

Legal Protection of Indonesian Workers on Japan on the Perspective of Human Rights and Pancasila Values

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Abstract

In the 21st century, the phenomenon of labor migration is becoming increasingly significant globally. Japan has become one of the main destinations for Indonesian workers. However, legal protection for them in Japan is still a major concern. This study provides an in-depth insight into the challenges faced by Indonesian workers in Japan in obtaining adequate legal protection. Using a qualitative approach and text analysis, this research uncovers important aspects of legal protection for Indonesian workers in Japan. The findings highlight the need for an evaluation of the effectiveness of the legal protection provided, as well as an emphasis on its relation to the principles of human rights and the values of Pancasila. The legal protection provided should be in line with human rights principles, such as the rights to justice, equality and humanity. As a country based on Pancasila values, the practice of legal protection for Indonesian workers in Japan must also be consistent with Pancasila values, such as social justice, unity, and humanity. The recommendations from this research can serve as a foundation for improving the legal protection system for Indonesian workers in Japan, with the ultimate goal of improving their welfare and ensuring that their rights are properly recognized, respected and protected. As such, this research not only provides a better understanding of the challenges faced by Indonesian workers in Japan, but also offers directions that can be taken to improve their conditions in the future.

Keywords: Indonesian Labor, Japan, Human Rights, Pancasila Values, Legal Protection.

INTRODUCTION

Labor migration has become a significant global phenomenon in the 21st century, with millions of people moving to other countries each year in search of jobs and economic opportunities. Japan is one of the main destinations for workers recruited from abroad, including those from Indonesia. In this case, Japan is a country that is facing a labor shortage crisis where the workforce has an important role as an actor in the country's economic development. In fact, in terms of economic growth, Japan is one of the countries with the highest economic growth rate in the world.¹ The number of foreign workers, according to the Indonesian Migrant Workers Protection Agency (BP2MI), workers from Indonesia reached more than 3.7 million people. This number applies to legal or documented workers spread across 150 countries around the world. however, according to the World Bank, the number

¹Annisa Desyana, "Kerja Sama Jepang-Indonesia Dalam Mengatasi Krisis Ketenagakerjaan Di Jepang". Diss. Universitas Muhammadiyah Yogyakarta, 2023.

reaches more than 9 million people. This number is considered more accurate because it has gone through scientific research and includes both procedural and non-procedural workers.²

Nevertheless, the challenge of legal protection for Indonesian workers working in Japan remains a major focus, given the complexity of regulations, policies, and practices in the field of labor. Since the early 1990s, the number of Indonesian workers working in Japan has continued to increase. Factors such as the imbalance between labor supply and demand in Japan, relatively high wages, as well as recruitment programs sponsored by the Japanese government have been the main drivers of this migration. As of September 2021, the number of Indonesian workers with Specified Skilled Worker (SSW) status in Japan reached 3,061 people and ranked fourth below Vietnam, the Philippines and China.³

Although the number of Indonesian workers in Japan is increasing, the legal protection provided to them is still a major concern. In this context, this study aims to explore the aspects of legal protection for Indonesian workers working in Japan from the perspective of human rights and Pancasila values. Human rights are fundamental principles that are inherent in all individuals, regardless of their status or origin. An explanation of Human Rights can be seen in the Preamble to the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVII/MPR/1998 concerning Human Rights which reads: "That human rights are basic rights that are inherent in human beings in a natural, universal, and eternal manner as a gift of God Almighty, including the right to life, the right to family, the right to self-development, the right to justice, the right to freedom, the right to communicate, the right to security, and the right to welfare which therefore should not be ignored or deprived by anyone."⁴ The values of Pancasila, as the foundation of the Indonesian state, also have important relevance in assessing whether the legal protection provided to Indonesian workers in Japan is consistent with the principles of justice, equality, and humanity. The importance of the Pancasila value is indispensable for people's daily lives as a guideline because it contains noble values.⁵

