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# Protection of Constitutional Rights Against Indonesian Women Workers

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**Abstract**—Female Labor generates foreign exchange. Objectives: want to know among other things: (1). TKW as a supporter of foreign exchange (2). Protection of constitutional rights abroad (3). The concept of protection of female workers outside. (4). Forms of legislation and international agreements. Method: With a qualitative approach in developing research to reveal the truth systematically, it is done through (a). Type of Research (b). Research approach and (c). Data collection technique. Conclusion: (1). Law Number 39 of 2004 concerning the Placement and Protection of Workers Abroad (2). Women Workers as elements of the State, must continue to have their rights as citizens as regulated in the constitution (3). The rights of every citizen, everyone has the right to be free from discriminatory treatment, and has the right to protection.

**Keywords---**constitutional rights, female labor, protection, women worker.

#### Introduction

The sovereignty of a country is stated in the constitution which regulates the basics of the state and guarantees the rights and obligations of its citizens. Prior to 1998, he was a sacred figure due to the doctrine of national stability. Discussing the Constitution of the Republic of Indonesia critically is a forbidden area because the authorities at that time used mono-interpretation of the law as legitimacy for all political steps which were actually wrong. In addition to the imperfect nature of the Constitution, the failure of the Constituent Assembly to formulate perfect laws and the betrayal of the Indonesian Communist Party, have strengthened the New Order's political steps to 'maintain' the purity of Pancasila and the 1945 Constitution of the Republic of Indonesia (Goderis & Versteeg, 2014; Cross, 1999).

#### Constitutionalism rights

As a national consensus, the constitution which is also a political product has become the guide and reference for the administration of the state. Further emphasized the constitutional understanding of the Republic of Indonesia. Constitutionalism is an understanding of state administration based on the constitution (Haris, 2002). The entire Indonesian national consensus is bound by law. After the amendment, the Constitution has also emphasized that Indonesia is a constitutional state, where all state administration practices must be subject to and comply with the constitution. The amendments have also normatively adopted most of the human rights that were previously derided as import-resistant values and norms. Now, the values and norms of human rights have become an integral part of the constitutional rights of citizens. The adoption of human rights guarantees in the law is the most important element in Indonesia's constitutional understanding (Sutedi, 2009).

Human rights norms that are incorporated in international human rights law such as the International Civil and Political Covenant and the International Covenant on Economic, Social and Cultural Rights as well as a number of other conventions have now become part of national legal products through the ratification process and should be followed by harmonization of laws and regulations. The political choice of ratifying the two main covenants and a number of human rights conventions, politically and normatively, has strengthened national commitment to upholding human rights. This political step has also been in line with the adoption of the guarantees of rights that exist in state law. Thus, actually resistance to human rights norms can be eroded because these norms have been transformed into the constitutional rights of citizens (Amiruddin & Zainal, 2012).

#### Female workers

The Constitution of the Republic of Indonesia has provided a justiciable and enforceable mechanism for the enforcement of human rights which have been transformed into citizens' constitutional rights. Through the Constitutional Court, every citizen whose rights have been violated by the existence of a law can be questioned so that these rights can be enjoyed again. Likewise, when a statutory regulation that is under the law such as government regulations, regional regulations, and others is believed to be contrary to the Constitution, citizens can dispute it with the Supreme Court. Events that happen to citizens and contain violations of constitutional rights, citizens should be able to question them through the constitutional complaint mechanism to the Constitutional Court. the real way how citizens' constitutional rights should be enforced (Susanti, 2008).

