



DOI: <https://doi.org/10.38035/jgsp.v3i4>
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Legal Reform as a Strategy to Strengthen Government-to-Government (G2G) Cooperation in Handling International Migrant Workers

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Abstract: This study analyzes the challenges and strategies for strengthening Government-to-Government (G2G) cooperation in handling international migrant workers from a legal perspective. Although Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Law No. 6 of 2023 concerning Job Creation serve as the legal umbrella for employment, several provisions, such as Article 34 of Law 18/2017, do not yet include a mechanism for monitoring migrant workers in destination countries, creating a legal vacuum and inconsistencies with bilateral agreements and ILO Conventions No. 97 and 143. A normative juridical method was used by examining national regulations, bilateral agreements, and international conventions to identify legal weaknesses and diplomatic obstacles. The results of the study indicate the need for reformulation of bilateral agreements to make them legally binding, revision of inadequate articles, establishment of a joint monitoring mechanism, and integration of migrant worker information systems. With this strategy, G2G cooperation will not only function administratively but also become a strategic legal instrument that guarantees the rights, dignity, and welfare of migrant workers in a sustainable manner.

Keyword: Secured Creditors, Security Interests, Bankruptcy, Foreign Assets, Cross-Border Insolvency.

INTRODUCTION

Migrant workers play a crucial role in driving global economic growth and strengthening national economies, particularly in labor-sending countries like Indonesia (Artina, 2022). The substantial contribution of remittances from migrant workers has been proven to improve family welfare and strengthen the country's foreign exchange reserves (Anjuani & Aisyah, 2024). However, despite these contributions, migrant workers often face the risk of human rights violations, labor exploitation, and even physical and psychological violence in their destination countries (Noviadana et al., 2025). The complexity of cross-border employment relationships makes legal protection for them a pressing issue requiring

serious government attention (Junaidi & Khikmah, 2024). This phenomenon demonstrates that migrant worker issues are not solely economic but also closely related to respect for human dignity and social justice.

Government-to-government (G2G) cooperation is the primary mechanism for regulating the placement and protection of international migrant workers (Tania, 2025). Through bilateral agreements, labor-sending and labor-receiving countries can agree on mutually beneficial work standards, responsibilities, and protection mechanisms (Noveria et al., 2021). G2G provides a means to ensure equality of interest between the two countries, while guaranteeing the rights of migrant workers during their placement (Sanjaya, 2025). However, the effectiveness of this cooperation depends heavily on the clarity of national regulations and harmonization between them. Unequal bargaining power between countries often leads to suboptimal cooperation, particularly in enforcing protection standards.

National regulations governing migrant workers, such as Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, serve as the primary legal instrument for establishing a systematic protection framework (Tantri, 2022). However, several provisions within this law still overlap with other regulations, such as Law Number 6 of 2023 concerning Job Creation, and a number of bilateral agreements signed by the government. Differences in substance and interpretation of norms across regulatory levels create legal uncertainty, particularly regarding the role of implementing agencies, employer obligations, and oversight mechanisms abroad. This situation highlights the need for legal reforms that align with the protection needs of migrant workers in the era of globalization.

Article 34 of Law Number 18 of 2017, which regulates the responsibilities of Indonesian representatives abroad in protecting migrant workers, does not yet provide a comprehensive oversight framework. Its implementation remains limited to administrative functions, such as recording and facilitating mediation, without sufficient legal force to prosecute serious violations of workers' rights. As a result, many cases of violence, passport confiscation, and employment contract violations remain unresolved (Mawikere et al., 2024). Inequality in diplomatic capacity and weak law enforcement mechanisms in destination countries exacerbate the protection situation for Indonesian migrant workers. Expanding the protection mandate through bilateral cooperation based on the principle of justice is imperative to ensure that the protection system truly guarantees the safety and dignity of migrant workers.

National legal reform is a strategic step in strengthening the effectiveness of G2G cooperation. Regulatory reform is expected to align international cooperation mechanisms with the actual needs of migrant workers, including aspects of justice, transparency, and accountability (Sarira, 2023). This reform also includes aligning norms between national law and international agreements to avoid dualism in application. In addition to strengthening the legal basis, reform also needs to be directed at strengthening institutions and protecting diplomacy. Thus, G2G cooperation is not merely administrative in nature but also reflects the state's commitment to comprehensively protecting its citizens working abroad.