Legal protection for Indonesian workers working in Japan is an issue that requires serious attention. This is due to the complexity and complexity in the implementation and monitoring of policies that have been set. As stated, Japan has a variety of regulations and policies directed to protect the rights of foreign workers, including Indonesian workers. However, realities on the ground often show that implementation and compliance with these regulations often face obstacles. Although Japan has ratified the rules of the International Labour Organizations (ILO).⁶ However, Japan has received criticism regarding the exploitation and violation of human rights against foreign workers in Japan. According to a Human Rights Watch report, the issue of foreign workers in Japan is one of the human rights topics in Japan that needs attention because there are still many human rights violations experienced by foreign workers in Japan, such as the payment of lower salaries standards, illegal overtime, forced repatriation to their home country, and also dangerous and unclean working

²Natalia, M. (2021). "Ada 9 Juta Pekerja Migran Indonesia di Luar Negeri, 7 Negara Ini Mendominasi Tujuan." Accessed at <https://ekbis.sindonews.com/read/359788/34/ada-9-juta-pekerja-migran-indonesia-di-luar-negeri-7-negara-ini-mendominasi-tujuan-1615312987>.

³LPK Wiratama. 2023. "Data Perkembangan Total Jumlah Tenaga Kerja SSW (Tokutei Ginou) di Jepang dari Seluruh Negara". Accessed at <https://lpkwiratama.com/data-perkembangan-total-jumlah-tenaga-kerja-ssw-tokutei-ginou-di-jepang-dari-seluruh-negara/> tanggal 30 Maret 2024.

⁴ Majelis Permusyawaratan Rakyat. (1998). *Ketetapan Majelis Permusyawaratan Rakyat Republik Indonesia Nomor XVII/MPR/1998 Tentang Hak Asasi Manusia*.

⁵Franciscus Xaverius Wartoyo, and Yuni Priskila Ginting. "Kekerasan seksual pada lingkungan perguruan tinggi ditinjau dari nilai Pancasila." *Jurnal Lemhannas RI* 11.1 (2023): 29-46.

⁶Reporting from the website of the Ministry of Foreign Affairs of the Republic of Indonesia on the <https://kemlu.go.id/> page, the International Labour Organization (ILO) was formed based on the Treaty of Versailles in 1919 along with the establishment of the League of Nations (LBB). The ILO was established with the aim of improving social justice for communities around the world, especially for workers.

conditions.⁷ Although protection rules exist, legal loopholes and complicated administrative procedures often provide opportunities for irresponsible parties to exploit foreign workers. This exploitative practice can be in the form of wage reductions, excessive working hours, unsafe working conditions, and abuse of power against vulnerable workers.

This situation is further complicated by the fact that most Indonesian workers in Japan may not have sufficient knowledge of their rights, language, or adequate access to legal aid. These factors further complicate efforts to enforce fair and effective legal protections. This includes things like limited skills or understanding of job duties, not having access to the necessary training, and cultural differences that can affect how they work in the workplace.⁸ Therefore, concrete steps are needed to improve this situation. This includes raising awareness of the rights of foreign workers through counseling and training, strengthening monitoring and enforcement mechanisms, and cooperation between the Indonesian and Japanese governments to ensure that all workers, without exception, are treated fairly and in accordance with established international standards.

This research has several objectives. First, to gain a better understanding of the legal protections provided to Indonesian workers in Japan, including an evaluation of their effectiveness and the identification of gaps in implementation. . Second, to explore the correlation between this legal protection and human rights principles, as well as the values of Pancasila that are the foundation of the Indonesian state. Third, to provide concrete recommendations for the Indonesian government, the Japanese government, and various related stakeholders to improve legal protection for Indonesian workers working in Japan.

Through this research, it is hoped that there will be a significant contribution to our understanding of legal protection for Indonesian workers working in Japan, as well as the improvement of relevant policies and practices. In addition, this research is also expected to make a meaningful contribution in strengthening the principles of human rights and Pancasila values in the context of international employment.

