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Cooperation Between Local Governments and The South Korean Government in The Seasonal Worker Program

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Abstract: The cooperation between local governments and the South Korean government in the seasonal worker program is one form of implementation of decentralization and regional autonomy that has a significant impact on improving community welfare. This program provides opportunities for local communities to gain international work experience, improve skills, and contribute to local economic development. However, legally, foreign cooperation by local governments must be implemented within a national legal framework that emphasizes that foreign policy matters remain under the authority of the central government. In this context, this legal research analyzes the legal basis, authority, and legal protection for seasonal workers placed through bilateral cooperation between Indonesia and South Korea. The study was conducted using a normative approach through an analysis of laws and regulations, including the 1945 Constitution of the Republic of Indonesia, Law Number 23 of 2014 concerning Regional Government (juncto Law Number 9 of 2015), Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, and Minister of Home Affairs Regulation Number 25 of 2020 concerning Procedures for Regional Cooperation with Regional Governments Abroad. Furthermore, aspects of seasonal worker protection are analyzed from an international legal perspective, including the Indonesia-South Korea bilateral understanding and international conventions on migrant workers. The analysis shows that while local governments have room to collaborate with foreign governments, their undertaking must remain coordinated with the central government to avoid overlapping authority. Legal protection for seasonal workers also faces challenges, particularly related to overseas supervision and the protection of basic workers' rights. Therefore, regulatory synergy and strengthening of cooperation mechanisms are needed to ensure the seasonal worker program runs optimally and adheres to the principles of legal protection.

Keyword: Regional Cooperation, Seasonal Workers, South Korean Government, Legal Protection, Migrant Workers.

INTRODUCTION

Cooperation between local governments to develop international employment opportunities reflects a pragmatic response to local economic challenges (Permana et al., 2024). The need for employment, which is not always met by the domestic market, encourages regions to seek alternatives that can increase residents' incomes (Djunaidi & Alfitri, 2022). Seasonal worker programs offer a formal pathway for workers to work temporarily abroad, potentially reducing structural unemployment and increasing family income through remittances (Zamzalina et al., 2024). Beyond the economic aspects, overseas work experience often enriches workers' technical and managerial skills, positively impacting productivity upon return (Ma'ruf & Rizky, 2025). These cross-border interactions also open up opportunities for knowledge transfer and networking, which regions can leverage for the development of specific sectors (Riani, 2024).

Regional interest in seasonal worker programs in South Korea is driven by the program's relatively structured reputation and the specific labor demand there (Nuzula et al., 2023). Seasonal worker schemes managed through formal selection, training, and contract procedures enable prospective workers to understand their rights and obligations before departure (Fazira & Kesumawati, 2024). Income earned from seasonal work often has a multiplier effect on the economy of families and communities of origin, for example, through investment in micro-enterprises or children's education. Exposure to an international work environment can stimulate professional aspirations and introduce different work standards that are useful upon return (Idrus et al., 2024). It must also be recognized that these expectations create social and economic pressures that need to be managed to ensure equitable benefits.

A problematic aspect that arises relates to the regional capacity to manage international cooperation and efforts to protect their citizens while abroad. Practical gaps arise when local initiatives are not balanced with adequate monitoring and support mechanisms during the placement period. The risk of workers facing unconventional working conditions, language barriers, and limited access to legal aid is an issue that require special attention (Rafifah et al., 2025). Furthermore, local dynamics such as family expectations or pressing economic needs often push individuals to make risky decisions. Managing these expectations requires policies that are sensitive to the socio-economic realities of the communities of origin.

Regional autonomy and decentralization theory highlight the normative and functional reasons why regions are given the authority to regulate some public affairs. Decentralization can increase policy responsiveness to local needs because decision-makers are closer to citizens and local conditions (Helandri et al., 2025). More adaptive policy implementation allows for program innovations relevant to regional economic strengths and weaknesses, including overseas labor placement schemes (Natsir, 2025). However, potential weaknesses must also be considered: policy fragmentation can lead to inconsistencies in service and protection standards across regions. The balance between local flexibility and uniform national standards is a key issue in this theory.

