

TRANSFORMATION OF LEGAL LITERACY OF INDONESIAN MIGRANT WORKERS THROUGH CONTINUING EDUCATION BASED ON LEARNING MANAGEMENT SYSTEM (LMS)

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Abstract

This Certification Program/Continuing Education (CE) using the Learning Management System (LMS) platform studies covering social and legal risks that not only include legal disputes in the country where migrant workers are located, but also disputes between migrant workers' families in the country where they work. Cases of human trafficking, drug networks, and the problem of low competence of migrant workers, illegal immigrants etc. One of the main causes of this is that immigrant workers do not understand the national and international laws (legal literacy) related to their activities. Currently, before starting work in the destination country, migrant workers are required to attend training programs in labor law, but legal knowledge is not highly valued. On the other hand, the legal ignorance of migrant workers remains a challenge. The purpose of this research is to provide a Continuing Education Program for Indonesian Migrant Workers (PMI) to add insight and of course can be a protection for themselves, especially those related to law without having to take a Bachelor's Degree. This research uses positivist, interpretative, and critical techniques to analyze problems or topics that arise from research. the analysis used in this research is descriptive-prescriptive analysis. The results of this study indicate that there are still many legal problems that arise caused by Indonesian Migrant Workers, both those that appear in the media and those that are hidden. Therefore, it is hoped that the academic world, especially the Universitas Terbuka, which is considered the most able to become a mainstay campus to become a pioneer in educating all the nation's children, must pay more attention to Migrant Workers so that there are no more legal problems caused by PMI abroad.

Keywords: Indonesian Migrant Workers, Continuing Education, Legal Issues.

1 INTRODUCTION

An Indonesian Migrant Worker (PMI) is someone who moves or migrates from one place to another. The need to fulfill social, economic, political, and security demands is one of the many factors that force people to migrate. A person can move from one region or even another country to work with the aim of fulfilling their financial needs or in other words, migrant workers are

individuals who leave Indonesia to work in other countries in an effort to fulfill their basic needs.. (Kautsar at al, 2024)

It is undeniable that an understanding of the term “migrant worker” helps people meet their basic demands, and one of the approaches taken to address the problem of disruption in Indonesia is the PMI overseas placement program. Understanding the term “migrant worker” helps people meet their basic demands, and one of the approaches taken to address the problem of disruption in Indonesia is the PMI overseas placement program. It is important to understand that migrants are people who move or migrate from one area to another. As citizens working abroad, migrant workers also provide benefits to the country by improving relations between sending and receiving countries, reducing unemployment, increasing payments in the country's balance of payments (foreign exchange), and providing a number of other benefits to workers, sending countries, and receiving countries of Indonesian migrant workers(PMI). (Kautsar at al, 2024)

Prof Salawaty (2024) in the Inspire Seminar held at the Open University on August 29, 2024 explained that Indonesian Migrant Workers (PMI) in Malaysia face serious human rights and labor rights violations. Key issues they face include fear-inducing immigration arrests, physical and sexual violence, wage increases, excessive workloads, blocked access to essential documents such as passports, job intimidation, and widespread labor rights violations. In addition, information and communication barriers exacerbate the situation, preventing workers from getting help or reporting abuses they experience.

The first issue is Immigration Arrest and Migrant Workers' Fear of Immigrant Arrest. The second is Physical Abuse, Torture, and Sexual Harassment of Migrant Workers. Third, is non-payment of wages and overwork of workers. Fourth, Denial of Access to Passports and Documents Employers often withhold workers' passports and important documents, which deprives workers of control over their immigration status. Without passports, workers are not only trapped in illegal situations, but are also unable to change jobs or return to their home countries. This passport looting is used as a tool to curb workers' freedom and maintain complete control over them. Fifth, Job Insecurity and Income Loss Job insecurity is a significant issue for migrant workers. Most of them work in the informal sector without adequate employment protection, so when there is a change in policy or a decrease in labor demand, they may lose their jobs without compensation. This situation leaves many workers unable to meet their basic needs or send money to their families in Indonesia. Sixth, Labor Rights Violations

Widespread labor rights violations include the payment of substandard wages, unsafe working conditions, and the absence of social security or health protection. Workers are often forced to work in inhumane conditions, without basic rights such as reasonable working hours and minimum wages. Seventh Information and Communication Barriers Many migrant workers face language and minimal barriers. Taken together, these abuses demonstrate the vulnerable position of migrant workers in Malaysia. International cooperation and policy reforms are needed to provide better protection for them.