The concept of legal reform, as proposed by Satjipto Rahardjo, stems from the idea that law must always be able to adapt to social changes and societal needs (Chandra & Hamonangan, 2024). Stagnant law will lose its validity because it no longer reflects evolving social realities (Rahman & Heriyanto, 2021). Legal reform not only means changes at the regulatory level but also a paradigm shift in understanding the function of law as a means of substantive justice (Solehah, 2024). In the context of interstate relations, legal reform serves as a means to reorganize the structure and mechanisms of cooperation to adapt to ever-changing global dynamics (Mardiyati, 2024). This legal reform demands a balance between legal certainty and policy flexibility.

Responsive law, as proposed by Satjipto Rahardjo, emphasizes the importance of living law that supports humanitarian values (Majid, 2021). This theory rejects the positivistic view that views law as a set of rigid norms detached from its social context (Sarumpaet et al., 2024). Within the framework of migrant worker protection, responsive law encourages the state to position workers as legal subjects entitled to protection and justice. Legal reform oriented toward substantive justice is expected to address global labor challenges, particularly those related to exploitation, discrimination, and the uncertainty of the legal status of migrant workers. Humanitarian values must be the primary foundation in all policy formulation.

The theory of mutual benefit explains that cooperation between countries must be based on balanced reciprocal benefits (Ardi & Sebayang, 2022). No country fully benefits or is disadvantaged, as all parties share the same interests in achieving stability and shared progress (Nauli, 2021). This principle is highly relevant for labor-sending and labor-receiving countries in building equitable labor cooperation. A fair agreement will result in a sustainable relationship, where migrant workers are not treated merely as economic commodities, but as legal subjects with rights.

The principle of interdependence emphasizes that each country is interdependent on others to meet its needs for labor, resources, and technology (Jiang et al., 2023). No country can stand alone in facing the challenges of economic globalization. This interdependence demands closer cooperation through formal mechanisms such as G2G agreements. Meanwhile, the principle of sovereign equality ensures that all countries have equal standing in international negotiations (Darmansyah et al., 2022). This equality serves as a moral foundation for Indonesia to fight for adequate protection for its citizens abroad, without having to bow to pressure from labor-receiving countries.

Government-to-Government (G2G) is a form of official cooperation between countries, outlined in a memorandum of understanding or international agreement. This scheme serves as the legal basis for the placement, supervision, and protection of workers abroad, carried out through direct coordination between governments (Candra, 2022). Unlike private-to-private or business-to-business systems, the G2G mechanism places direct state responsibility for the implementation and protection of migrant workers. The government acts not only as a facilitator but also as a guarantor of legal certainty and security for workers.

The main principles of G2G implementation include equality, protection, and legal certainty. Equality ensures that agreements do not place either party in a subordinate position. The principle of protection requires the state to ensure workers' rights are legally guaranteed, both during the placement process and in the event of violations in the destination country. Legal certainty is a prerequisite for the consistent implementation of each agreement provision (Andayani et al., 2024). Failure to comply with these principles is often at the root of problems for migrant workers, such as differing interpretations of contracts and weak rights enforcement mechanisms.

Migrant workers, as defined in the 1990 UN Convention and Law No. 18 of 2017, are individuals who work outside their home country to earn a living. Their status is vulnerable because they fall under the legal jurisdiction of another country, making cross-border protection imperative. Migrant worker protection includes guarantees of basic rights such as a living wage, occupational safety, freedom of association, and the right to legal aid. Sending and receiving countries have a shared responsibility to ensure these rights are respected without discrimination.

The role of international organizations such as the ILO and IOM is crucial in strengthening global protection for migrant workers. The ILO, through Conventions No. 97 and 143, sets international standards regarding the treatment of migrant workers and the prevention of illegal practices. The IOM plays a role in facilitating cooperation between countries for safe, orderly, and humane migration management (Zidhnie, 2025). Synergy

between national legal instruments, bilateral agreements, and international standards is necessary for the protection system to operate effectively. With this multidimensional approach, migrant workers can work with protected dignity and receive proper justice at the global level.

