

Ratification of UN Convention on Migrant Workers (1990): The Case of Indonesia and The Philippines

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Abstract

Since the United Nations Convention on Migrant Rights' and Their Families went into force in 2003, Indonesia and the Philippines, which both are the world's largest labor -exporter consecutively, have responded differently in ratifying the convention. While the Philippines as second largest labor-exporter has recently ratified the convention, Indonesia as one of the largest migrants sender has signed but not yet ratified it. This paper is trying to scrutinize both technical and inclusive obstacles for the Indonesian government of not yet ratified the Convention, and also probing the *raison d'être* of the Philippines, as the first ASEAN (Association of South East Asian Nations) country to ratify the convention.

Keywords: International, Migration, Migrant's Rights, ASEAN, labor -exporter

International migration has become an intrinsic feature of globalization. International migration has become an intrinsic feature of globalization. UNESCO (2003) once noted that one out of 35 human beings was an international migrant. The number of people who have settled down in a country other than their own is estimated at 175 million worldwide. Nearly all countries are concerned by international migration, whether as sending, transit, or receiving countries, or as a combination of those. Aware of the impact of the flows of migrant workers on states and people concerned, and desiring to establish norms which may contribute to the harmonization of the attitudes of states through the acceptance of basic principles concerning the treatment of migrant workers and members of their families, The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is an international agreement governing the matters described in the title (ILO, 1990). The Convention (an agreement between countries that if it's been ratified would have binding commitment in international law) constitutes a comprehensive international treaty regarding the protection of migrant workers' rights.

When a country ratifies an international treaty, it assumes a legal obligation to implement the rights in that treaty. But this is only the first step because recognition of rights on paper is not sufficient to guarantee that they will be enjoyed in practice. The situation in the migrant sending countries covered in the first report, Indonesia, was very similar: ratification and the implementation processes were seen as expensive undertakings and both government budget and staff assigned to such matters were very limited. Another problem was the alleged high level of collusion between government officials and those involved in the export business (recruitment agencies). The creation of an environment of 'good governance' was needed and this required broad reforms (Iredale et al., 2005).

As stated in the convention Article 1.1., the present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status. And the Article 1.2 states as follows, that the present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire

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period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence (UN Convention on Migrant Workers and Their Families). The need for convention is none other than to protect migrant workers, who are actually still a citizen of a state.

The Convention requires a minimum of 20 ratifications before it could enter into force. When El Salvador and Guatemala ratified it on 14 March 2003, the threshold was reached. On 1 July 2003, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families entered into force, after the threshold of 20 ratifying states was reached in March 2003 (UNESCO 2003: 3). Several countries have signed the Convention, but not yet ratified it. This means that their government has expressed the intention of adhering to the Convention. These are: Bangladesh (in 1998), Comoros, Guinea-Bissau, Paraguay, Sao Tome and Principe, Sierra Leone (in 2000), Togo (in 2001), Cambodia, Gabon, Indonesia, Lesotho, Liberia, Serbia and Montenegro (in 2004) and Peru (2005). The convention was signed on 21 September 2004 by Indonesian Foreign Minister, Hassan Wirajuda in New York. The occasion was mentioned at The 59th United Nations (UN) General Council Yearly Agreement. According to the minister, the signing of the convention mirrored Indonesian government willingness and commitment to provide protection towards Indonesian migrant workers and their families (<http://www.gatra.com/2004-09-25/artikel.php?id=465644>, accessed on April 5 2009).

So far, countries that have ratified the Convention are primarily those of origin of migrants (such as Mexico, Morocco and The Philippines). For these countries, the Convention is an important vehicle to protect their citizens living abroad. In the Philippines, for example, ratification of the Convention took place in a context characterized by several cases of Filipino workers being mistreated abroad; such cases hurt the Filipino population and prompted the ratification of the Convention. However, these countries are also transit and destination countries, and the Convention delineates their responsibility to protect the rights of migrants on their territory (Human Rights Watch, 2004).

Speaking of convention ratification is the same deal with foreign policy priority of a state. Foreign Policy Analysis (FPA) is made up of complex theories that often clash. Such complexity, according to Hudson (2007) stems not from any flaws of the field, but from the nature of its 'explanandum: that which is to be explained' and 'explanans: that which will provide explanation'. This is what the author considers to be the niche of FPA: accounting for human agency, which she identifies as the analysis of how human decision-makers go on about 'making' their world, on the question of where ideas come from and how exactly human agency contributes to the 'making' of world politics.