RESEARCH METHOD

The research method used in this study aims to gain a comprehensive understanding of legal protection for Indonesian workers working in Japan in the context of human rights and Pancasila values. This research adopts a qualitative approach that allows researchers to delve into problems in depth and understand complex contexts. The research methods applied include the selection of research subjects, data sources, data collection techniques, and data analysis. The research methods used in this study make it possible to gain an in-depth understanding of legal protection for Indonesian workers working in Japan from the perspective of human rights and Pancasila values. Through a qualitative approach, researchers can gain comprehensive insights into how legal protection is implemented and implemented in daily practice and identify various challenges and potential solutions to improve legal protection for Indonesian workers working in Japan.

RESULTS AND DISCUSSION

1. Indonesian Workers Profile's in Japan

The study identifies various demographic characteristics of the Indonesian workforce working in Japan. The majority of Indonesian workers in Japan are under 25 years old. Only a small percentage

⁷Human Rights Watch. (2019). *Japan World Report of 2018*. Diambil kembali dari Human Rights Watch: <https://www.hrw.org/world-report/2019/countrychapters/japan>.

⁸Desi Fitriani, Dadang Ramdhan, and Andriyani Hapsari. "Strategi Peningkatan Kompetensi Calon Pekerja Migran Indonesia." *Masyarakat Indonesia* 49.2 (2024): 191-202.

are between the ages of 25 and 30. At this age they think that their life experience is still minimal. Therefore, they still see the need to get a wider life experience and socialize with many people from various backgrounds. One way to gain that broader life experience is to go and work abroad.⁹ They come from a variety of socio-economic backgrounds, with most coming from rural areas in Indonesia. Their level of education varies, but most have secondary education, namely high school (SMA).

Indonesian workers in Japan are an integral part of various job sectors that are important for the Japanese economy. They are involved in a wide variety of types of jobs, including the manufacturing, construction, agriculture, hospitality, and elderly care sectors. In the manufacturing sector, many Indonesian workers play the role of factory workers or machine operators. They are involved in various stages of production, from product assembly to the operation of the machines that produce finished goods. Their role is key in maintaining the smooth production process and meeting the needs of Japan's growing manufacturing industry. In the construction sector, Indonesian workers are often construction workers or project workers. They are involved in various infrastructure construction projects, buildings, and other facilities throughout Japan. Their skills in the construction field are an important added value in meeting the need for skilled labor in this sector. Meanwhile, in the hospitality sector, Indonesian workers usually work as service staff or cleaning personnel. They are responsible for providing friendly service and ensuring the comfort of the hotel's guests. Interpersonal skills and hard work are key to success in their role in the competitive hospitality industry. In addition, jobs in the elderly care sector are also increasingly popular among Indonesian workers in Japan. In the face of a larger elderly population, the demand for nurses and caregivers for the elderly is also increasing. The Indonesian workforce involved in this sector not only provides physical services, but also provides emotional and social support to the elderly they serve.

Most Indonesian workers who migrate to Japan do have a secondary education or equivalent background. However, there are also some who have higher education, especially in engineering or vocational fields that are relevant to the work they do in Japan. This higher education is often a key factor that sets them apart in the competition in the Japanese labor market. A workforce that has a higher education has a significant competitive advantage. They tend to have a deeper understanding of their field of work, as well as advanced skills in applying modern technology and work methodologies. This makes them a desirable choice for Japanese companies that need skilled and qualified labor. In addition, having a higher education also provides greater access to better career opportunities. They are more likely to be placed in positions higher in the corporate hierarchy, with better salaries and better work facilities. In addition, they also have the opportunity to take part in further training and career development, which can enhance their skills and added value in the job market. Higher education is also often a determining factor in the process of migrating to Japan. To get a work visa or better job opportunities, higher education can be an important requirement. This has resulted in some Indonesian workers who have higher education more easily get access to Japan and get jobs that suit their educational background.

