

Harmonization of international law in Indonesian legal system: The study of Indonesian migrant workers protection overseas

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Abstrak

This study aims to describe and analyze the development of the harmonization of international conventions of migrant workers rights with the Indonesian Migrant Workers Act and to examine the process of adopting the substance of international conventions on the protection of migrant workers' rights into the Indonesian Migrant Workers Act. This study uses legal normative research method by reviewing principles, concepts of law and related legislations and regulations. The results of this study shows that: harmonization of international conventions on the protection of migrant workers' rights into Law No. 18 of 2017 is carried out through a transformation that refers to the position of international conventions in Indonesian national law; and the substance of international conventions to protect the rights of migrant workers is adopted through two processes which are a political process of discussion of Amendment of Law No. 39 of 2004 to become Law No. 18 of 2017 by the House of Representatives of Republic of Indonesia and civil society organizations and a legal process of referring Law No. 6 of 2012 in Amendment to Law No. 39 of 2004 to become Law No. 18 of 2017 version of May 2016 and identifying seven findings to compare the Law No. 18 of 2017 and the ratification law of the Convention.