The capability aspect of regional government is a central concern when autonomy is applied to international cooperation. Not all regions have the administrative resources, diplomatic networks, or technical experience to design secure and sustainable programs (Mardiyanto, 2023). This capacity determines the extent to which programs can ensure fair selection processes, adequate training, and follow-up mechanisms for emerging issues in host countries. The role of interregional learning and institutional support from the central level or independent institutions is key to addressing capacity gaps. Capacity building is also related to the development of transparent information and monitoring systems.

The theory of legal protection, as developed by figures in administrative law, emphasizes the state's obligation to guarantee individual rights through rules, procedures, and access to justice or dispute resolution mechanisms (Wibowo, 2025). These principles encourage policy design that focuses not only on economic aspects but also ensures basic worker rights, access to clear information, and effective complaint mechanisms. This type of protection includes preventing exploitation, guaranteeing job safety, and ensuring the right to wages and return home (Basofi & Fatmawati, 2023). The concept of legal protection also emphasizes the importance of transparency and accountability of public actors involved. A strong protection framework helps maintain workers' dignity and minimizes vulnerability during placement (Yadila et al., 2024).

Applying protection theory to the seasonal worker phenomenon requires attention to the entire labor migration cycle. This cycle encompasses recruitment, pre-departure training, the work phase in the destination country, and reintegration upon return to the home community (Paramayudha et al., 2025). Each phase carries distinct risks and protective needs; for example, recruitment is vulnerable to opaque intermediary practices, while the work phase requires guaranteed working conditions and access to healthcare (Krisbiyanto et al., 2024). Cross-border complaint mechanisms and a network of institutions prepared to handle cases are part of protective solutions. Learning from workers' previous experiences can be an important resource in improving protection standards.

International relations theory relevant to public law positions subnational actors as part of an increasingly multilevel global governance (Bainus & Rachman, 2022). Local governments interact not only with domestic actors but also build relationships with foreign partners through policy forums, sister city/district networks, or technical agreements. These forms of interaction are often pragmatic and focused on economic interests or capacity exchange, resulting in norms of practice that are not always equivalent to state-to-state agreements (Amboki, 2022). The role of non-state actors, including placement agencies and civil society organizations, often determines the sustainability of programs. This multi-level dynamic requires coordination to manage boundaries of responsibility and expectations.

The concept of regional government foreign cooperation encompasses various mechanisms such as sister provinces, memoranda of understanding, and technical agreements that govern aspects of joint programs (Towadi & Mustika, 2022). These forms can be short-term or long-term, depending on the objectives and resources agreed upon by both parties. The success of cooperation schemes often depends on clarity of roles between the parties, information exchange mechanisms, and joint monitoring and evaluation plans. Furthermore, the involvement of local actors such as employment agencies, training institutions, and community groups is crucial to ensure program relevance and responsiveness. Transparency in agreement-making enhances legitimacy and public trust.

The definition of seasonal workers needs to be distinguished from long-term labor migration due to the different characteristics of duration, objectives, and placement mechanisms. Seasonal workers are typically placed for a specific period to meet temporary labor needs in specific sectors such as agriculture, fisheries, or light manufacturing. Their vulnerability often stems from post-contract uncertainty, limited access to cross-border social security, and challenges to social integration in the workplace. A comprehensive labor protection concept should include clear contractual clauses, occupational safety standards, and a post-assignment economic reintegration plan. Thorough planning and honest communication before departure help mitigate unrealistic expectations and improve outcomes for all parties.

METHOD

The research method used in this study is normative-juridical with a statutory and conceptual approach. The statutory approach is carried out through the study and analysis of legal provisions that form the basis for implementing cooperation between local governments and the South Korean government in the seasonal worker program. The legal documents used as references include the 1945 Constitution of the Republic of Indonesia Article 18 paragraphs (2) and (5), Law No. 23 of 2014 in conjunction with Law No. 9 of 2015 concerning Regional Government, Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, and Regulation of the Minister of Home Affairs No. 25 of 2020 concerning Procedures for Regional Cooperation with Regional Governments Abroad. In addition, bilateral agreements between Indonesia and South Korea, ILO conventions related to labor migration, and the 1990 UN Convention on the Protection of the Rights of Migrant Workers are also analyzed as part of the relevant international legal framework. A conceptual approach is employed by examining legal concepts related to regional autonomy, migrant worker protection, and international cooperation mechanisms between local governments. This analysis is not limited to normative aspects but also links the principles of public law theory and international labor law. The data obtained are then analyzed qualitatively to evaluate the conformity of the South Korean-Regional Government cooperation practices with national and international legal provisions, as well as to assess the effectiveness of legal protection for seasonal workers, identify emerging issues, and provide recommendations for improving regulations and implementation mechanisms. By combining these two approaches, the research provides a comprehensive understanding of the legal and conceptual aspects of the seasonal worker program and its relevance to community welfare development and the implementation of regional autonomy.

