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Zero Cost Policy for Indonesian Migrant Workers in Taiwan Case Study Based Employment Agreement Law Number 18 of 2017

Taria Hasna Setyawulandari¹, Satino²

¹ Fakultas Hukum, UPN Veteran Jakarta, Indonesia, tariahasnasw@gmail.com

² Fakultas Hukum, UPN Veteran Jakarta, Indonesia, satino@upnvj.ac.id

Corresponding Author: tariahasnasw@gmail.com

Abstract: Indonesian migrant workers often encounter the issue of placement expenses. To address this issue, the Indonesian government has implemented Law Number 18 of 2017, which aims to protect Indonesian migrant workers. According to Article 30, paragraph (1), Indonesian Migrant Workers are exempt from paying placement fees. The government's primary priority is to safeguard and ensure the rights and duties of migrant workers via the policy of waiving placement fees, often known as zero cost. The employment agreement does not include a specific provision for the zero cost policy, resulting in migrant workers still being required to pay placement fees. This study used a normative juridical research methodology to examine the hierarchical structure of relevant laws, regulations, and legal principles in work agreement.

Keyword: Migrants Worker, Zero-cost Policy, Work Agreement.

INTRODUCTION

Indonesia is a unitary state which prioritizes maintaining public order and upholding the supremacy of law.¹ All aspects of activities carried out or determined by state and community institutions must be based on law. The highest legal foundation in Indonesia is the 1945 Constitution which oversees a hierarchy of statutory regulations below, namely: MPR TAP Decree, UU/Perpu, PP, Presidential Decree, and Regional Regulation. In line with article 8 paragraph (1) of Law No. 12 of 2011 concerning the Formation of Legislative Regulations, the position and legal force of Ministerial Regulations, Agency Regulations, and regulations of other institutions or bodies that are not listed in the statutory hierarchy are clearly stated. Therefore, all actions carried out by the government, including actions related to the military, agriculture, education, human rights and the economy, are subject to statutory regulations.

When examining a country's economic system, it is important to consider the variety of economic activities that occur. The Indonesian economic system adheres to the Pancasila

¹ Rokilah, Rokilah. 2020. "Dinamika Negara Hukum Indonesia: Antara Rechtsstaat Dan Rule Of Law." *Nurani Hukum* 2 (1). Universitas Sultan Ageng Tirtayasa: 12. doi:10.51825/nhk.v2i1.8167.

economy which is based on the idea of kinship as stated in article 33 paragraph (1) of the 1945 Constitution. Pancasila functions as the main foundation for all legal principles and provides guidelines for achieving long-term economic growth. Based on Ministry of Finance statistics, the national economic growth rate in 2023 will remain stable at 5.05%. The pace of economic development in Indonesia cannot be separated from the contribution of PMI which plays an important role in generating foreign exchange for the country. These workers have contributed a total of US\$ 14.22 billion or the equivalent of 1.05% of Indonesia's GDP. The government focuses on empowering and providing legal protection to migrant workers to safeguard their rights and responsibilities. For this reason, the government enacted Law No. 18 of 2017 concerning the Security of PMI which abolished the previous regulation, namely Law No. 38 of 2004 concerning the Placement and Security of PMI Abroad. Apart from that, the government has implemented a program called zero cost to eliminate the costs that must be incurred by prospective migrant workers.

The history of the movement of migrant workers, especially in Indonesia, began in 1969 with the implementation of the Inter-Regional Inter-Employment Program (AKAD), which was followed by the Inter-State Inter-Employment Program (AKAN) in 1970.² Both initiatives were carried out by the Department of Manpower, Transmigration and Cooperatives passing the issuance of PP Number 9 of 1970 which includes the participation of the private sector.³ In 2004, the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) was formed as mandated by Article 94 paragraphs (1) and (2) of Law No. 39 of 2004. In 2017, the government restructured BNP2TKI to become the Indonesian Migrant Worker Protection Agency (BP2MI). Of course, this change must be made taking into account the fact that migrant workers play a central role in creating many industrial jobs and reducing the unemployment rate in this country.