Using Hudson's state level of analysis, I would examine how state's relative capabilities and its external environment influencing decision making on foreign policy. In this case, on state level, I examine the reasons Indonesian government haven't ratified UN Convention on migrant workers while the Philippines has. The realist argument concludes that since the foreign policy objectives of each state is apparently guided by a single set of values, preferences and objectives, which speak with one voice that is consistent with the national interest, domestic factors and decision-units do not make a significant difference. After all, the international system ultimately determines the behavior of states (Özkececi-Taner, 2002).

This paper blatantly exposes the reasons of both Indonesia and the Philippines in responding differently in the ratification of UN Convention on Migrant Workers. Both Indonesia and the Philippines are located in South East Asia, archipelagic states, dense in populations and are developing countries. Both have a big amount of population migrating outside the country to work and are some of the biggest migrant workers exporters. But ironically, the Philippines have ratified the convention in 2003, while Indonesia still has not ratified it. What senses causing Indonesian government being too slow and timid to ratify the Convention while its neighbor country the Philippines has? Is Indonesian government being too negligent to reconstruct the new bureaus to guarantee the protections of migrant workers? Or is

it the remittances which the government's had hugged to tight until there's fear that the use of remittances on protection would decrease its value?

The Philippines: Lesson Learned

The Philippines was the world's second largest exporter of labor which has just recently been surpassed by Mexico to become number one. More than 7.7 millions Filipinos are working overseas in over 190 countries. The Philippines has migrant worker comprehensive program since 1974, hence in many things reflecting best international practices towards protection and improvement of migrant workers (IOM, 2005).

The Philippines participated in the deliberations of the draft of the Convention in the early 1980s where the Philippines' delegation contributed ideas and avidly supported the approval by the UN General Assembly. The Philippines ratified the Convention on 5th July, 1995 and was, thus, the first Asian country to do so. According to Todorov and Mandisodza (2004), perception does matter when it comes to state's policies, specifically foreign policy Philippines has long time realized that migrant workers are not only trade commodities and remittances heroes, but more than that, migrant workers are skillful state's citizens who need protection so that they could help empowering the families at home to increase their life standard. Since the Philippines structuring their migrant policies in 1974, they must already have solid structures, supported by useful bureaus and supportive local government. Government once attempted to mandate/enforce remittances from migrants and found that it did not work (Migration for Development, 2008).

Iredale et al. (2005) perceive that the most significant piece of legislation in the Philippines is the Migrant Workers' Act of 1995 or Republic Act 8042. RA 8042 is an innovative piece of legislation because it broadens the protective reach of the law to both documented and undocumented workers. It has institutional mechanisms for the protection of the rights of the workers while they employed in foreign countries. The embassies' officers and labor attaches are tasked to ensure that the needs of workers are attended to. Furthermore, Ancog (2005) points out that on top of all of these bills, there is a proposed bill that seeks to consolidate all proposals to amend RA 8042. This bill specifically includes a declaration of policies whereby the Philippines shall continuously monitor international conventions, adopt and be signatory to and ratify those that guarantee protection to Filipino migrant workers, and endeavor to enter into a bilateral agreements with countries hosting overseas Filipino workers.

Moreover, Piper (2005) mentioned that RA 8042 has contributed to the mediation/conciliation measures between employers and workers. To avert resort to quasi-judicial measures or judicial approaches to resolve issues, the Welfare Service Branch (WSB) is active in settling problems before they become litigation cases. It is possible that the Convention is not in the realm of consciousness of both implementers and 'clients' of POEA (Philippine Overseas Employment Administration) in conflict resolution; nevertheless the underlying principles to safeguard the rights of workers are both explicit in the Convention and RA 8042. According to Ambassador Jose Brillantes (in Iredale et al, 2005), targeting ratification by countries in the Middle East is a top priority of the Philippines. He stated that this should be the policy of the Philippines because of the sheer magnitude of migrant workers holding various jobs in said countries. Five of the host/receiving countries of Filipino migrant workers in 2004 are Saudi Arabia, 2nd ranking (58,363); United Arab Emirates, 4th ranking (26,653); Kuwait, 5th ranking (22,640); Qatar, 7th ranking (10,919), Lebanon, 8th ranking (6,155); Bahrain, 9th ranking (3,683) (POEA, 2004 Annual Report). Furthermore, Brillantes believes that one approach that can contribute to faster ratification is to discourage bilateral agreements between receiving and sending countries on matters pertaining to the rights of migrant workers. While many receiving countries believe that the rights embodied in the Convention are essentially the same as those contained in Conventions on Human Rights, nevertheless there is a significant benefit if countries adopt a common framework for obligations and rights. Enforcement of rights in a more systematic and standardized way is readily achievable within the Convention provisions.