This path is also understood from the civil character, state versus citizen, from the product of international human rights law. In order to clearly formulate ways to solve problems and protect Indonesian Migrant Workers, the starting point should not be only extreme cases (Darji & Shidarta, 2006). It is good to take a broader look at the series of problems faced by Indonesian migrant workers working in other countries. On the other hand, the economy of other countries also seems to be able to continue to grow at a high percentage with the help of

cheap labor, 77 percent of which are from Indonesia. Jobs in the construction sector, oil palm plantations, and industrial refineries mostly take advantage of these migrant workers. Not to mention the many executives and government employees of other countries who may not be able to work really productively without the help of domestic helpers, child nurses and elderly nurses. It should also be noted that each legal migrant worker has to pay around RM 1,800 for a work permit. That means that from the average salary of RM 13-20, actually every migrant worker returns RM 5 of them to the government of another country (Hastuti, 2007; Rahman, 2018).

#### Method

Research with a qualitative approach as a means of developing research aims to reveal the truth in a systematic, methodological and consistent manner through a consistent research process (Heine, 2006; Killingsworth & Heckman, 1986).

### Type of research

Research has a legal object, as knowledge and dogmatic rules as well as community behavior

# Research approach

A legal approach that has a legal object, normative law as a science, rules:

- Approach to legal principles.
- Approach to legal systematics.
- Approach to legal synchronization.
- Legal history approach.
- Comparative law approach.

#### Data collection techniques

Research with activities carried out in this study, namely: (a). Literature study obtained through the literature, by reviewing, reviewing and processing literature, laws and regulations, relating to the problems to be studied. (b). Interviews to obtain accurate data from volunteers who can be trusted (Tam, 2011; Montemor, 2014).

#### **Results and Discussion**

# Implementation of legal protection for women workers

The government's intervention in labor law is intended to create fair and equitable labor relations, because if the relationship between workers and employers who are very socio-economically different is left entirely to the parties, then the goal is to Creating justice in labor/employment relations will be difficult to achieve, because the strong will always want to dominate the weak. On this basis, the government intervenes through laws and regulations to guarantee certainty of the rights and obligations of the parties (Cross, 1999; Agrawal, 2013).

Separates the authorities and supervision as independent parties in labor law, but in the author's opinion, the two are one unit because supervision is not an independent institution but is a part (field) of the Ministry of Manpower and Transmigration (Ohayon et al., 2002; Coen-Pirani et al., 2010). As an institution that is responsible for employment issues, the Ministry of Manpower is also equipped with various institutions that are technically in charge of special matters, namely:

- Job Training Center; prepare/provide provisions for the workforce through job training.
- Inter-Country Inter-Employment Center, workers to work both in the formal and informal sectors at home and abroad.
- The committee for the settlement of labor disputes in resolving labor disputes that occur between workers and employers and as a licensing agency in matters of termination of employment.

The quantity of labor inspectors is very limited when compared to the number of companies that must be supervised, not to mention that some of the supervisory employees are given a dual task, namely the burden of structural responsibilities, for example as section heads, heads of fields and others. Likewise, the quality in carrying out their duties as investigators is still limited. Therefore, in the future, the supervisory apparatus, apart from having to improve its quality through education and training, will also not be given structural tasks, if possible, be made into functional positions so that they can carry out their duties professionally.

#### Implementation of the rights and obligations of women workers

According to Darwan Prints, what is meant by right here is something that must be given to someone as a result of a person's position or status, while an obligation is an achievement in the form of goods or services that must be carried out by someone because of his position or status. rights for workers are as follows:

- Right to receive wages/salaries.
- The right to freely choose and change jobs according to their talents and abilities.
- The right to develop vocational skills to acquire and add more skills and skills.
- The right to annual rest, every time after he has worked for 12 (twelve) consecutive months at one employer or several employers from one employer organization.
- The right to full wages during annual breaks.
- The right to an annual rest compensation payment, if at the time the employment relationship is terminated he has had at least six months of service from the time he was entitled to his last annual rest; namely in the case when the employment relationship is terminated by the employer without urgent reasons given by the worker, or by the worker due to urgent reasons given by the employer.

• The right to negotiate or settle industrial relations disputes through bipartite, mediation, conciliation, arbitration and settlement through the courts.