With these various issues, it is hoped that there will be a solution to provide legal literacy to Indonesian Migrant Workers with the aim of strengthening the sustainability of management and implementation of legal literacy education programs with an 'open and distance' platform for PMI, through: developing the accessibility of PMI's legal literacy study program through the Learning System Management platform (LMS)

2 METHODOLOGY

This research uses Socio Legal Research Studies, especially in the context of empirical legal research, which is understood as the utilization of studies or studies of social science disciplines on the process of working or the influence of law in social life. The closeness of Socio Legal studies to social science actually lies in the realm of methodology. Research methods and techniques in social science are studied and used to collect data while the main function is merely to explain legal facts in a fundamental way. (Paksi at al, 2016)

3 FINDINGS AND DISCUSSION

Table 1. Analysis of Compatibilities and Incompatibilities of Malaysian Laws with ICMW (Salawaty, 2021)

No	Provisions in ICMW	Compatibility with Malaysian Laws	Incompatibility with Malaysian laws
1	(i) Article 7 -No Discrimination	(i) Art 8 Federal Constitution (FC) Equality	
	(ii) Article 10 -Not subject to torture or to cruel, inhuman or degrading treatment or punishment.		-
2	(i) Article 9 -Right to life (ii) Article 16 -Right to liberty and security of person (iii) Article 24 -Recognition as a person before the law	(i) Art 5 FC - Liberty of person	-
3	(i) Article 11 -Not in slavery or servitude	(i) Art 6 FC – Slavery and forced labour prohibited (ii) Section 374 Penal Code	-

(iii) Sec 2 Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (ATIPSOM)		
4	(i) Article 12 -Freedom of thought, conscience and religion	(i) Art 11 FC Freedom of Religion
5	(i) Article 13- Freedom of expression	- (i) Art 10 FC – Freedom of speech, assembly & association only applicable to citizens.
6	(i) Article 14-Right to the protection of the law against such interference or attacks.	- (i)Art. 8 FC, right to equal protection of the law. Access to justice is a basic fundamental human right for all persons, regardless of their citizenship or immigration status. Migrant workers face numerous barriers in accessing the administrative legal system provided under the labour laws, and the civil and criminal justice systems in Malaysia. Migrant workers are often fired by employers for filing complaints with government officials, NGOs or trade unions. Termination of employment results in the cancellation of the work permit which is the basis in law for the migrant's right to stay in Malaysia. Thus, filing a complaint prompts action by the employer that makes the migrant complainant subject to immediate deportation. ²⁶
8	(i) Article 18-Right to equality with nationals of the State concerned before the courts and tribunals	(i) Article 8 Federal Constitution Equality extends to all persons whether citizens or not; and, accordingly, to (ii) Employment Act 1955 applies to all workers, irrespective of whether the person is a local worker or a foreign worker. Even a migrant worker is accorded the right to make a complaint about discrimination at work to the Director General of Labour. and (iii)Section 20(1) of the Industrial Relations Act 1967
9	(i)Article 21 -Unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits.	(i) Section 12(1)(f) Passports Act 1966 Nevertheless, the withholding of migrant workers' passports is widely used as a mechanism of control by employers over the workers which enhances their vulnerability and restricts their movements. ²⁷
10	(i)Article 26-Right to Association and Trade Union	(i)Sec 28(1)(a) & Sec 29 (2)(a) Trade Union Act 1965 Although the Trade Unions Act 1959 provides that a migrant worker can be a member of a trade union, yet under the law, he/she is prohibited from holding an executive position in trade unions. It can be argued that this prohibition is discriminatory in nature and is in contravention of Article 8 of the Federal Constitution.