METHOD

This study uses a normative juridical research method with two main approaches: a statutory regulatory approach and a conceptual approach. The statutory regulatory approach is used to examine in depth various legal provisions governing interstate cooperation (government-to-government) in handling international migrant workers, particularly through Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and its derivative regulations, including their relationship to Law Number 6 of 2023 concerning Job Creation and several bilateral agreements signed by Indonesia with destination countries for migrant workers such as Malaysia, Saudi Arabia, and South Korea. This approach helps identify normative gaps, overlapping authorities, and the conformity between national laws and international standards such as ILO Conventions No. 97, No. 143, and the 1990 UN Convention on the Protection of the Rights of Migrant Workers and Members of Their Families. Meanwhile, the conceptual approach is used to analyze theoretical ideas related to the principles of justice, state responsibility, and human rights protection within the framework of international cooperation. This approach emphasizes an understanding of the concepts of social justice and ideal legal diplomacy in strengthening the effectiveness of G2G cooperation. By combining these two approaches, this research seeks to provide a comprehensive analysis of the legal and policy reformulations necessary to strengthen the migrant worker protection system in a sustainable manner based on universal humanitarian values.

RESULTS AND DISCUSSION

Legal Framework and Implementation of G2G Cooperation for Migrant Workers

Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers serves as a key pillar of the national legal system, governing all stages of labor migration, from placement and protection to repatriation. Article 34 of the law mandates representatives of the Republic of Indonesia in destination countries to oversee the implementation of migrant worker protection. This provision embodies the spirit of the state's responsibility to protect its citizens abroad but still faces institutional and authority limitations. This oversight is primarily administrative and mediative in nature, lacking firm law enforcement authority against violations committed by employers or placement agents in destination countries. The situation creates gaps in protection, particularly when workers face serious issues such as violence or exploitation.

Law Number 6 of 2023 concerning the Stipulation of Government Regulation instead of Law Number 2 of 2022 concerning Job Creation is a significant factor influencing labor governance, including for migrant workers. This regulation introduces several structural changes that impact the licensing mechanisms and governance of labor placement agencies. The simplified licensing process offered by this law, on the one hand, can expedite the placement process, but on the other hand, it has the potential to undermine the precautionary principle in protecting migrant workers. Several articles in the Job Creation Law are considered to overlap with Law No. 18 of 2017, particularly regarding the role of the central and regional governments in the supervision and enforcement of protection. This disharmony between the two laws creates normative confusion that directly impacts the implementation of G2G cooperation.

The Indonesian Migrant Worker Protection Agency (BP2MI) is the agency with a direct mandate to implement migrant worker protection policies. This agency acts as a coordinator in the implementation of G2G cooperation, particularly in aspects of placement, pre-departure training, and legal protection abroad. The Ministry of Manpower plays a role in formulating macro policies and overseeing the implementation of labor norms. Meanwhile, the Ministry of Foreign Affairs plays a crucial role in diplomacy and implementing bilateral cooperation with labor-receiving countries. Although structural coordination has been established between agencies, implementation in the field still shows overlapping authority and weak data integration between agencies. This institutional fragmentation often results in slow and ineffective handling of migrant worker cases.

The legal substance of Law No. 18 of 2017 still leaves several weaknesses that impact the implementation of protection. Legal norms governing oversight mechanisms and administrative sanctions for violations have not been detailed, making effective implementation difficult. The absence of implementable sanctions against parties who violate protection provisions means the law lacks strong coercive power. Furthermore, the absence of explicit provisions regarding the responsibilities of receiving countries in this law has resulted in one-sided protection. This situation demonstrates that national legal structures still require adjustments to align with international practices and the principles of comprehensive migrant worker protection.

The international legal framework provides strong guidance for ensuring the protection of migrant workers' rights globally. ILO Convention No. 97 concerning Migration for Employment and ILO Convention No. 143 concerning Migrant Workers in Irregular Situations establish standards regarding fair treatment, the right to decent working conditions, and the prohibition against discrimination. The 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families expands the scope of protection to include workers' social, economic, and cultural rights. Indonesia has ratified the UN Convention through Law Number 6 of 2012, which means it is legally bound to implement its principles. These three instruments affirm the obligation of sending and receiving countries to cooperate in creating a just protection system for all migrant workers.

International principles such as non-discrimination, fair recruitment, and equal treatment serve as the moral and legal foundation for managing migrant workers. The principle of non-discrimination guarantees that every worker, regardless of nationality, gender, or legal status, has the right to equal treatment in the workplace. Fair recruitment requires a transparent recruitment process, free from excessive costs, and non-exploitation. Equal treatment, on the other hand, requires that migrant workers receive the same rights and benefits as local workers, particularly in terms of wages, working hours, and social protection. These three principles serve as universal benchmarks that should be reflected in all bilateral agreements Indonesia enters into with destination countries.