Indonesia: Obstacles

The minimum efforts from Indonesian government have caused series of unfortunate enigmas. From in house tortures, imprisonments, physical and sexual abuse, degrading treatment and the inhumane living condition have been the usual problem faced by Indonesian migrant workers. Ironically all this hasn't been responded comprehensively by the government. The ratification and the implementation processes were seen as expensive undertakings, while at the same time government budget and staff assigned tackling such matters were very limited. Equally, an allegedly high level of collusion between government officials and those involved in the export business (recruitment agencies) remains. All this requires the creation of an environment of 'good governance' with broad reforms.

According to SBMI (*Serikat Buruh Migran Indonesia* or Indonesian Migrant Workers Union) around 16,085 cases of human rights-breaking activities related to migrant workers happened between 2005 and 2007. Similarly, migrant Care Non-Governmental Organization (NGO) recorded 120 migrant workers died in 2007, while the government's data noted only 30 deaths (Palupi, 2007). At present, the children of Indonesian overseas workers have no access to state educational assistance, and the workers themselves cannot claim insurance for occupational accidents (Migrant Care, 2009).

Indonesian migrant workers send home more than USD 6.1 billion in registered remittances annually, the second-most important sources of foreign income for Indonesia. For a number of Indonesian provinces, remittances constitute their most important source of income, surpassing the role of national government transfers. And importantly, for almost all migrant workers' families, the remittances sent by their loved ones are the most important source of household income for the families (ILO, 2008: 1).

Currently more than 700,000-documented Indonesian migrant workers go abroad yearly, a number that continues to rise annually. Yet, the amount of Indonesian registered remittances continues to decrease in both absolute and relative terms, and also when compared to other Asian countries. In 2007 Indonesian registered remittances were only 1.6 percent of GDP, whereas Philippines registered remittances for 2007 constituted 13 percent of GDP (ILO, 2008: 2). As for Indonesia, workers' remittances has shown increasing trend for the last 7 years, going from \$1 billion in 2001 to \$6 billion in 2007 as the number of migrant workers were also risen which is estimated to reach more than 3 million workers that distributed around the world. However, it is noted by the Deputy Governor of Bank Indonesia that only 17% of those or around USD1 billion, were remitted via banks, while the remaining 83% were remitted via non-bank channels (Mulya, 2008).

While Indonesian Minister of Workers and Transmigration, then Erman Suparno, stated that migrant workers have big impact on domestic economy and contributed USD 44 billion on state's income (USD 2.5 billion in 2005, USD 3.75 billion in 2006), workers still haven't received appropriate compensations (Wahab, 2008). Head of the National Agency for Placement and Protection of Indonesian Overseas Workers (*Badan Nasional Perlindungan dan Penempatan Tenaga Kerja Indonesia* / BNP2TKI), Moh. Jumhur Hidayat stated that in 2008, migrant workers have accounted IDR 130 trillions remittance and projected in 2009 to receive USD 20.9 millions or IDR 186 trillions (Sihombing & Safarudin, 2008).

Actually the National Agency for Placement and Protection of Indonesian Overseas Workers (BNP2TKI), a governmental body that has rules and regulations on migrant workers placement, has been established and operated since March 2007 (ILO, 2006). But this kind of body only takes care of technical things such as placement with no guarantee of protections. And the government eventually had planned to ratify the Convention, which mentioned in Yearly Human Rights Plan Action (*Rencana Aksi Nasional-Hak Asasi Manusia*) twice. Stated that Indonesia had to ratify the Convention and the first deadline was in 2005, then it's been extended to 2009. But until now, the government stood still and does nothing although has got pressures and external supports from the UN. Special Reporter on the Human Rights of Migrants said that Indonesia has to ratify it soon, no logic reasons to keep postponing (A ini, 2006)

There are technical and macro obstacles for the Indonesian government not to ratify yet the UN Convention on migrant workers. The criteria used for assessing the impact are based on the technical obstacles to ratification identified in earlier reports (Piper & Iredale, 2003; Pecoud & de Gutcheneire, 2004: 21). First, cost of providing greater awareness-raising and general education about the rights of migrant workers. Second, high cost for implementation. Third, difficulty (partly due to lack of transparency) and high cost of monitoring. And fourth loss of markets.