The zero cost scheme should be appreciated because it can provide a solution and the opportunity for migrant workers to go to their placement country without being charged any fees. The number of migrant workers in host countries increases every year. The government collaborates with 65 countries through the Government to Government (G to G) program, including Taiwan, South Korea, Japan, Germany and others as stated in the Decree of the Director General for the Development of Workforce Placement and Expansion of Job Opportunities Number 3/111/PK.02.01 /IV/2022.⁴ In this research the author will focus on the placement country that is of great interest to PMI, namely Taiwan. The pre-departure to post-departure process is a consideration for workers in choosing that country. Economic, trade and employment cooperation relations between Indonesia and Taiwan have been established for a long time⁵, so in order to fulfill and protect the rights and obligations of their respective citizens, both parties established the Taipei Indonesian Trade and Economic Office (KDEI) and the Taipei Economic and Trade Officer (TETO).

However, unfortunately this zero cost scheme does not fully represent the term 'zero cost' (no costs) in its entirety because there are still several costs that are not borne by Employers from Taiwan. As a result, several costs such as competency certificates, medical tests, and salary deductions according to the rules and requirements set by P3MI are still

² Dewi, Dewa Ayu Putu Shandra. 2018. "Harmonisasi Peraturan Perundang-Undangan Tentang Ketenagakerjaan Indonesia Pasca Ratifikasi Konvensi Internasional Pekerja Migran Tahun 1990." *Reformasi* 8 (1): 58–64.

³ Badan Perlindungan Pekerja Migran Indonesia. 2024. (<https://bp2mi.go.id/profil-sejarah>). Diakses pada 18 April 2024. Pukul 16.22 WIB.

⁴ Kementerian Ketenagakerjaan Republik Indonesia. 2022. (<https://kemnaker.go.id/news/detail/kemnaker-perbarui-daftar-negara-penempatan-pmi-di-masa-adaptasi-kebiasaan-baru>). Diakses pada 18 April 2024. Pukul 18.15 WIB.

⁵ Pujonggo, Seno Setyo, Mila Rosmaya, Gunawan Ari Nursanto, and Virra Wirdhingsih. 2022. "A Study on Immigration Cooperation Between Indonesia and Taiwan." *Jurnal Ilmiah Kajian Keimigrasian* 5 (1). Politeknik Imigrasi (POLTEKIM): 119–33. doi:10.52617/jikk.v5i1.351.

borne by prospective migrant workers whether registered in the formal sector or the informal sector. Based on the background above, in this journal the author will discuss how to implement the zero cost policy in work agreements and how to apply legal principles in migrant worker work agreements.

METHOD

This research is normative juridical legal research, specifically focusing on explaining the norms involved in a particular legal system. The aim of this research is to explain the writer's function in describing a legal norm and explaining its application within the legal framework.⁶ Normative juridical law studies rely on secondary data, which can be categorized into 3 parts: primary, secondary, and tertiary legal materials.

RESULTS AND DISCUSSION

How to implement the zero cost policy in the work agreement?

The Republic of Indonesia is a legal state based on a constitution or the 1945 Constitution. The constitution includes definitions of written laws, customary practices and constitutional conventions.⁷ So Indonesia definitely has a hierarchy of national laws and regulations. Several years earlier, the government presented Law No. 18 of 2017 to increase the protection and empowerment of PMI to respond to the impact of globalization on employment competitiveness. BNP2TKI has been changed to BP2MI through Perpes No. 90 of 2019. This transformation aims to improve the implementation of PMI service policies, as stated in Article 48 of Law No. 18 of 2017 concerning PMI. As a form of the government's dedication and seriousness in protecting the evidence of migrant workers, Indonesia has also signed and ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) in 2012. Migrant workers according to the definition of the International Labor Organization (ILO) are those who carry out the migration process, namely moving between countries, with the aim of finding work and being employed by other people.⁸ This interpretation is in accordance with article 1 paragraph 2 of Law No. 18 of 2017 concerning PMI. Providing and securing services for PMI includes not only government agencies but also private companies called P3MI as regulated in the PMI Law. P3MI is a legally registered business entity that has received express approval from the Minister to carry out PMI placement services. The procedures for CPMI departure are outlined in article 2 of Agency Regulation No. 7 of 2022 concerning Pre-Employment methods for Prospective Indonesian Migrant Workers (CPMI). The protocol begins with fulfilling the criteria for prospective workers who intend to work in foreign countries. Apart from that, after all the necessary criteria are met, prospective migrant workers have the option to register online using Sisnaker (Employment Information System) or be assigned by P3MI.