The socio-economic background of the Indonesian workforce in Japan is very diverse. Some come from underprivileged families, who see working abroad as a way to provide financial support for their families. For them, migrating to Japan is a step taken in the hope of improving the standard of living of their families in Indonesia. The financial support they send back home is a support for the economic needs of families living in Indonesia. However, not all Indonesian workers in Japan come from underprivileged backgrounds. Some of them come from families with more economically established backgrounds. The choice to work in Japan may be more based on a desire to gain international work experience or to seek better career opportunities. For them, working in Japan can

⁹ Eko Sasongko Priyadi, "Tenaga Kerja Indonesia Di Jepang; Studi Tentang Motivasi Yang Melatarbelakangi Seseorang Menjadi Trainee." *Jurnal Renaissance* 4.02 (2019): 572-582.

be an important step in building their professional careers, as well as expanding their network and skills that will be useful in the future. Despite their different socio-economic backgrounds, Indonesian workers in Japan have one common goal, which is to seek better opportunities for themselves and their families. This reflects the complex dynamics in labor migration, where economic, social, and personal factors are intertwined and influence an individual's decision to migrate to another country.

The Indonesian workforce has touched various regions of Japan, creating a significant footprint in the country's social and economic dynamics. Although the largest concentration of Indonesia's workforce is found in major cities such as Tokyo, Osaka, and Nagoya, it cannot be ignored that their communities also influence rural areas in equally important ways. In major cities, Indonesia's workforce is involved in various sectors, ranging from the manufacturing industry to the service sector such as hotels and restaurants. Their contribution to meeting the needs of the workforce in busy urban centers is an important part of Japan's ever-evolving urban dynamics. However, not all Indonesian workers are interested or suitable for life in big cities. Some of them choose to settle in rural areas, especially in areas that require additional labor in sectors such as agriculture or elderly care. In these rural areas, they play a vital role in supporting the sustainability of the local economy and meeting the needs of local communities in need of additional labor. Indonesian labor communities in rural areas are also often part of economic and demographic revitalization efforts in these areas. Their presence brings not only economic contribution, but also brings valuable color and cultural diversity to the local community. Interaction between the Indonesian workforce and local communities also paves the way for cultural exchanges and increased understanding of mutually beneficial cultures.

The decision of Indonesian workers to work in Japan is influenced by a variety of complex and diverse factors. One of the main factors is the imbalance between the supply and demand of labor in Indonesia. The limited job market and high unemployment rate in Indonesia encourage many people to look for job opportunities abroad, including in Japan, as an alternative to making a living. In addition, the relatively high wages in Japan are a major attraction for Indonesian workers. A larger salary compared to what they can get in Indonesia is a strong incentive to migrate to Japan. The recruitment system sponsored by the Japanese government also facilitates the migration process for Indonesian workers, thus encouraging them to choose Japan as a work destination. Another factor that influenced this decision was the economic condition in Indonesia. Economic uncertainty, especially in rural areas, has made many people feel compelled to seek employment opportunities abroad. The prospect of gaining international work experience is also an important factor for some individuals looking to expand their career horizons. Not to forget, the encouragement to provide financial support for families in Indonesia is also a strong motivation for most Indonesian workers working in Japan. They hope to send money back home to help meet the family's economic needs, such as children's education costs or parental care.

2. Legal Protection Provided

Legal protection for workers from Indonesia working in Japan is based on a series of regulations and policies that govern their status and rights. The Japan government has implemented various laws and regulations aimed at protecting the rights of foreign workers, including Indonesian workers. However, in practice, the level of compliance of the Japan government with the regulation and its practical implementation is still a major concern. One of the most important regulations is the Immigration and Refugee Act of Japan, which regulates residence permits, work visas, and other immigration procedures for foreign workers. Shinzo Abe as an effort to overcome various economic problems in Japan issued an Abenomics policy that focuses on 3 things, namely monetary stimulus, fiscal stimulus and structural reforms, especially revising the Immigration and Refugee Control Law in April 2019, so that the TITP program or the Job Practical Training Program was created, which is

a job training program that provides job opportunities for foreign nationals in Japan managed by the Training Cooperation Organization International Japan (JITCO). The background of the current existence of Japan TIP is the labor shortage (*hitodebusoku*), because they lack the workers needed. These regulations provide a legal framework for Indonesia workers to live and work in Japan, but they are often faced with complex bureaucracy and complicated procedures.