Based on the 1948 ILO Convention, there are four types of labor rights. In addition to having the rights as described above, the workforce also has the following obligations:

- Obligation to perform performance/work for the employer.
- Obligation to comply with company regulations.
- Obligation to comply with work agreement.
- Obligation to comply with labor agreements.
- Obligation to keep company secrets.
- Obligation to comply with employer regulations.
- Obligation to fulfill all obligations as long as the permit has not been granted in the event of an appeal that has not yet been decided.

## Implementation of the rights and obligations of entrepreneurs

The entrepreneur's right is something that must be given to the entrepreneur as a consequence of having workers working for him or because of his position as an entrepreneur. The rights of the entrepreneur are as follows:

- It is permissible to postpone the payment of temporary allowances for being unable to work until a maximum of five days from the time the accident occurs if the worker affected by the accident is not through the company's intermediary or if he has not obtained a doctor's certificate explaining that the worker is unable to work due to an accident.
- With the approval of a maximum of 50% if the accident occurred was under the influence of alcohol or other intoxicating goods
- May submit a request to the supervisory employee, to re-stipulate the amount of allowance that has been determined, if in the permanent state of being unable to work there is a real change
- Can file an objection by letter to the Minister of Manpower and Transmigration, if the request for a permit or a request to extend the validity period of the permit is rejected within 60 (sixty) days from the date of rejection.
- Entrepreneurs have the right to: a. Receive services to obtain prospective Indonesian workers who will be sent abroad from the Ministry of Manpower. b. Get job market information.
- Determine the start of the annual break by taking into account the interests of workers
- Postponing the annual rest period for a maximum of 6 (six) months from the time the worker is entitled to annual rest due to the real interests of the company
- Can calculate the wages of workers during illness with a payment received by the worker arising from a statutory regulation/company regulation/a fund that provides social security or an insurance.

- Imposing a fine for violating something if it is explicitly regulated in a written agreement or company regulation.
- Ask for compensation from workers, if there is damage to goods or other losses, both belonging to the company and belonging to third parties by workers due to intentional or negligence.
- Calculating wages by: a. Fines, deductions and compensation. b. Rent a house that is rented by employers to workers with a written agreement. c. Advances for wages, excess wages that have been paid and installments owed by workers to employers, provided that there must be written evidence.

The entrepreneur's obligation is an achievement that must be carried out by the entrepreneur, for the benefit of his workforce. The entrepreneurs are as follows:

- Obligation to ensure that work is not carried out in the company that is contrary to what is stipulated. Obligatory to provide information requested by the competent authority, Obligatory to provide workers' wages: a). If the worker is sick, so he cannot carry out his work, provided that: i. For the first three months paid 100% ii. For the second three months 75% paid iii. For the third three months paid 50% iv. For the fourth three months paid 25%.
- Marrying her child is paid for for two days. A family member who dies, namely husband/wife, parents/in-law or child is paid for for two days vi. Wife giving birth to children is paid for one day. Obligation to pay wages which are usually paid to workers who are unable to carry out their work because they are carrying out state obligations, if in carrying out state obligations the workers do not receive wages or other benefits from the government, but do not exceed one year.

Obligation to pay wages to workers who cannot work because they fulfill their religious obligations, but not more than three months. Obligation to pay wages to workers who are willing to do the work that has been promised, but the entrepreneur does not hire him either because of his own fault or because of obstacles experienced by the entrepreneur that should have been avoided. Paying the wages of workers at the time specified in accordance with the agreement. Must pay all wage guarantees on each payment. Obligation to report in writing to the Minister or the appointed official (Kakandep of local Manpower) no later than 30 (thirty) days after:

- Build a company.
- Re-run 1 (one) company.
- Transferring the company.

Must report annually in writing regarding employment to the Minister of Manpower or a designated official (Kakandep of Manpower). It is obligatory to report in writing to the Minister or the appointed official (local Head of Manpower Office) no later than 30 (thirty) days before:

- Moving companies.
- Terminating the company.
- Disbanding the company
- Obligation to establish and maintain lists related to annual rest according to the established sample.