P3MI in charge of placement must have a SIP2MI (Indonesian Migrant Worker Recruitment Permit). The Head of the Agency provides SIP2MI as one of the components of the placement procedure. Based on article 5 of Law No. 18 of 2017, the requirements for becoming a migrant worker include being at least 18 years old, having the ability, being

⁶ Tan, David. 2021. "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 8 (8): 2463–78. <http://jurnal.um-tapsel.ac.id/index.php/nusantara/index>.

⁷ Asshiddiqie, Jimly. 2005. "Konstitusi Dan Konstitusionalisme Indonesia, Edisi Revisi." Konstitusi Dan Konstitusionalisme Indonesia Sekretariat Jenderal Dan Kepanitraan Mahkamah Konstitusi.

⁸ Wijaya, Wahyu. 2021. "Perlindungan Buruh Migran Menurut Hukum Internasional Dan Hukum Regional (ASEAN)." *Prosiding Ilmu Hukum* 7 (2): 734–38. <https://karyailmiah.unisba.ac.id/index.php/hukum/article/view/27511/pdf>.

physically and mentally healthy, being registered and having a Social Security membership number, and having all the necessary documentation. Migrant worker protection includes pre-employment, during employment and post-employment protection. Before starting work, prospective migrant workers must fulfill all documentary requirements, including a marriage certificate for married individuals, a husband's or wife's permission, parental permission, or a guardian's permission recognized by the village head or village head, work capability certificate, health certificate, passport issued from the immigration office, work visa, PMI placement agreement, and Employment Agreement.

The main factor that influences a worker to want to work abroad, one of which is the salary offered is higher than at home due to differences in the rupiah exchange rate against the currency of the country of placement. For example, sending migrant workers in the informal sector such as caregivers (elderly nurses) to Taiwan, the monthly salary earned is NT\$20,000 or around Rp. 9,963,070.87 (exchange rate 28th April 2024). The number of migrant workers abroad increases every year and only decreased during the Covid-19 pandemic in the 2018-2023 period. It is predicted that after the Covid-19 pandemic, on average there will be more than 25,000 PMI.⁹ Responding to several predictions of increasing interest in working abroad in order to optimize services for prospective migrant workers, the government issued PMI Protection Agency Regulation Number 6 of 2022 which regulates the duties and functions of the Indonesian Migrant Worker Protection Service Center (BP3MI) as the operator of the technician division. Prospective migrant workers can work in one of 2 sectors, namely formal and informal. The formal sector is work in companies that are legal entities, such as working in factories, manufacturing, health, fisheries, and others. Meanwhile, the informal sector is work carried out for individual users without legal entities such as caregivers (elderly nurses) and household assistants.

An obstacle that is often encountered by prospective migrant workers is the problem of initial capital for work. Before the zero cost policy, migrant workers took advantage of the People's Business Credit (KUR) program which was distributed through state banking institutions. The payment scheme via KUR was chosen because the interest is lower than private banks. The effective KUR interest is 6% per year for loans above IDR 10,000,000 and the interest will increase when applying for the second loan and so on.¹⁰ If there is a default or failure to pay by the debtor, it is feared that this will become a new burden for prospective migrant workers. To avoid these problems, it is also necessary to protect the finances of prospective migrant workers by increasing financial literacy and training. In line with the government, Law No. 18 of 2017 expressly states in article 30 paragraphs (1) and (2) that there is an exemption from placement fees. This policy is further stipulated in Agency Regulation No. 9 of 2020.

In accordance with article 3 paragraph (1) of Agency Regulation No. 9 of 2020, PMI is exempt from the obligation to pay placement fees, and all costs related to placement fees are the responsibility of the Employer. PMI employers include government agencies, government legal entities, private legal entities, and people residing in the country where the placement takes place. The flow of job assignments and placements starts from the demand on the job market for foreign workers by employers or also known as employers. Employers submit applications through distribution companies or agencies in Taiwan. Later P3MI will offer labor availability.

