to work abroad. The first is through formal channels, usually managed by the employer and officially approved by the government. Second, through illegal channels where TKI are smuggled by certain factors in the name of PJTKI. This is the root of the problem. Because the government of the country where the TKI operates will hold the TKI and the Indonesian government responsible for illegal entry if inappropriate action is taken. Most of the problems are faced by informal sector migrant workers, who travel abroad through illegal channels who come from poor families and have low education. In their own country (before departure), they were treated badly. The following is an example : 1) When employing migrant workers, Indonesian Labor Service Providers (PJTKI) usually do not use official company representatives, but through intermediaries/brokers and they take advantage of this opportunity to seek personal interests. This can be seen from the various amounts they charge, ranging from hundreds of thousands to millions of rupiah. Those who want to pay in advance are small, but of course there are many debt contracts, so you can pay on your way home from work. In fact, employers pass on placement costs to hiring managers.2) Forgery of documents. The age of the workforce is usually tampered with using an identity card or passport. The perpetrators here are not only brokers, but also state officials, namely KTP makers, village/district/village offices and immigration offices that issue passports. 3) At shelters. Here, they are treated sparingly and even subjected to extortion and sexual harassment by security officers and PJTKI agents. PJTKI provides training, but the curriculum provided is not designed to meet your needs and minimizes the use of equipment and foreign languages (Erwan , 2007).

In fact , they have insight and knowledge about the destination country, the nature of work, rights and obligations, how to read and fill out an employment contract, what to do if harassment occurs, and how to improve their negotiating position with the employer. I need it . Competent party . It's also unclear how long they will have to stay at the property. From weeks or months. Ironically, the costs of living in the shelter are borne by the TKI themselves. Therefore, if the government is serious about protecting TKI, it needs to start with the TKI recruitment and reform process first. At this stage, you need to manage illegal

brokers/brokers and agents operating in certain areas. Alternatively, it can be done through simple bureaucracy at a reasonable cost. Lastly, socialize the bureaucracy to the community. Therefore, the brokers will be eliminated by themselves. While the problems experienced by TKI are at their destination, TKI face the problem of being easily released into the employer's home environment without protection and supervision from government agencies/PJTKI. Most of them previously did not know the name and address of the employer, not to mention other identities. In fact, until they work. Not surprisingly, if there is a problem, not much can be done because of the weakness of existing laws. On the other hand, those who run away from their employers usually do not carry documents, including passports. In fact, the government is taking steps to protect Indonesian migrant workers so as not to harm them. These steps include:

- a) Issued Minister of Manpower and Immigration Regulation Number 157/MEN/2003 concerning Insurance Coverage for Indonesian Workers Abroad.
- b) Cooperation Agreement (MOU) for the Placement of Indonesian Workers with several countries receiving TKI, namely Jordan and Kuwait 1996 and Malaysia 2004.
- c) (c) In some countries (Saudi Arabia, Kuwait, Malaysia), TKI by an advocacy team consisting of officials and students working in that country, and local lawyers in that country. This advocacy team is responsible for the registration, monitoring and defense of migrant workers abroad.
- d) Implementation of a one-stop system for transporting migrant workers to Singapore via Batam Island Embarkation.
- e) Improving the quality of migrant workers sent abroad, especially domestic workers (PRT) who are limited to a minimum of secondary school education. They are expected to have better skills in work skills, language skills in the destination country, mental preparation and meet the minimum age requirements for migrant workers.
- f) Coordinate with relevant agencies in countries receiving TKI to handle the placement and protection of TKI.
- g) (g) Establishment of the Law on the Detention and Protection of Indonesian Workers Abroad (PPTKLN).
- h) (h) Implementation and Ratification of Law Number 39 of 2004 concerning Detention and Protection of Indonesian Workers Abroad.
- i) Establishment of the National Agency for the Placement and Protection of Indonesian Workers (BPN2TKI) based on Presidential Decree Number 81 of 2006.