# Employers are obligated to:

- Ensure that no termination of employment occurs.
- Negotiating the intention of terminating the employment relationship with the relevant labor/labor organization.
- Employers can only terminate working relations with workers after obtaining a P4D/P4P permit.
- Fulfill the obligations stipulated by P4D/P4P in the permit.
- Fulfill obligations as long as the permit has not been granted and in the event that there is an appeal request there is no decision.

Every application for a permit will use migrant foreign nationals, it is obligatory to have a Manpower Utilization Plan (RPTK) which is legalized by the Minister of Manpower.

# Implementation of the rights and obligations of workers and employers

Employers are prohibited from charging placement fees, either directly or indirectly, in part or in whole, to workers and labor users, except for certain groups and positions. The specified groups and positions are the leadership group with the position of manager or its equivalent, the supervisory group with the supervisory position or its equivalent, the executive group with the operator position or its equivalent, and the professional group with the condition that the education is strata one (S1) plus professional education, who receive wages of at least three times the minimum wage applicable in the local area. The amount of labor placement fees collected from the employer is determined in accordance with the agreement, provided that it does not exceed one month's wages received. The placement fee is paid in installments of at least five times.

If the work agreement is extended for more than one year, the work agreement becomes a work agreement for an indefinite period of time. For the smooth running of the company, while in the working relationship, the employer may transfer the workforce to other areas within the company's scope with the approval of the workforce concerned. The said manpower transfer is after receiving a letter of recommendation from the receiving manpower agency. Each prospective worker, prior to departure, is given a pre-departure orientation by the placement officer and signs a work agreement that is known by the local manpower agency official. Employers or implementers in carrying out the departure of workers to their destination, are carried out in an orderly and safe manner by using public passenger transportation facilities. The executor immediately informs the user of labor in the destination area for the placement of workers about the departure schedule, the number of workers, and the transportation facilities used. The employer after receiving notification of the

planned arrival of the workforce, prepares pick-up and delivery to the location and reports the arrival of the workforce.

If the workforce to be dispatched to the placement area has to wait more than six hours, the executor or employer will provide appropriate temporary shelter and provide adequate food and drink. The employer is obliged to return the workforce to the area of origin at the employer's expense, if the work agreement has expired or the worker is not appointed as a permanent worker, the worker is sick or for other valid reasons, so he cannot fulfill his work agreement. It is the obligation of the employer to be willing to be appointed as a permanent employee, or to leave the workplace for more than 30 consecutive days, without permission from the employer.

# Implementation of protection guarantees for female workers

The government is tasked with regulating, fostering, implementing, and supervising the placement and protection of female workers abroad. Every female worker candidate has the same rights and opportunities to obtain the following:

- Work and work abroad, correct information about the foreign job market and procedures for placing female workers abroad.
- Equal service and treatment in placements abroad, freedom to adhere to one's religion and belief as well as the opportunity to practice worship according to one's religion and beliefs.
- Wages are in accordance with the prevailing wage standards in the destination country, the same rights, opportunities, and treatment obtained by other foreign workers in accordance with the laws and regulations in the destination country.
- Guarantees of legal protection in accordance with the laws and regulations for actions that can degrade their dignity and rights as well as violations of the rights stipulated in accordance with the laws and regulations during placement abroad. guarantee of safety and security protection for the return of female workers to their place of origin, and the original work agreement text.

Every female worker candidate has the obligation to: a) comply with the laws and regulations both domestically and in the destination country, b) obey and carry out her work in accordance with the work agreement, c) pay the service fee for the placement of female workers abroad in accordance with the regulations.