⁹ Wawan Fahrudin, and Hera Susanti. 2022. "Hubungan Tingkat Kesejahteraan Masyarakat Terhadap Jumlah Pekerja Migran Indonesia Di Kab./Kota Tahun 2015-2019." *Jurnal Kebijakan Ekonomi*, June. Fakultas Ekonomi dan Bisnis Universitas Indonesia, 128–42. doi:10.21002/jke.2022.09.

¹⁰ Cahyaningrum, Dian. 2020. "Peran Bank Dalam Pelindungan Ekonomi Terhadap Pekerja Migran Indonesia (The Role of Bank in Economic Protection for Indonesian Migrant Workers)." *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 11 (1). Journal of Economic and Public Policy. doi:10.22212/jnh.v11i1.1577.

Starting from Law No. 18 of 2017, a public policy was born with the term zero cost policy. The relationship between law and public policy cannot be separated from each other. The definition of public policy according to Thomas A. Birkland in Hermanto Suaib, states that the main attributes of public policy are as follows:¹¹

1. Policies are formed as a response to a problem that requires awareness.
2. Policies are created in the name of the public.
3. Policies are designed to address a specific goal or situation, often by providing a solution to a problem.
4. The government has final authority in making policy decisions, regardless of whether the idea originates from outside or through collaboration between the government and non-governmental organizations.
5. Policies are interpreted and implemented by government and private organs who have different understandings of their own challenges, solutions, and inspirations.
6. Policy is everything that the government wants or does not want to do.

The idea of public policy can be summarized as the use of state authority by a government to address challenges faced by its society. The government has an important role in formulating policies, especially fair legal policies. A policy giving rise to legislation and especially for migrant workers can influence the contents of the employment contract. Article 30 paragraph (1) of Law No. 18 of 2017, namely "PMI is exempt from collecting any fees", then article 30 paragraph (2) reads "Regulations of the Head of the Agency regulate additional rules regarding placement fees as referred to in paragraph (1)". Based on Article 3 Paragraph (2) of Agency Regulation Number 9 of 2020 regarding free PMI placement fees, certain costs cannot be charged to PMI. Services provided include flight tickets, round-trip tickets, work visas, legalization of work contracts, job training, job skills certification, company services, replacement passports, police record certificates, social insurance for PMI, as well as domestic health and psychological examinations, along with additional health checks if mandated by a special entity. Components required for the trip include transportation from the country of origin to the departure point in Indonesia, local transit in the region, and accommodation.

However, through the Taiwanese Minister of Manpower, the Taiwanese government refuses to bear all placement costs from the employer.¹² As a result, after going through various negotiations, some of the placement costs are still borne by migrant workers placed through P3MI and individuals. The amount of the fee is contained in the Decree of the Head of BP2MI No. 50 of 2023 concerning PMI Placement Fees determined by P3MI for Individual Employers in Taiwan. The cost components and cost amounts are as follows:

1. Medical Check-Up, Rp1.020.000,-
2. Psychological Test Examination, Rp550.000,-
3. Employment Social Security Participation, Rp532.000,-
4. Police Clearance Certificate, Rp30.000,-
5. Work Visa, Rp990.000,-
6. Transportation within Java Island Rp500,000,- and outside Java Rp2,000,000,-
7. Departure ticket, Rp4.500.000,-
8. Company services, NT\$20.000