In addition, there are also regulations related to workers' rights, such as minimum wages, working hours, leave, and protection against discrimination in the workplace. The Japanese government has also published guidelines and policies governing certain aspects of employment relations, such as occupational safety and health regulations and the protection of young workers and women. The government in Japan has established a labour standards inspector and other necessary bodies in accordance with the MHLW (Ministry of Health, Labour and Welfare) in order to regulate and control the work in the work conditions that are responsible for the labor force. This is done to protect and maintain the sovereignty of regulations in the legal system so that it runs well.¹⁰ However, in practice, the implementation of these regulations is often inconsistent and there are loopholes that allow exploitation or abuse of Indonesian workers in Japan. One example is the issue of decent housing for migrant workers, where many Indonesian workers live in conditions that are not viable or even below the required health and safety standards. In addition, there are also cases where Indonesian workers experience violations of their rights, such as wages that do not meet minimum standards, excessive working hours, or even harassment or discrimination in the workplace.

Although existing regulations and policies provide a legal framework to protect Indonesian workers in Japan, the level of Japanese government compliance with these regulations is still debatable. Several human rights advocacy groups and non-governmental organizations have highlighted the Japanese government's non-compliance with regulations to protect foreign workers, including Indonesian workers. One of the main challenges is the lack of effective law enforcement against violations of migrant workers' rights. While there are agencies such as the Ministry of Justice and the Ministry of Welfare that are responsible for enforcing laws against violations of workers' rights, there is often a lack of resources, limited access, or even an inability to reach migrant workers working in informal or poorly organized sectors. In addition, there are also problems in terms of communication and access to information for Indonesian workers in Japan. Many of them do not have enough knowledge about their rights or how to report violations they experience. Different languages and cultures are also an obstacle in communicating with authorities or seeking legal help.

Identifying gaps in legal protection for Indonesian workers working in Japan is an important step in efforts to improve their protection system. One of the most glaring gaps is the lack of protection for migrant workers in the informal or poorly organized sectors. In sectors such as agriculture or construction, many migrant workers work under unregulated conditions and are vulnerable to exploitation or abuse by employers. In addition, certain regulations can also have gaps or ambiguities that allow for different interpretations. For example, the definition of overtime hours or minimum wage can vary depending on the interpretation of the rules. This can result in legal uncertainty for Indonesian workers and make them more vulnerable to abuse by employers.

3. Legal Protection Challenges

Indonesian workers in Japan face various challenges in obtaining adequate legal protection. One of the main challenges is the issue of access to the legal system. Many migrant workers do not have enough knowledge of the Japanese legal system and do not have enough access to legal aid in the event of a violation of their rights. Different languages and cultures are also an obstacle in

¹⁰ *Ibid.*

communicating with authorities or seeking legal help. In addition, there are external and internal factors that affect the effectiveness of legal protection. Complex immigration policies and non-transparent recruitment procedures can make it difficult for migrant workers to understand their rights and protect themselves from exploitation by recruitment agencies or employers. Inequality of power in employment relations can also result in migrant workers becoming vulnerable to abuse by employers.

In the context of international standards, legal protection for Indonesian workers working in Japan still has a significant gap. The International Convention on the Rights of Migrant Workers and Their Family Members (CMW) outlines the fundamental rights that migrant workers must recognize and protect, including the right to fair wages, decent working conditions, and protection against discrimination. However, in practice, the implementation of legal protection in Japan is still far from the expected international standards. There is a significant gap between the legal protection practices in Japan and the expected international standards. Many migrant workers in Japan still experience violations of their rights, such as substandard wages, excessive working hours, or discriminatory treatment in the workplace. Inconsistent implementation and lack of effective law enforcement also cause this gap to widen.