#### Implementation of the placement of women workers abroad

The placement of female workers abroad can only be done to the destination country whose government has made a written agreement with the Government of Indonesia or to the destination country that has laws and regulations that protect foreign workers. Based on security considerations, the Government has determined that certain countries are closed for the placement of female workers, including countries of destination in a state of war, natural disaster, or infected with infectious disease outbreaks. Especially for the placement of female workers in certain jobs and positions, it is regulated separately, for example work as a

seafarer. The placement of prospective female workers abroad is directed at the right position according to their expertise, skills, talents, interests, and abilities. The placement of prospective female workers is carried out by taking into account the dignity, human rights, legal protection, equal distribution of employment opportunities, and the availability of workers by prioritizing the national interest (Mohamed & Rosman, 2021; Bahrudin et al., 2021).

Everyone is prohibited from placing female job candidates in positions and places of work that are contrary to human values and moral norms as well as laws and regulations, both in Indonesia and in the destination country or in the destination country which has been declared closed. Implementation of the placement of female workers abroad can be carried out by:

- Government.
- PPTKWS.
- Companies for their own interests.
- Candidates for female workers.

The placement of female workers abroad by the Government is only carried out on the basis of a written agreement between the Government and the Government of the user country with a legal entity in the destination.

#### Implementation of the placement of female workers by the company

Pre-placement activities include:

- Deployment permit (sip) management.
- Recruitment and selection.
- Job education and training.
- Health and psychological examinations.
- Document management.
- Competency test.
- Final debriefing of departure (pap).
- Making a work agreement.
- Waiting period at the company.
- Departure.
- Financing.

The management of SIP PPTKWS who will conduct recruitment must have a SIP from the Minister. To obtain SIP, PPTKWS must have:

- A placement cooperation agreement.
- A request letter for tkw from the user.
- A draft placement agreement.
- A draft work agreement.

The request letter for female workers from the user, the placement cooperation agreement, and the previous draft work agreement have been approved by the authorized official at the Indonesian Representative in the destination country.

Request letter for female workers from User (job order, demand letter or wakalah). After obtaining the SIP, the PPTKWS is prohibited from transferring or handing over the SIP to another party to recruit prospective female). Recruitment and selection the recruitment process is preceded by providing information to prospective TKW at least about:

- Recruitment procedures.
- Required documents.
- Rights and obligations of female prospective workers.
- Situation, conditions, and risk in the destination country.
- Protection procedures for female workers.

The information referred to in addition is complete and correct, with the approval of the manpower agency. The recruitment of prospective female workers by PPTKWS is carried out on prospective TKW who have met the requirements:

- Aged at least 18 years except for prospective TKW who will be employed by individual users at least 21 years old.
- Physically and mentally healthy.
- Not in pregnant conditions for prospective female workers.
- Educated at least graduated from junior high school or the equivalent practice, TKW, who work for individual users always have a close personal relationship with the user, which can encourage the female workforce in question to be in a situation that is vulnerable to sexual harassment.

The registration of the agreement is carried out by attaching the concept of registering, the official of the agency responsible for the field of manpower conducts research on the agreement. If it has complied with the provisions, the official in charge of the manpower sector shall issue proof of registration. If there are provisions that are not in accordance with the provisions, the manpower agency official shall make a note on the proof of registration that the agreement is not in accordance with the provisions. Companies that do not register an agreement for the provision of worker services, the employment agency may revoke the relevant operating license. In the event that the operational permit is revoked, the rights of the workers remain the responsibility of the company concerned.

#### Implementation of TKW return placement

This can occur due to:

- The end of the work agreement period.
- The termination of the employment relationship before the work agreement period ends.
- There is a war, natural disaster, or disease outbreak in the destination country.
- Has a work accident that results in being unable to run again.
- Died in the destination country, was on leave, or was deported by the local government.

In this case the TKW dies in the destination country, the relevant institutions are obliged to include the following:

- Obligation to notify about the death of a female worker to her family no later than three times 24 hours after the death is known
- Provide information about the cause of death and notify Indonesian Representative officials and family members concerned
- Provide protection for all his property for the benefit of his family members
- Taking care of all the rights of female workers that should be.