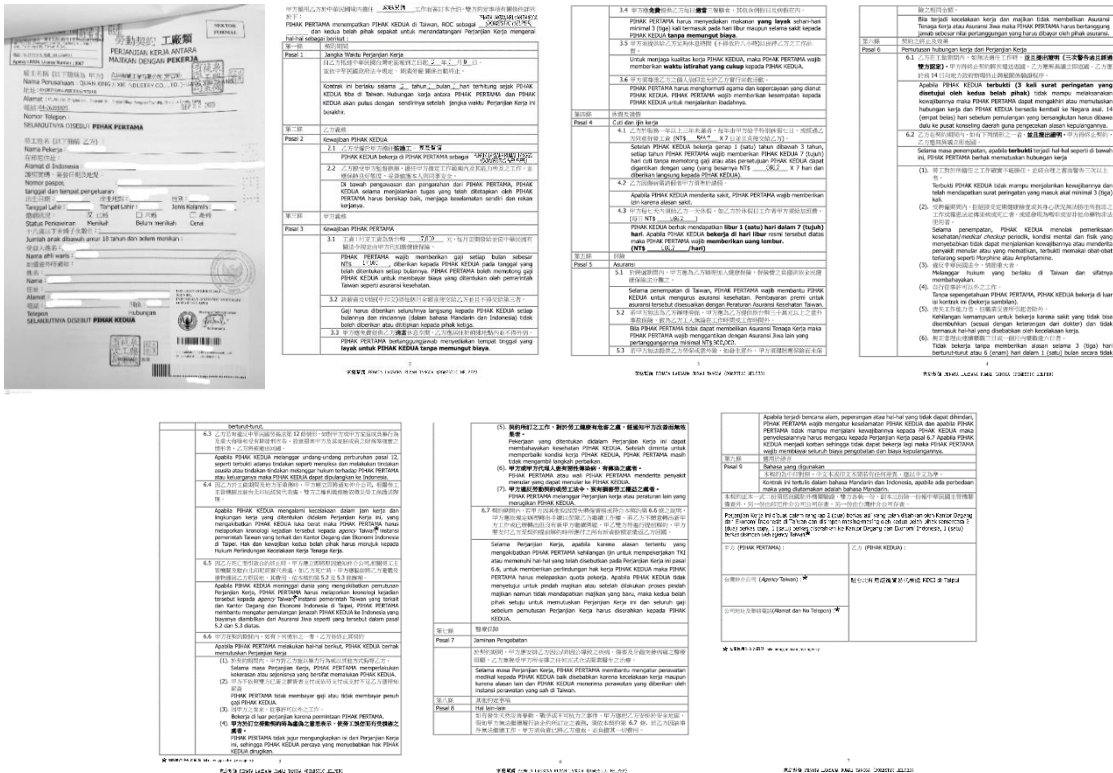
This decision is not in line with article 30 paragraphs (1) and (2) of Law No. 18 of 2017. The legal concept of *lex superior derogat legi inferiori* emphasizes that reducing restrictions must not conflict or be inconsistent with higher regulations so that the mandate of

¹¹ Suaib, Hermanto. 2022. "Pengantar Kebijakan Publik." Humanities Genius.

¹² Taiwan menolak warga menanggung biaya penempatan PMI. 2020. (<https://www.antaraneews.com/berita/1707490/taiwan-tolak-warganya-dibebani-biaya-penempatan-pmi>). Diakses pada 19 April 2024. Pukul 22.25 WIB.

the Law cannot yet run smoothly. smoothly and in the employment agreement there should be a clause that more clearly discusses placement costs.

Apart from that, according to Sudikno Mertokusumo in A. Rahim, an agreement is a legally binding association between two or more parties which results in the emergence of law. Both parties agree to establish norms, rules, as well as evidence and obligations that legally compel them to comply and fulfill them.¹³ Meanwhile, the meaning of a work agreement in Law No. 13 of 2003 concerning Employment, article 1 number 14 explains "A work agreement is a contractual agreement between a worker or laborer and an entrepreneur or employer which contains certain terms and conditions, as well as the rights and responsibilities of both parties." This means that the work agreement becomes a reference while working in the placement country as well as legal protection for prospective migrant workers. Prospective migrant workers are required to understand the contents of the employment agreement/employment contract before signing it. The contents of the employment agreement between Taiwanese employers and prospective migrant workers consist of 9 articles including: Article 1 Duration of the Employment Contract, Article 2 Obligations of the Second Party, Article 3 Obligations of the First Party, Article 4 Leave and Work Permit, Article 5 Insurance, Article 6 Termination of Employment Article 7 Medical Guarantee, Article 8 Other matters, and Article 9 Language Used.



Picture 1 example of Taiwan Employment Agreement

How to apply legal principles in migrant worker employment agreements?