The practice of legal protection for Indonesian workers working in Japan also needs to be evaluated in the context of the Pancasila values that are the basis of the Indonesian state. Despite efforts to protect the rights of migrant workers, many aspects are still not in accordance with the principles of Pancasila. For example, in terms of social justice, there are still many migrant workers who do not receive fair and equal treatment in the workplace. Unity in Pancasila demands solidarity and unity in the life of the nation and state, but inadequate legal protection can disrupt bilateral relations between Indonesia and Japan. The principle of humanity in Pancasila emphasizes the importance of respecting the dignity and human values of each individual, but there are still many cases of rights violations that ignore these values.

4. Evaluation of Legal Protection

Legal protection for Indonesian workers working in Japan is essential to ensure that their basic rights are adequately recognized and protected. Therefore, evaluation of the effectiveness of the legal protection provided is a crucial step in understanding the extent to which the protection system can provide proper protection for migrant workers. An evaluation of the right to wages shows that, in many cases, Indonesian workers in Japan receive wages that correspond to the minimum standards set by the Japanese government. Nevertheless, there are still cases where migrant workers are paid subpar wages, especially in the informal or irregular sectors. Failure to enforce the minimum wage can result in unsuitable working conditions and financial hardship for migrant workers. In terms of working hours, the evaluation shows that Indonesian workers in Japan often face excessive working hours, especially in sectors that require overtime or night shifts. Migrant workers are often forced to work in grueling conditions and are at high risk of work accidents or fatigue due to excessive working hours. Protection of decent working hours is crucial to ensure the welfare and work-life balance of migrant workers.

In terms of protection against discrimination, the evaluation shows that despite regulations prohibiting discrimination in the workplace, there are still cases of discrimination against Indonesian workers in Japan. Discrimination can take many forms, including discrimination based on gender, ethnicity, or immigration status. Lack of awareness or effective law enforcement against discrimination can lead to a decrease in morale and productivity in the workplace, and potentially lead to social isolation for migrant workers. The biggest challenge faced by Indonesian workers in gaining access to the Japanese legal system is the different languages and cultures. Most migrant

workers do not have adequate knowledge of the Japanese language or the Japanese legal system, so they find it difficult to understand their rights or seek legal help in case of violations. In addition, complex bureaucracy and complicated procedures are also obstacles to gaining access to the Japanese legal system. In addition, there is still a growing stigma or fear among migrant workers about reporting violations or seeking legal redress. They fear losing their jobs or being expelled from the country if they break the rules or report their whereabouts to the authorities. Lack of protection against whistleblowers or whistleblowers can also hamper migrant workers' efforts to seek justice in cases of rights violations.

5. Related Links To Human Rights

Human rights (HAM) have historically been born from the basis of a long struggle to oppose the oppression of the people by rulers in the past.¹¹ The Fragile States Index places Japan in second place last in the G7 after the United States in the "Human Rights and Rule of Law" sub-indicator.¹² Legal protection for Indonesia workers in Japan is closely correlated with human rights principles. An analysis of its relevance to human rights, such as the rights to justice, equality, and humanity, highlights the importance of fair and decent protection for migrant workers in the context of international labour relations. Human rights are an international issue and a subject of international global discussion, and there are three instruments in human rights called the *Bill of Rights*, namely the *Universal Declaration of Human Rights* (UHDR), the *International Covenant on Civil and Political Rights* (ICCPR) which regulates civil and political rights issues, and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) which regulates rights in the economic, social, and cultural fields.¹³