The National Agency for the Placement and Protection of Indonesian Workers (BPN2TKI) is a non-departmental government agency (LPND) whose mission is to provide coordinated and integrated policies in the field of placement and protection. How to apply Indonesian migrant workers (Barudin, 2007).

BPN2TKI's mission is to provide services, coordinate and carrying out monitoring, documentation, final departure provision (PAP), problem solving, funding, departure to repatriation, and improving the quality of migrant workers. Even processing written legal agreements between the Indonesian Government and the Government of foreign countries that are used as placement destinations. However, the protection system adopted by the Indonesian government is still verbal and limited to statements and decisions, providing ample opportunity for brokering practices by the PJTKI Mafia and the Government to return to their homeland. The state continues to prioritize foreign exchange obtained from migrant workers. Even the latest law that protects migrant workers, Law 39 of 2004, is not yet

comprehensive because it positions migrant workers as exporters of goods, not as dignified individuals. Therefore, this law does not create a system that favors Indonesian migrant workers (Aziz Senoaji, 2014).

C. CLOSING

1. Conclusion

- a) Regarding the protection of workers' wages, Indonesia has regulated it clearly in Article 88 of Law Number 13 of 2003 concerning Employment. And to protect the rights of Indonesian workers who work abroad such as Singapore, the Indonesian government has issued Republic of Indonesia Government Regulation No. 3 of 2013 concerning Protection of Indonesian Workers Abroad.
- b) Law no. 39 of 2004 Article 6 states that the government is responsible for further efforts to protect Indonesian migrant workers abroad, so that these migrant workers are appointed without encouragement and pressure from outside parties. Protecting migrant workers also requires the involvement of various political parties, including migrant worker families, trade unions, and other political parties that clearly exist. Protecting migrant workers is the duty of the State Secretary as well as the Secretary of State. This is in accordance with Article 19 (b) Law no. 37 of 1999 concerning Foreign Relations. This means that the Representative of the Republic of Indonesia is obliged to provide protection, protection and national legal assistance to Indonesian citizens and foreign legal entities. To comply with laws and regulations, as well as international laws and practices
- c) The Indonesian government has taken steps to protect Indonesian migrant workers. These steps include: Issued Regulation of the Minister of Manpower and Immigration Number 157/MEN/2003 concerning Insurance Coverage for Indonesian Workers Abroad, Cooperation Agreements (MOU) for the Placement of Indonesian Workers with several countries receiving TKI, namely Jordan and Kuwait 1996 and Malaysia 2004, in several countries (Saudi Arabia, Kuwait, Malaysia), TKI by an advocacy team consisting of officials and students working in those countries, and local lawyers in those countries. This advocacy team is responsible for registering, monitoring and defending migrant workers abroad, implementing a one-stop system for transporting migrant workers to Singapore via Embarkation on Batam Island, improving the quality of migrant workers sent abroad, especially domestic workers (PRT) who are limited minimum secondary school education. They are expected to have better skills in work skills, language skills in the destination country, mental preparation and meet the minimum age requirements for TKI, Coordinating with relevant agencies in countries receiving TKI to handle the placement and protection of TKI, Establishment of the Detention and Protection of Indonesian Migrant Workers Outside State Affairs (PPTKLN), Implementation and Ratification of Law Number 39 of 2004 concerning Detention and Protection of Indonesian Workers Abroad, Establishment of the National Agency for the Placement and Protection of Indonesian Workers (BPN2TKI) based on Presidential Decree Number 81 of 2006.

2. Suggestions

The advice that I can give as a writer is that I hope that Indonesian workers in Singapore can be given legal protection both nationally and internationally and that the government has an important role in protecting migrant workers because they are workers who are trying their luck in other countries, far from their families and there are also family backbones so that their families can live a decent life in Indonesia, TKI also provide

benefits to the Indonesian government because they can bring investors from abroad to Indonesia where these profits can be used to progress the development and development of Indonesia so that it becomes a prosperous country. better and more prosperous so that we can expand job vacancies in Indonesia.

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