Agreements in positive law that apply in Indonesia are stipulated in Book III of the Civil Code or also known as Burgerlijk Wetboek, articles 1233-1864 concerning agreements (van verbintenits). The provisions of article 1233 of the Civil Code explain that "an agreement arises because of an agreement or because of law". The correlation between engagement and agreement is that the agreement is the source of the engagement.¹⁴ So the terms engagement,

¹³ A. Rahim. 2022. "Dasar-Dasar Hukum Perjanjian". Humanities Genius.
¹⁴ Purba, Hasim. 2022. "Hukum Perikatan dan Perjanjian". Sinar Grafika.

agreement, contract and agreement are interpreted the same way. There are 4 elements of the terms of a valid agreement according to article 1320 of the Civil Code, namely consent, capability, certain things, and halal factors. Furthermore, the definition of an agreement according to Subekti and Tjit Rosudibio is an incident where one person pledges a commitment to another person, or when two people swear to each other to fulfill certain obligations. This definition is in line with article 1313 of the Civil Code, namely "Agreement is a formal arrangement in which one or more individuals bind themselves to one or more other individuals". A work agreement can be used as a legal basis for establishing a work relationship between workers/laborers and employers. After the enactment of Law No. 13 of 2003 concerning Employment, the correlation between the two parties is also called industrial relations.¹⁵

A work agreement or work contract is likened to a second life for workers and laborers. Employment contracts function as legal protection for all parties involved, with the aim of reducing potential financial losses. Job seekers must realize the importance of understanding the substance of the employment contract before signing it. An employment contract basically consists of an agreement that outlines the rights and responsibilities that arise under the employment relationship. According to the work agreement, the employer is obliged to provide monthly wages to migrant workers according to the agreement, on certain days. The main party is obliged to provide adequate accommodation for the second party in its capacity as a migrant worker. Meanwhile, the obligation of the second party is to uphold professionalism, be kind, and look after themselves and their co-workers. The work agreement also states the mechanism for work accident insurance and health insurance which must be borne by the first party. To measure whether an agreement is good and correct, it is necessary to pay attention to several principles of civil law related to agreements. There are 5 principles in contract law:¹⁶

1. Principal of Freedom of Contract

The provisions on the principle of freedom of contract alone do not mean that the parties concerned may allow any means to achieve their interests. An important requirement for a legal agreement according to article 1320 of the Civil Code is a lawful cause. Regarding the explanation of these legal provisions, we can refer to article 1337 of the Civil Code, namely "A cause is considered prohibited if it is prohibited by law or is contrary to morality or public order". We can also understand the principle of freedom of agreement implicitly in article 1338 of the Civil Code, namely "Every agreement made in accordance with the law is binding and can be carried out by the parties involved. This permit cannot be changed, except based on mutual agreement or as mandated by law. Agreements must be concluded with sincerity and honesty." For example, if one of the clauses in an agreement plans premeditated murder, then the agreement in question is said to be invalid by law or null and void due to the non-fulfillment of the 4 legal requirements of the agreement as objective requirements.

2. Principle of Consensus

In the explanation of article 1338 of the Civil Code, it is stated that agreements from related parties give rise to agreements. The meaning of consensualism is formed from the word consensus, which means to agree.¹⁷ In an agreement, it is hoped that all related

¹⁵ Agustanti, Rosalia Dika, Yuliana Yuli Wahyuningsih, and Satino -. 2021. "Guarantee Of Worker Rights During The Covid 19 Pandemic." *Jambura Law Review* 3 (May). Fakultas Hukum Universitas Negeri Gorontalo: 77–95. doi:10.33756/jlr.v3i0.7914.

¹⁶ Niru Anita Sinaga. 2018. "Peranan Asas-Asas Hukum Perjanjian Dalam Mewujudkan Tujuan Perjanjian." *Binamulia Hukum* 7 (2). Fakultas Hukum Universitas Krisnadwipayana: 107–20. doi:10.37893/jbh.v7i2.20.