The UN Convention in migrant workers represents a unique agreement by many countries on minimum migrants' rights but as it has not been ratified by a single receiving country, there is no global agreement. This makes ratification and implementation at both origin and destination ends a slow process. Capacity building is required in countries that have ratified while processes for encouraging ratification among other countries are urgently required. In another five years, if only developing countries ratify this Convention it will become meaningless. A developed country's ratification is urgently needed. For this, the UN agencies should form a coalition and so should the major NGOs. On the technical legal level, none of the other countries had come so far as to investigate clause by clause the exact legal implications of ratifying this Convention. It appeared that visibility of the Convention has not extended into the wider public sphere. The lack of experts in the area of international law and human rights is also a common problem. Once governments ratify a UN Convention they need to address their obligations. With regard to foreign migrant workers, they are typically not prepared to do so at both the labor sending and receiving end (Iredale et al., 2005).

Using image theory, which begins to diverge from the other cognitive theories because of the particular conceptualizations developed first by Cottam (1977), I try to explain *raison d'être* of government motives; the biggest obstacle. Cottam identifies a typology of foreign policy motives-those matters that predispose a government and people to move in a decisional direction in foreign affairs (Cottam, 1977: 31). His list of motives includes economic interests, communal concerns (such as grandeur and participant excitement), governmental factors (including bureaucratic and military interests), and defense concerns. These motives are organized and ordered into motivational systems, each system having different levels of intensity for the relevant motives. Cottam identifies four components in his perceptual inferential scheme: threat, opportunity, culture, and capability. Different combinations of these four components result in different ideal types of perceptual patterns. Dimensions of images (capability and culture), according to Herrmann (1984) act as important modifiers, that interact with the central dimension to represent substantially different perceived relationships.

In Indonesia's case, dimensions of government reflect basic behavior of the government itself, that the government disbelief that ratifying the convention wouldn't bring any changes influencing how the government stood still and do nothing about the convention. The culture of Indonesia who flatly has bad human rights record, strengthen government perception about how wasted ratifying a convention, while the government hasn't ready to apply the clauses. Regarding Cottam's list of government's foreign policy motives, in migrant workers case, Indonesia owns first and third motive, which are economic interest and governmental factor (bureaucratic interest). Clearly Indonesia's been targeting 186 trillions remittances in 2009, confirmed by Erman Suparno, Indonesian Minister of Workers and Transmigration (Sihombing & Safarudin, 2008). Indonesian government clearly afraid to loose of market, although it is evident that neither country has suffered economically in terms of a loss of markets as a result of their ratification of the Convention (Piper & Iredale, 2003; Pecoud & de Gutcheneire, 2004: 21).

In Indonesia, Ministry of Manpower and Transmigration is the main governmental body to arrange migrant arrayal. Recruitment and placement are set by private organizations, given permissions by Ministry of Manpower and Transmigration; the Ministry also oversees the training skills, mandatory pre-departure programs and provides a small amount of labor diplomats in Indonesia embassies abroad. Law of Placement and Protection of Migrants Workers (*Undang-Undang Penempatan dan Perlindungan Pekerja*) require the establishment of

the National Agency of Placement and Protection of Employee to Overseas (BNPP-TKLN). This body has been established, operated since 2007 (ILO, 2006) but the performance's hasn't been effective for migrants' protection. The bureau is only focusing on placement and recruitments rather than protection. This bureaucratic motive influences government's consideration in making foreign policy not to ratify UN Convention on migrant workers.