11	(i)Article 27 -Social Security	(i)Employees' Social Security Act 1969 (Act 4) and (ii) Workers Compensation Act 1953 -Foreign Worker Compensation Scheme (FWCS) -Foreign Worker Hospitalisation and Surgical Insurance Scheme (FWHSS)	Employee Provident Fund ²⁸ Employment insurance system ²⁹
12	(i)Article 28 -Right to receive any medical care	(i)Occupational Safety and Health Act 1994 and (ii)Occupational Safety and Health (Use and Standards of Chemicals Hazardous to Health) Regulations 2000 are only applicable to documented migrant workers.	It is a common complaint that the premium cost is unduly high and the RM20,000 overall coverage annual limit is insufficient to accommodate a major medical emergency.
13	(i) Article 29-Right to a name, to registration of birth and to a nationality and (ii)Article 44- Family unity and reunification	(i)Art 15 A FC Special power to register children and (ii) Sec 2 Child Act 2001	Immigration Act 1959/63 disallows migrant workers with the Temporary Employment Pass from marrying locals. Malaysia does not grant automatic citizenship upon birth within the territory; these children will be considered irregular migrant unless their parents can provide relevant documents to the National Registration Department (passport, working permit, marriage certificate,

From many studies, it can be proven that the need for migrant workers for legal literacy is currently very high. The Indonesian Migrant Workers Legal Literacy Certificate Program (LHPMI) is expected to have a social and legal accompanying impact, not only on legal issues in the country of domicile of migrant workers, but also on the problems of migrant workers' families in the countries they leave behind. The problem is multi-dimensional, ranging from civil issues (default on work contracts), criminality (work violence, sexual harassment at work, the threat of the death penalty), family issues (infidelity, divorce and neglect of children), human trafficking, drug networks, fundamentalist group networks, to the issue of low competence of PMI. One of the causes is the lack of understanding of national and international labor law issues (legal literacy). Currently, prospective migrant workers before departing to work in the destination country are required to take part in training at the Vocational Training Center, but the mastery of training materials by participants is very limited. (SBMI in Sri Wahyu et al., LPPM-UT, 2020). For this reason, UT through the Law Study Program is expected to develop a Certificate Program managed by the Institute for Research and Community Service (LPPM) together with the Faculty of Law, Social and Political Sciences (FHSIP) of the Open University. The certificate program learning strategy is carried out by means of self-study, group

study and online tutorials. Tutor is conducted for 8 meetings per course consisting of tutor-led learning, webinars (Synchronous and Asynchronous) 3 (three) times at meetings 4, 6 and 8 and, independent assignments at meetings 3, 5 and 7. Synchronous is done if you can directly / live follow the webinar; while Asynchronous is done by paying attention to the recording of the presentation of the material by the tutor then you provide a response in the form of questions or responses / statements (by adjusting your time). Evaluation of Learning Outcomes (EHB) is presented at the end of each course and is carried out every week at the end of the 8th meeting. Participants who pass with a minimum grade of C will receive a certificate by downloading the certificate on this Program LMS.

4 CONCLUSION

Based on various studies, the need for legal literacy transformation for Indonesian Migrant Workers is currently in a very urgent condition. Migrant workers are often a group that is vulnerable to violations of the law, both in the country of origin and in the destination country. Issues such as ignorance of legal rights, difficulty understanding work contracts, and limited access to legal protection are problems often faced by migrant workers. Therefore, the importance of improving legal literacy for migrant workers cannot be overstated. In this context, the Open University has a strategic role in providing solutions through Learning Management System (LMS) innovation. This LMS has the potential to become a legal education platform that can be widely accessed by migrant workers, wherever they are. This digital-based learning system offers a very cool time and place, which is very relevant for migrant workers who have busy work schedules and diverse locations. In addition, the LMS can also be a means of empowering migrant workers in understanding their rights, both as Indonesian citizens and as workers in the country of domicile. By utilizing the LMS, the Open University can play a pioneering role in fighting for the social and legal rights of migrant workers. As an institution that has long been engaged in distance education, the Open University has the capabilities and infrastructure necessary to reach a wide population. This innovation not only helps migrant workers directly, but can also strengthen Indonesia as a country that pays attention to the welfare of its citizens in overseas positions. Therefore, the transformation of legal literacy through this LMS is a very relevant and urgent step to address the challenges faced by migrant workers.

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