RESULTS AND DISCUSSION

Legal Basis and Authority of Regional Government

The Indonesian Constitution, through Article 18 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, states that provincial, district, and city governments regulate and manage their own government affairs according to the principles of autonomy and assistance. This formulation serves as the basis for regions to have broad authority in managing government affairs according to the characteristics and needs of their communities. Article 18, paragraph (5) emphasizes that regional governments exercise the broadest possible autonomy, except in government affairs designated as central government affairs. This means that although regional autonomy is granted broadly, there are constitutional limitations to ensure national integration is maintained.

Regional authority, as granted by the 1945 Constitution of the Republic of Indonesia, stems from the principle of decentralization, which is intended to bring public services closer to the people. However, regional autonomy does not cover all aspects of government because some matters explicitly fall under the authority of the central government, including foreign policy, defense, security, justice, monetary policy, and religion. Therefore, foreign cooperation by regional governments can only be carried out in the technical, administrative, and service areas, not in the realm of diplomacy or international agreements that are binding on the country as a whole.

Law Number 23 of 2014 concerning Regional Government, as amended by Law Number 9 of 2015, provides further details regarding the division of government affairs between the central and regional governments. Article 13, paragraph (2) of Law 23/2014 emphasizes that government affairs are divided based on the criteria of externality, accountability, and efficiency. Article 10, paragraph (1) states that absolute government affairs under the authority of the central government include foreign policy, so regions do not

have the capacity to conclude international agreements. This clarifies that regional foreign cooperation can only be carried out with central government approval.

Foreign cooperation between regional governments remains possible as long as it is within the framework of central coordination. Article 363 paragraph (3) of Law 23/2014 states that cooperation can be carried out by regions with foreign institutions or governments, which must then obtain approval from the central government, as stipulated in Article 367 paragraph (2). This mechanism is designed to avoid overlapping authority and maintain consistency in Indonesia's foreign policy. Thus, regions can still engage in limited international relations but must not deviate from the general policy guidelines of the central government.

The Ministry of Home Affairs' mandatory approval or registration of memorandums of understanding (MoUs) is a crucial mechanism stipulated in Law 23/2014. Every proposed cooperation plan submitted by a region with a foreign government or international institution must undergo administrative and substantive verification to ensure it does not conflict with national laws and foreign policy. This process positions the Ministry of Home Affairs as the primary filter, while the Ministry of Foreign Affairs serves as the overall guardian of Indonesia's diplomatic interests.

The protection of migrant workers is regulated by Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. Article 6, paragraph (1) of the law stipulates that the central and regional governments are obliged to protect Indonesian migrant workers before, during, and after working abroad. This protection encompasses administrative services, education and job training, proper placement, and facilitation of return and socio-economic reintegration after the employment contract expires. This regulation emphasizes the crucial role of regions in ensuring the preparedness and well-being of migrant workers.

Article 40 of Law 18/2017 outlines the obligations of district/city governments in protecting migrant workers, including conducting data collection, providing education and job training, facilitating documentation, and assisting in resolving social issues for migrant workers' families. This role demonstrates that although labor diplomacy is conducted at the central level, technical implementation still actively involves local governments. It serves as the basis for legitimacy for regions to participate in supporting the seasonal worker program to South Korea.

More detailed regulations regarding procedures for regional foreign cooperation are regulated through the Minister of Home Affairs Regulation Number 25 of 2020 concerning Procedures for Regional Cooperation with Regional Governments Abroad. Article 1, paragraph (11) states that regional cooperation with regional governments abroad aims to improve public welfare, strengthen friendly relations, and support national interests. This Ministerial Regulation also serves as a technical guideline so that regions can exercise their authority without deviating from applicable legal norms.