¹⁷ Umar, Dhira Utari. 2020. "PENERAPAN ASAS KONSENSUALISME DALAM PERJANJIAN JUAL BELI MENURUT PERSPEKTIF HUKUM PERDATA." *Jurnal Berkala Epidemiologi* 5 (1): 90–96.

parties will fulfill each other's desired rights and obligations. An agreement takes effect, especially a work agreement or work contract, if both parties have signatures. Legally, a signature shows that the parties concerned agree to the contents of the agreement. Agree consciously and without any coercion.

3. Principle of *Pacta Sunt Servanda*

The Latin meaning of *pacta sunt servanda* means that agreements must be kept. The idea of *pacta sunt servanda* is widely recognized in countries that follow civil law and common law legal systems. The idea of *pacta sunt servanda* is closely related to the fields of contract law and international law. In accordance with the provisions of Law No. 24 of 2000 concerning international agreements, article 4 paragraph (1) states that "The Government of the Republic of Indonesia enters into international agreements with one or more countries, international organizations, or other subjects of international law. based on an agreement, and the parties are obliged to fulfill the agreement sincerely and honestly."

4. Principle of Good Faith

In essence, all forms of agreement are in good faith. Good faith is something that exists in the human mind and its meaning is abstract.¹⁸ Based on the KBBI (Kamus Besar Bahasa Indonesia), faith is a strong will or having a good goal. Good faith subjectively means honesty. Honesty is a characteristic that requires harmony between words and actions. How can employers and migrant workers respect and respect each other? Meanwhile, good faith objectively prioritizes propriety. How the substance of the employment contract can fulfill the rights and obligations of both parties. The legal consequences if the principle of faith is not fulfilled and is violated if referring to article 6 of the Taiwanese employer's work agreement with migrant workers is that the first party has the authority to terminate the work agreement as well as the second party can end the work contract if the first party violates the provisions that have been mutually agreed upon.

5. Principle of Personality

The principle of personality can be implicitly seen in article 1315 of the Civil Code, namely "Normally, a person cannot be involved in a contract or agreement on behalf of someone other than himself." To be clearer, every time someone makes an agreement, there is nothing other than the interests being aimed. Legal considerations have been used to regulate work agreements between employers and migrant workers. The principles contained in article 2 of Law No. 18 of 2017 concerning P2MI include the principles of integration, equal rights, recognition of human dignity, sovereignty of the people, social justice, gender equality and justice, anti-discrimination, anti-human trafficking, transparency, accountability, and continuity.

CONCLUSION

Zero cost provisions in work agreements for migrant workers are an important step to ensure legal protection and fair work agreements. Rooted in the legal framework, namely the Indonesian constitution and approved international agreements including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The zero cost policy reflects the government's commitment to safeguarding the rights of its people who work abroad. However, the practical application or implementation in the field of this zero cost policy still faces challenges, especially in ensuring that all placement costs are borne by the employer as stated in Law No. 18 of 2017 concerning P2MI.

<https://core.ac.uk/download/pdf/235085111.pdf> website:

<http://www.kemkes.go.id> [http://www.yankes.kemkes.go.id/assets/downloads/PMK No. 57 Tahun 2013 tentang PTRM.pdf](http://www.yankes.kemkes.go.id/assets/downloads/PMK%20No.%2057%20Tahun%202013%20tentang%20PTRM.pdf) https://www.kemendppa.go.id/lib/uploads/list/15242-profil-anak-indonesia_-201.

¹⁸ Henry Halim. 2020. "Asas Itikad Baik Dalam Perjanjian Pendahuluan Jual Beli." *Jurnal Ilmu Hukum STIH Riau* 1 (1): 1–6. <http://jurnal.stihriau.ac.id/index.php/jih/article/view/12/3>.

There is still a gap between the mandate of the law and its implementation in the field and of course a review of the law and related regulations under it is needed.

The application of legal principles in employment contracts for migrant workers is very important to ensure fairness and transparency in the relationship between employers and migrant workers. Key legal principles such as the principles of freedom of contract, agreement, *pacta sunt servanda*, good faith, and character have been applied to employment contracts. These legal principles serve as a guiding framework for drafting employment contracts that uphold the authority and obligations of both parties. The importance of legal frameworks and principles for forming policies and how they are directly implemented.

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