Alignment between national and international law remains a challenge for Indonesia. Although many norms in Law No. 18 of 2017 align with international standards, several technical aspects, such as oversight mechanisms, compensation systems, and cross-jurisdictional law enforcement, remain inadequately regulated. This lack of synchronization renders the protection of migrant workers abroad ineffective. Differences in legal terminology, employment contract systems, and diplomatic approaches between sending and receiving countries also present obstacles to the implementation of the principle of fairness. Policy alignment and normative harmonization are crucial steps to strengthen Indonesia's position in future G2G cooperation negotiations.

Bilateral agreements, or Memoranda of Understanding (MoUs), are the primary legal instruments Indonesia uses in establishing G2G cooperation related to the placement and protection of migrant workers. The MoU between Indonesia and Malaysia is one of the oldest

agreements governing procedures for the placement of domestic workers. The MoU covers the right to a minimum wage, rest days, and labor dispute resolution mechanisms. The agreement with Saudi Arabia focuses on the placement of domestic workers with a digital protection scheme and online reporting through the Musaned application. Meanwhile, cooperation with South Korea places greater emphasis on the Employment Permit System (EPS) program, which provides standard contract-based protection and rigorous pre-departure training.

The substance of these bilateral agreements reflects the government's efforts to balance economic interests and legal protection for migrant workers. Each MoU typically contains provisions on workers' rights, employer obligations, dispute resolution mechanisms, and repatriation procedures in the event of a contract breach. However, in practice, gaps remain between written provisions and implementation. Many workers lack access to legal assistance or compensation despite being stipulated in the agreement. This highlights the need for a comprehensive evaluation of the effectiveness of the implementation of G2G agreements, particularly in terms of oversight and diplomatic coordination.

The effectiveness of G2G cooperation is largely determined by the extent to which both countries implement their agreed commitments. Weak oversight, slow bureaucracy, and the lack of capacity of implementing institutions pose serious obstacles to achieving the desired protection goals. Some labor-receiving countries often interpret the provisions of the MoU unilaterally, thereby diminishing the protections for Indonesian migrant workers. Limited resources at diplomatic missions also hamper the enforcement of workers' rights abroad. Periodic evaluation and revision of G2G agreements are necessary to ensure that cooperation mechanisms are more adaptive and support the interests of migrant workers as legal subjects who must be protected.

Challenges and Strategies for Legal Reform in Strengthening G2G

Legal challenges in implementing Government-to-Government (G2G) cooperation for migrant workers stem from a lack of norms and inconsistencies between existing regulations. Law No. 18 of 2017 does not specifically regulate the oversight mechanisms for migrant workers in destination countries, particularly regarding the enforcement of labor rights in cases of contract violations or violence. This situation creates a gray area in legal implementation and makes it difficult for implementing agencies to provide effective protection. The disharmony between Law No. 18 of 2017 and Law No. 6 of 2023 concerning Job Creation also worsens inter-institutional coordination due to differing interpretations of authority. This situation demonstrates that normative aspects are a fundamental obstacle to establishing a just migrant worker protection system.

Existing legal provisions do not provide a strong binding force for bilateral agreements. Many Memoranda of Understanding (MoUs) are political and administrative in nature without guarantees of legal enforcement in destination countries. Consequently, when violations against migrant workers occur, resolution mechanisms rely more on diplomatic negotiations than on binding legal channels. Migrant workers' legal standing is weakened because receiving countries often interpret the contents of agreements based on their domestic laws. The absence of sanctions for violations of the MoU has caused many cases to drag on without a clear resolution.

Diplomatic challenges arise from Indonesia's weak bargaining position as a labor-sending country. Economic dependence on remittances often means that placement policies prioritize short-term economic interests over long-term protection. Bilateral negotiations are slow due to differing interests and uneven legal structures between countries. The negotiation process is hampered by a lack of technical diplomatic capacity with a deep understanding of

labor issues. This weak bargaining position makes it difficult for Indonesia to negotiate stricter protection clauses in G2G agreements.

Institutional challenges also weaken the effectiveness of G2G cooperation. Weak coordination between the Ministry of Manpower, the Ministry of Foreign Affairs, and the Agency for the Protection of Migrant Workers (BP2MI) leads to overlapping roles in the placement and protection of migrant workers. Unintegrated migrant worker data hampers policy monitoring and evaluation. Abroad, limited human resources and representative facilities at Indonesian agencies limit advocacy opportunities for workers in need. This creates a gap between regulations on paper and their implementation on the ground. Institutional reform is essential to strengthen the effectiveness of cooperation between countries.