Ministerial Regulation 25/2020 provides a clear procedural framework, from the planning stage through submission, approval, implementation, and evaluation of cooperation. Articles 9 and 10 emphasize that cooperation applications must be accompanied by supporting documents that identify needs, benefits, and compliance with laws and regulations. The approval process is carried out by the Minister of Home Affairs after coordination with the Ministry of Foreign Affairs. This regulation ensures that regional foreign cooperation remains controlled and aligned with national policy directions.

The involvement of the Ministries of Home Affairs and Foreign Affairs in every stage of regional foreign cooperation is intended to guarantee the quality and legality of the agreement. The Ministry of Home Affairs has an administrative oversight function, while the Ministry of Foreign Affairs ensures that the substance of the agreement does not conflict with

Indonesia's foreign policy interests. Thus, regions still have room to play an active role but must comply with nationally binding mechanisms.

The Indonesia-South Korea bilateral agreement on the seasonal worker program serves as a specific international legal basis. This agreement regulates the mechanism for placing seasonal workers, the rights and obligations of workers, and the responsibilities of sending and receiving governments. Its scope includes employment sectors, contract duration, wage standards, and guaranteed legal protection for migrant workers. This agreement is also integrated into national law through ratification mechanisms or administrative agreements involving the central government.

The principles of migrant worker protection are also guaranteed by international instruments issued by the International Labour Organization (ILO). ILO Convention No. 97 of 1949 concerning Migration for Employment and ILO Convention No. 143 of 1975 concerning Migrant Workers emphasize the importance of non-discrimination, equal employment rights, and the protection of decent working conditions for migrants. These standards serve as international references that Indonesia must adhere to when drafting and implementing seasonal worker agreements with South Korea.

The 1990 UN Convention on the Protection of the Rights of Migrant Workers and Members of Their Families provides broader guarantees regarding the human rights of migrant workers. This convention affirms that states have an obligation to protect migrant workers, both legal and illegal. The universal principles contained therein emphasize that migrant workers must not be treated discriminatorily and must be guaranteed their rights to fair working conditions, access to healthcare, and legal protection. Indonesia, as a labor-sending country, is bound to uphold the provisions of this convention in its bilateral agreements.

The scope of regional authority in international cooperation lies in the technical realm, such as facilitation, administration, training, and monitoring, rather than in the realm of formal diplomacy. Regional governments can establish cooperation based on memorandums of understanding (MoUs) focused on the deployment of seasonal workers, pre-employment training, and monitoring worker welfare. This limitation is important to ensure that regional governments do not exceed the absolute authority of the central government.

Central government coordination and approval are crucial mechanisms that ensure that any regional cooperation with foreign parties remains legally valid and in accordance with national policy. Approval from the Ministry of Home Affairs and coordination with the Ministry of Foreign Affairs ensure that such cooperation does not create conflicts of interest between regions or conflict with national diplomatic strategies. The central government essentially functions as the primary controller, maintaining a balance between local interests and national interests.

The division of roles between regional governments, the Ministry of Home Affairs, and the Ministry of Foreign Affairs demonstrates a system of checks and balances. Regional governments are responsible for planning, facilitating, training, and monitoring the departure and return of seasonal workers. The Ministry of Home Affairs has the authority to verify, approve, and evaluate the implementation of regional cooperation. The Ministry of Foreign Affairs carries out a diplomatic role, protecting citizens abroad, and ensuring Indonesia's representation remains intact in international forums. This collaboration reflects the limited authority granted to regional foreign cooperation within the framework of a unitary state.

Analysis of Seasonal Worker Program Implementation

Seasonal worker programs between local governments in Indonesia and the South Korean government have been implemented by several provinces, including Central Java, West Java, and South Sulawesi. These provinces have initiated collaborations with local governments in South Korea through Memoranda of Understanding (MoUs) focused on sending workers to specific agricultural, plantation, and industrial sectors. Each region has different needs and readiness characteristics, so program implementation is adjusted to local capacity, including the number of prospective workers and the types of skills required. The local government provides administrative and logistical support as a technical contribution, while formal diplomatic responsibility remains with the central government. This collaboration demonstrates a form of limited regional autonomy implementation that aligns with national policy.