The right to justice affirms that every individual has the right to fair and proportionate treatment before the law. In the context of legal protection for Indonesian workers working in Japan, the right to justice is crucial in ensuring that they have equal access to the Japanese legal system, including in resolving employment disputes or reporting rights violations. Failure to provide equitable access to justice can result in unequal legal treatment and disadvantages for migrant workers. The right to equality demands that every individual should be treated equally without discrimination or exclusion based on personal characteristics or social status. In the context of legal protection for Indonesian workers working in Japan, the right to equality emphasizes the importance of preventing and eliminating all forms of discrimination, be it based on ethnicity, gender, religion, or immigration status. Efforts to ensure equal access to job opportunities, wages, and treatment in the workplace are crucial steps in ensuring appropriate legal protections for migrant workers. Human rights affirm that every individual has dignity and value as a human being that must be respected and protected¹⁴. In the context of legal protection for Indonesian workers working in Japan, human rights emphasize the importance of ensuring that working conditions and treatment of migrant workers reflect human values, such as freedom from inhuman or discriminatory treatment, the right to safe and decent working conditions, and protection against exploitation or abuse.

Highlighting the success or failure of the implementation of legal protection in meeting international standards related to human rights is an important step in evaluating the effectiveness of

¹¹ Yuni Priskila Ginting, and Franciscus Xaverius Wartoyo. "Pencegahan dan Penanganan Kekerasan Seksual (PPKS) Dalam Rangka Penyelenggaraan Orientasi Karyawan Baru." *Jurnal Pengabdian West Science* 2.01 (2023): 60-74.

¹² "Fragile States Index." Fragile States Index, The Fund for Peace, <https://fragilestatesindex.org/data>. Diakses pada 5 April 2024.

¹³ Yuni Priskila Ginting, and Franciscus Xaverius Wartoyo. "Pencegahan dan Penanganan Kekerasan Seksual (PPKS) Dalam Rangka Penyelenggaraan Orientasi Karyawan Baru." *Jurnal Pengabdian West Science* 2.01 (2023): 60-74.

¹⁴ Teguh Prasetyo and Jeferson Kameo, "Two Settlement Pathways for Gross Violations of Human Rights Based on The Dignified Justice Theory," *Mimbar Keadilan* 17, no. 2 (July 10, 2024): 140–53, <https://jurnal.untag-sby.ac.id/index.php/mimbarkeadilan/article/view/9394>.

the legal protection system for Indonesian workers working in Japan. Effective implementation of legal protection must be in line with widely recognized international human rights standards. This includes ensuring that regulations and policies in place reflect human rights principles, as well as that there are effective law enforcement mechanisms and equitable access to the legal system for migrant workers. The success of the implementation of legal protections can be measured by the extent to which the basic rights of migrant workers are effectively recognized and protected, as well as by the extent to which violations of these rights are followed up and punished. If the implementation of legal protection is successful, there will be an improvement in the working conditions and welfare of migrant workers, as well as a decrease in the level of violations of their rights. However, if the implementation of legal protections fails or is inadequate, there will be an increase in cases of violations of migrant workers' rights and a decrease in trust in the legal system. This can have serious consequences not only for individual migrant workers, but also for bilateral relations between the country of origin and destination of migration, as well as for the international image of the governments involved.

6. Relevance To Pancasila Values

The legal protection of Indonesian workers working in Japan is closely related to the values of Pancasila which are the basis of the Indonesian state. The evaluation of the suitability of such legal protection with Pancasila values, such as social justice, unity, and humanity, provides in-depth insight into the extent to which the legal protection system reflects the moral and ethical principles upheld in Indonesian society. Pancasila has put strong pressure on the value of social justice for all Indonesian citizens. In the context of legal protection for Indonesian workers working in Japan, social justice requires that they be treated fairly and equally in the workplace, without discrimination or oppression. Effective legal protections must ensure that the basic rights of migrant workers are recognized and protected, including the right to fair wages, decent working conditions, and protection against exploitation or abuse by employers. The principle of unity in Pancasila emphasizes the importance of solidarity and unity in the life of the nation and state. In the context of bilateral relations between Indonesia and Japan, unity requires that legal protection for Indonesian workers in Japan also pay attention to good relations between the two countries. This includes ensuring that the existence and rights of migrant workers are recognized and respected by the Japanese government, as well as ensuring that bilateral cooperation between the two countries is based on the principles of mutual respect and mutual benefit.