The revision of Law Number 18 of 2017 is the first step towards significant legal reform. Changes are needed to expand general articles into operational provisions, particularly regarding the supervision and protection of migrant workers in destination countries. New provisions should include the establishment of a cross-border monitoring unit and an emergency protection mechanism that workers can access directly. The addition of a clause on the responsibilities of receiving countries in guaranteeing workers' rights is also crucial. These changes are expected to strengthen Indonesia's legal position in negotiating more balanced and equitable G2G cooperation.

Bilateral agreements need to be reformulated to be more binding and align with International Labor Organization (ILO) standards. These standards emphasize contractual fairness, equal treatment, and the prohibition of labor exploitation. MoUs that merely contain statements of intent should be upgraded to formal agreements with clear legal consequences in the event of violations. Provisions regarding dispute resolution should also be clarified through the establishment of a bilateral arbitration forum recognized by both countries. This approach will provide more concrete legal certainty for migrant workers and strengthen the accountability of receiving countries.

The establishment of a Joint Oversight Mechanism between countries is a crucial strategy to ensure the implementation of MoUs as agreed. This mechanism could take the form of a joint committee comprising representatives from both countries, with oversight, evaluation, and periodic reporting functions. This committee could also mediate disputes between workers and employers and provide recommendations for improvements to the placement system. This type of joint oversight model would increase transparency and prevent abuse of authority at the field level. Implementing this mechanism requires strong political commitment and intensive diplomatic coordination.

The use of technology is a crucial element in reforming international labor law. Integrating a digital-based migrant worker information system across governments will streamline data collection, monitoring, and protection. This system can link pre-departure data, employment contracts, training, and case reporting in real time between Indonesia and destination countries. Data transparency will minimize fraudulent practices and expedite government responses to emergencies. This digital innovation can also strengthen oversight of labor placement agencies and promote more accountable governance.

Institutional synergy at the national level is a key foundation for successful legal reform. The Ministry of Manpower needs to act as a strategic policy coordinator, while the Agency for the Protection and Protection of Migrant Workers (BP2MI) is responsible for the technical implementation of migrant worker protection. The Ministry of Foreign Affairs plays a diplomatic role in strengthening cooperation and conducting bilateral negotiations with labor-receiving countries. Unifying visions between institutions will create a more comprehensive and efficient protection system. This strengthened coordination must be accompanied by increased human resource capacity and adequate budget allocation.

Indonesian labor diplomacy requires a new, more proactive orientation based on human rights values. A diplomatic approach that emphasizes social justice, equality, and legal protection will enhance Indonesia's legitimacy in the eyes of partner countries. Indonesian representatives abroad must be further empowered to advocate for and enforce migrant workers' rights. Collaboration with international organizations such as ASEAN and the ILO can be a means of establishing more consistent regional protection standards. This synergistic effort is expected to create a G2G system that is not merely administrative, but also just and humanitarian oriented.

CONCLUSION

Government-to-government relations in handling international migrant workers serve as a crucial legal and diplomatic instrument to ensure the protection of workers' rights in destination countries. The implementation of G2G demonstrates that, despite the existence of a national legal basis through Law No. 18 of 2017 and various bilateral agreements, its effectiveness remains limited due to weak inter-agency coordination, a lack of norms regarding foreign oversight, and the low legal binding force of non-binding agreements. Regulatory inconsistencies also lead to a lack of synchronization in the implementation of protection between the central and regional governments, while the role of diplomatic missions is often suboptimal in handling cases of workers' rights violations. Legal reform is urgently needed to ensure that the G2G cooperation mechanism functions more efficiently, transparently, and is based on the principles of social justice and respect for human dignity.

Efforts to reform legal norms must be accompanied by strengthening institutional synergy and adaptive legal diplomacy that is more responsive to global labor dynamics. Revisions to weak articles in Law No. 18 of 2017 should be directed towards clarifying the oversight and accountability mechanisms of sending and receiving countries. Harmonization between national regulations and ILO conventions must be realized through binding bilateral agreements, accompanied by the establishment of a transparent, digitally data-driven, cross-border joint oversight mechanism. The government also needs to strengthen the capacity of Indonesian representatives abroad to effectively carry out legal advocacy functions. The integration of legal policy, diplomacy, and technology will form the foundation for a sustainable, humane, and compliant migrant worker protection system that aligns with Indonesia's international commitments.

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