Protection of TKW I as an effort to protect female workers can be divided into the following:

- Protection of domestic women workers.
- Protection of female workers in destination countries.
- Post-placement protection.
- Protection for female workers who do not have documents.
- Political protection.
- Establishment of the agency for the placement of female workers. Humanitarian aid.
- Providing legal aid. Protection for female workers abroad protection for female workers during deployment, before and during the departure of workers, must be included in a social and legal protection system, either in the form of a policy or in the form of techniques and methods of deployment.

In addition, the protection contained in the ordinance regarding the deployment to do work in the country as regulated in the Werving Ordonantie 1936 Stb. No.208 and its implementing provisions contained in Stb. No. The same 550 years. 59 in subsequent periods (independence period, arrangements regarding the provision of protection during deployment before and during deployment, before and during departure, were regulated through government policy and Ministerial Decree, concerning Labor No.11 of 1959. Then, politically the Government has reviewed the MoU made by the Government of Indonesia and other countries regarding the placement of TKW and in 2011 a new MoU was signed between Indonesia and other countries regarding the placement of female workers in the informal sector. This was done because so far the MoU prior to the amendment seemed to favor the employer in Malaysia, for example: workers are not allowed to hold their own passports, but are held by the employer and only hold a replacement passport, while the police do not recognize a replacement passport, so that female workers are treated as arrested. and punished.

Table 1
Placement of TKW in domestic worker sector

| No | Specification | Previous Year     | Year of Change                 |
|----|---------------|-------------------|--------------------------------|
| 1. | Passport      | The service user  | The passport must be kept by   |
|    | Obligations   | -                 | the TKW, and the passport can  |
|    |               | worker's passport | be kept by the user (employer) |

|    |                                     | and submits the passport to the Indonesian representative if the domestic worker escapes or dies (appendix A paragraph A xii) Salary, Wage Payment Mechanism | with the permission of the female worker for security reasons. Passport must be returned when requested by the person concerned   |
|----|-------------------------------------|--|---|
| 2. | Leave/Holidays                      | Service users must provide adequate rest time for domestic workers (appendix paragraph A, xvii)  | TKW are entitled to 1 day off in<br>a week. If female workers agree<br>to work on holidays, then<br>female workers must be paid<br>proportionally   |
| 3. | Cost Structure                      | The fee paid by the user (employer) is RM 2,415. Fees paid by domestic workers: IDR 3,070,000  | The fee paid by the user (employer) becomes RM 2,711 or Rp 7,592.00. Fees paid by domestic workers: IDR 5,040,000 or RM1800   |
| 4. | Salary/Wage                         | Salary ranges from<br>RM350-400 or<br>Rp.1,035665-<br>1,183,617  | Salary ranges from RM600 -800 or Rp.1,775,426-2,367,234   |
| 5. | Joint Task Force                    | There is no Joint<br>Task Force between<br>Indonesia and other<br>countries  | A Joint Task Force between Indonesia and other countries has been formed to oversee the implementation of the MOU amendments. Verifying the documents of prospective TKW in the process of departure (passport, work agreement, certificate of health and psychology, certificate of competency test, permit, work visa, placement fee). Monitoring departures and repatriations includes the process of recruitment, training, departure, and repatriation. Provide facilitation, case resolution, and facilitate the settlement of work disputes. |
| 6. | Salary/Wage<br>Payment<br>Mechanism |  | Payment of salaries through banking.  |

Source: National agency for placement and protection of TKW

In an effort to optimize the protection of TKW abroad that is more integrated, the Government has established a national body whose task is to protect TKW abroad. For the smooth implementation of services for the placement of female workers, a Service Center for the Placement and Protection of TKW is established in the province and areas where the departure of workers is deemed necessary. The office is tasked with providing ease of service for the entire document process and is responsible for the relevant agencies.