The principle of humanity in Pancasila emphasizes the importance of respecting the dignity and human values of each individual.¹⁵ In the context of legal protection for Indonesian workers in Japan, humanity requires that the working conditions and treatment of migrant workers reflect human values, such as freedom from inhuman or discriminatory treatment, as well as the right to safe and decent working conditions. Legal protections that take into account humanitarian principles must also ensure that migrant workers are treated with respect and fairness by employers and local communities. Legal protection for Indonesian workers in Japan also has a significant impact in the context of bilateral relations between Indonesia and Japan. An evaluation of the extent to which these legal protection practices support or contradict the principles of Pancasila in the context of bilateral relations provides a deeper understanding of their impact on both countries. Legal protection practices that are in accordance with the principles of Pancasila, such as social justice, unity, and humanity, can strengthen bilateral relations between Indonesia and Japan. This can create a more stable and fair working environment for migrant workers, as well as increase trust between the two countries in economic and social cooperation. However, legal protection practices that are not in accordance with the

¹⁵ Prasetyo Teguh et al., *Hukum Dan Keadilan Bermartabat: Orientasi Pemikiran Filsafat, Teori Dan Praktik Hukum*, Cetakan 1, I (Yogyakarta: K-Media, 2022).

principles of Pancasila can damage bilateral relations between Indonesia and Japan. Violations of migrant workers' rights or inhumane treatment of them can lead to conflict and tension between the two countries. This could disrupt bilateral cooperation in various fields, including trade, investment, and diplomacy..

CONCLUSION

Legal protection for Indonesian workers working in Japan is a complex issue and requires attention from all relevant parties, including the Indonesian government, the Japanese government, and the international community. Through an in-depth analysis of the profile of the Indonesian workforce in Japan, the legal protections provided, the evaluation of these protections, the relationship with human rights, the relevance to the values of Pancasila, as well as a discussion of the challenges faced and comparisons with international standards, we can draw some important conclusions. The profile of the Indonesian workforce in Japan shows diversity in the type of work, level of education, and socio-economic background. However, there are several challenges faced, including access to the legal, linguistic, and cultural systems. External and internal factors such as immigration policies and inequality of power in employment relations also affect the effectiveness of legal protection. Despite efforts to provide legal protection for Indonesian workers, there are still shortcomings and loopholes that can be exploited for exploitation or abuse. An evaluation of the effectiveness of legal protections highlights the challenges of gaining access to the Japanese legal system and in seeking justice in cases of rights violations.

The correlation between legal protection and human rights principles emphasizes the importance of ensuring that the basic rights of migrant workers are effectively recognized and protected. However, there is still a gap between the practice of legal protection in Japan and recognized international standards, such as the International Convention on the Rights of Migrant Workers and Their Family Members (CMW). The relevance of legal protection to Pancasila values highlights the need to ensure that the practice of legal protection is in line with the moral and ethical principles upheld in Indonesian society. Despite efforts to protect the rights of migrant workers, there are still many aspects that are not in accordance with the principles of Pancasila. In responding to the challenges faced in legal protection for Indonesian workers in Japan, concrete steps need to be taken to improve access to the legal system, increase awareness of the rights of migrant workers, and strengthen law enforcement. In addition, there needs to be an effort to adapt legal protection practices to the principles of Pancasila, as well as to correct the gap between practices in the field and expected international standards. Thus, the conclusion of this analysis shows that legal protection for Indonesian workers in Japan is still a complex challenge and requires joint efforts from various parties to achieve adequate protection in accordance with international standards and Pancasila values.

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