The stages of the cooperation procedure begin with identifying the workforce needs in the destination area and determining the capacity of prospective workers in the area of origin. The resulting MoU is then submitted to the Ministry of Home Affairs for administrative verification and coordination with the Ministry of Foreign Affairs to ensure compliance with Indonesian foreign policy. Once approved, the local government, along with the Indonesian Migrant Workers Association (BP2MI) and the Ministry of Manpower, prepares pre-placement training, including language training, technical skills training, and an understanding of workers' rights. Employment contracts clearly outline the duration, wage standards, benefits, and rights and obligations of workers while working in South Korea.

The worker selection process includes verification of administrative documents, interviews, and training. Documents such as ID cards (KTP), family cards (KK), health certificates, skills certificates, and other administrative documents are mandatory. The interview aims to assess prospective workers' abilities and their readiness for life and work abroad. Pre-departure training prepares workers to work professionally, understand international work ethics, and maintain personal safety. The employment contract defines the rights and obligations of both parties, including working hours, wages, and leave entitlements.

The worker departure process involves coordination between the local government, the Indonesian Migrant Workers Association (BP2MI), and the Ministry of Manpower. The local government provides transportation to the airport, travel documents, and pre-departure facilities. BP2MI ensures the legality of the contract and administrative validity. The Ministry of Manpower is responsible for compliance with work standards and safety. Employment insurance and health insurance are provided before departure, ensuring workers receive legal and financial protection while working abroad.

Departure monitoring is carried out through an official recording system maintained by the local government and BP2MI. Coordination with the South Korean government and Indonesian representatives in Korea, such as the Indonesian Embassy and Consulate General, ensures that workers are properly registered and can receive assistance if problems arise. This monitoring also serves as a means to evaluate the program's effectiveness and improve procedures for the next period. Proper monitoring is crucial for guaranteeing workers' rights and minimizing the risk of conflict or breach of employment contracts.

The legal protection of seasonal workers requires the effective implementation of Law No. 18 of 2017. Article 6 of this law affirms the obligation of the central and regional governments to protect migrant workers before, during, and after placement. Regional governments play a crucial role in data collection, training, and facilitating departure, while the Indonesian Migrant Workers Protection Agency (BP2MI) ensures the legality of employment contracts and the compliance of procedures. This protection serves as the

foundation for the program's sustainability, ensuring workers do not experience discrimination or rights violations.

The employment contract is the primary legal instrument protecting workers' rights. This document must include the contract period, working hours, type of work, wage standards, accommodation facilities, and other promised benefits. This contract serves as the legal basis for claiming workers' rights in the event of a breach. Contract clarity is a key factor in minimizing disputes and providing workers with a sense of security while working in South Korea.

Seasonal workers' rights include contractual wages, social benefits, health coverage, work-related accident insurance, and guaranteed return. Guaranteeing these rights is a real form of legal protection for workers, so they can work peacefully without fear of losing their basic rights. A well-planned return also supports socio-economic reintegration in their home regions.

The overseas protection mechanism involves the Indonesian Embassy and Consulate General. Indonesian representatives are tasked with handling complaints, resolving labor disputes, and providing legal assistance in cases of contract violations or injustice. This system strengthens the position of workers in the host country and ensures their rights are not neglected. A coordinating relationship between local governments, the Indonesian Embassy/Consulate General (BP2MI), and the Indonesian Embassy/Consulate General is key to safeguarding the welfare of workers abroad.

Worker reintegration after contract expiration is a crucial step in closing the cycle of the seasonal worker program. Local governments provide economic empowerment programs, advanced training, and reintegration assistance so workers can utilize the experience and skills acquired abroad. Successful reintegration strengthens workers' motivation to re-engage and increases economic benefits for local communities.

The problems faced in implementing this program are quite complex. Overlapping authority between local governments, BP2MI, and the Ministry of Manpower often arises regarding worker recruitment and protection. This can lead to unclear roles and responsibilities, necessitating a clear coordination mechanism so that all parties understand the boundaries of their respective authorities.

The case of overstaying workers presents a real challenge because workers do not return after their contracts expire. This situation creates violations of South Korean immigration regulations and legal challenges for both workers and the Indonesian government. Handling overstay cases requires coordination between the local government, the Indonesian Embassy/Consulate General (BP2MI), and the Indonesian Embassy/Consulate General (KBRI) to resolve the issues legally and administratively.