# Implementation of humanitarian aid

Protection in the form of humanity is given to TKW who are undergoing a judicial process in the local country, due to accusations of having committed a crime. This kind of protection is usually carried out in the form of periodic visits and monitoring, as well as providing morale support for those who are experiencing problems. Other assistance is the fulfillment of daily basic needs during the judicial process, providing clergy and providing health/psychosocial services, as well as helping to return to their homeland. For example, in 2004, when the Government of another country made a policy of repatriating migrants, including TKW who did not have documents, the Government of Indonesia allocated a budget of Rp. 26.8 billion to provide services for troubled female workers who take advantage of the amnesty period to return to Indonesia. Considering that most were unable to finance the repatriation of themselves and their families to their respective areas of origin, the use of these funds was only spent on matters of an important nature related to humanitarian issues. Amnesty for those who are unable or encounter obstacles on their way, can be provided with assistance according to the level of the problem, including health services, transportation, shelter, funerals, and police escort if needed. At that time, the Central Government assisted with the cost of repatriation from the entry point to the capital of the province of origin, while from the capital of the province of origin to the district/city to the kelurahan/village of origin it was the responsibility of the local government concerned.

#### Implementation of legal aid

So far, the legal assistance provided to TKW includes:

- Accompaniment.
- Consultation regarding applicable laws in the local country.
- Providing lawyers both pro bono and free paying.

#### **Conclusion and Suggestion**

#### Conclusion

• Normatively, the policy concept of protecting the, based on the reality, it seems that the protection is not working effectively. This is because the implementation of protection in the articles consists of 8 (eight) articles, plus the formulations of articles that are not clear so that it has an impact. against arrangements that are not clear in the regulations below. So that it is deemed insufficient to protect the constitutional rights of Indonesian

workers abroad. Although is carried out, but in subsequent articles all of them only mean protection during the period of placement in the destination country. In fact, should have been clear arrangements (strictly regulated by regulations at the statutory level) and must also pay attention to things that need to be considered. relating to the guarantee of acts that can torture and rob them of through law.

- Female Workers as part of the elements of the State, even though they temporarily have to go abroad, they must still have their rights as citizens as regulated in the constitution. They give themselves away from their relatives in the hope of getting a better life than in Indonesia. The rights most needed by female workers are legal protection and social protection during the departure process until they return to their homeland. Women workers must get protection from the state through the government in the form of protection regulated by law. The fact that occurs in protection shows that the legal protection obtained during the pre-placement, placement, and post-placement processes is still far from perfect. The emergence of cases of abuse, torture, rape and the absence of an escort for the protection process for those working in the domestic worker sector as in other countries is an indication of how poor the guarantee for the protection of the constitutional rights of citizens abroad is.
- In the 1945 Constitution of the Republic of Indonesia, Chapter XA concerning Human Rights, basically the rights possessed by every person or citizen have been stated. Stipulates that everyone has the right to be free from discriminatory treatment on any basis and is entitled to protection from such discriminatory actions. It is also stated constitution of the Republic of Indonesia that the State, especially the Government, is responsible for providing protection, promotion, enforcement and fulfillment of human rights. Constitutional rights as rights owned by every citizen are general in nature, these rights may be violated but cannot be abolished. From the problems faced abroad, especially other countries, efforts must be made to increase the protection of the implementation of the constitutional rights of Indonesian citizens through the applicable laws and regulations.

# Suggestion

Increased protection efforts for female workers working abroad can be carried out with the following efforts:

- Strengthening legal protection through changes to regulations regarding the protection of more patterned types of research.
- Development of understanding of the situation of migrant workers, especially women through policy analysis, comparative study policies, and data compilation.
- Providing legal assistance, strengthening legal protection and policies through agreements with recipient countries fairly and without taking sides with either party, especially the employer.
- Capacity building and technical cooperation between institutions related to female workers, the Ministry of Manpower and Transmigration and the wider community.
- Providing information and services directly, before and after workers leave.

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