Violations of employment contracts also frequently occur, such as non-payment of full wages, working hours exceeding the contract, or unmet accommodation needs. These issues harm workers and can damage the program's reputation. Strict oversight and a clear claims mechanism are essential to guarantee workers' rights.

Weak local government oversight of overseas workers poses an additional problem. Local governments lack direct access to monitor working conditions in South Korea, leaving workers heavily reliant on the Indonesian Embassy/Consulate General and intermediaries. This limitation necessitates effective reporting procedures and regular communication between the local government and Indonesian representatives in Korea.

Workers' socioeconomic factors also impact the program's success. Lack of pre-departure training, poor understanding of workers' rights, and the dominance of illegal intermediaries can increase the risk of violations and disputes. Adequate education and outreach are key to reducing workers' vulnerability to abuse.

Legal analysis shows that the alignment of regional government-South Korean cooperation must refer to Law No. 23 of 2014 in conjunction with Law No. 9 of 2015. Regional governments are required to obtain approval from the Ministry of Home Affairs and coordination from the Ministry of Foreign Affairs before signing a cooperation agreement. Compliance with this procedure ensures the legality of the cooperation and prevents conflicts of interest between the regional and central governments.

The effectiveness of legal protection for seasonal workers needs to be evaluated based on Law No. 18 of 2017. Protections related to employment contracts, wage rights, social security, and return must be implemented effectively. This evaluation will indicate the level of implementation success and areas requiring improvement. The MoU's compliance with international law must adhere to ILO standards No. 97 of 1949, ILO No. 143 of 1975, and the 1990 UN Convention. Bilateral agreements between Indonesia and South Korea must adhere to the principles of non-discrimination, equal rights, and protection of fair working conditions. This serves as a benchmark for the legitimacy and quality of international cooperation.

Regulatory weaknesses are evident in the unclear division of roles between local governments and the BP2MI (Indonesian Migrant Workers Association), and the weak oversight mechanism for the implementation of the MoU. This legal loophole has the potential to lead to disputes and reduce the effectiveness of legal protection for workers. Regulatory improvements are needed to ensure better coordination and accountability of all parties. The implication analysis emphasizes the importance of regulatory reform, strengthening coordination mechanisms, and continuous monitoring. Synergy between local governments, the central government, and foreign representatives is a prerequisite for the seasonal worker program to run optimally, accountably, and in accordance with the principles of legal protection and international standards for migrant workers.

CONCLUSION

The collaboration between local governments and the South Korean government in the seasonal worker program has a clear legal basis and legitimacy. National legal frameworks such as Article 18 paragraphs (2) and (5) of the 1945 Constitution of the Republic of Indonesia, Law No. 23 of 2014 in conjunction with Law No. 9 of 2015, Law No. 18 of 2017, and Minister of Home Affairs Regulation No. 25 of 2020 provide a legal framework for local governments to initiate and implement international cooperation, provided they continue to undergo coordination and approval from the central government. Bilateral agreements with South Korea and international conventions related to labor migration further strengthen the legitimacy of this program. However, local governments' authority is limited to technical aspects of implementation, facilitation, and internal oversight, while diplomatic and foreign policy matters remain under the control of the central government. The level of legal protection for seasonal workers, although formally guaranteed through employment contracts and regulations, still faces challenges, particularly regarding overseas supervision, certainty of workers' rights, and effective dispute resolution mechanisms. The recommendations from this study emphasize the importance of harmonizing national regulations with regional cooperation practices to avoid overlapping authority and implementation gaps. Strengthening the role of the Indonesian Migrant Workers Protection Agency (BP2MI) and regional governments in overseeing seasonal workers is essential to ensure workers' rights are fulfilled and the risk of contract violations is minimized. Optimizing coordination between regional and central governments, including the Ministries of Foreign Affairs and Home Affairs, is key to ensuring the legal and effective implementation of every MoU or international cooperation agreement. Furthermore, affirming legal protection clauses in every regional international cooperation agreement is

crucial to guarantee workers' rights, provide legal certainty, and improve the quality of bilateral cooperation between Indonesia and South Korea. These recommendations serve as a guide for developing a more professional, accountable, and worker-protection-oriented seasonal worker program.

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