Referring to the Philippines, *Migrant Workers and Overseas Filipinos Act 1995* (*Undang-Undang Pekerja Migran dan Bangsa Filipina di Luar Negeri tahun 1995* or *Undang-Undang Republik No. 8042*) entails the division of powers between government departments and clearly a different agent. For example, the Ministry of Foreign Affairs is responsible for dealing with repatriation of workers in foreign countries and to conduct diplomatic advocacy. Department of Labor and Manpower-Philippines is similar to the Ministry of Manpower and Transmigration Indonesia - oversees the implementation of the laws of foreign countries, provides legal assistance and health care deal (ILO, 2006).

This led the Secretary of the Department of the Management Board of central Philippines Overseas Employment (Governing Board of the Philippine Overseas Employment Administration, POEA). POEA is an independent government agency with a broad mandate to encourage and supervise the employment Filipina migrant workers. Implement this part of the body of the protection, to encourage employment in the countries that perform best practices, managing agents dealer service labor, organizing education and maintaining a community information system market migrant workers.

According to ILO research about Indonesia's and the Philippines' governmental bodies (2003), a major difference between the POEA and prospective BNPP-TKLN is that POEA is a body tripartite; composition of the Board of this include not only government officials but also representatives of trade unions and private service agencies distributor. Central Board of POEA hold regular dialogue with civil society and educational programs and community provided complete protection of Non-Government Organization (NGO). POEA also supported by other government agencies called the Management of Welfare Workers in Foreign Affairs (Overseas Workers Welfare Administration, OWWA). OWWA is a quasi-tribunal, a mandate to run the contract and become a judge on the case of disputes. While in Indonesia, from the point of the composition of membership BNPPTKI, this does not reflect the spirit of transparency and public participation. With only the elements of the government bureaucracy, this new institution is feared still preserve the culture of bureaucracy is slow and corrupt is one of the causes of mucked Indonesian migrant issues. Without any participation of civil society in this institution also reflects the government's reluctance to receive input and criticisms on the issue of migrant workers Indonesia. Until now there has never been new innovation of Ministry of Manpower and Transmigration in the protection of Indonesian migrant workers, yet produces more 'creative' yet burdensome such as migrant workers -tax levies.

Other than bureaucracies and governmental structural and technical problems, Indonesia still leaves quite amount of obstacles to ratify the Convention. Firstly Indonesian perception of migrant workers is the biggest problem, the biggest obstacle coming from inside the state. Human right is one concept that Indonesia has been familiar to. Rarely the country ratifies conventions attached to human rights and applies it accordingly. The real intension to respect human rights has to be followed by government's political will. To respect human rights, it is not enough by only making ratifications on international human rights instruments but it has to be followed by reforming the Indonesian national laws as a legal basis of implementation.

From now and then, Indonesian people are still seeing migrant workers (*Tenaga Kerja Indonesia* or TKI) as trade commodities and remittances heroes. No wonder neither bureau governmental body has tried optimally protecting migrant workers. It's proved by the amount of cases that involve inhuman treatments to Indonesian migrant workers and the law published by government those easily placing migrant workers abroad without any guarantee of protection. It's also been a cultural problem. If Indonesians still perceive migrant as low -life second-class citizen themselves, how migrant workers been respected abroad.

As the General Director of Migrant Workers Abroad Placement (Department of Workers and Transmigration), I Made Arka mentioned that government hasn't ready yet to ratify the UN Convention of Migrant Workers' Rights and Their Families. It's because we (Indonesia) hasn't preoccupied to do the same thing to foreign workers working in Indonesia (Aini, 2006). I just think it's absurd and make no sense, because as mentioned above, data from the ILO showed that is evident that neither country has suffered economically in terms of a loss of markets as a result of their ratification of the Convention. If Indonesia decided to ratify, I'd be sure enough it would earn more remittances for government. If Indonesia finally had rightful bodies and bureaus, migrant workers abroad would trust the legal channel to send their money, because they've felt protection and security from Indonesian government. As the Philippines government has do tireless efforts to protect their migrants abroad, because they've realized that migrants are skillful people and funded 13% of GDP, so they are assets as noble as people who work inside the country. If just Indonesia could include the migrant workers issues on the foreign policy top priority, I'm certain Indonesia would be seen as far more reputable country.

According to Cottam's components of culture, it is make sense that Indonesia hasn't ratified the Convention. It's because Indonesia hasn't had the gut or the confidence or the capabilities too enforce international convention into practices. Djamin (2008) mentioned that there are specific reasons behind Indonesia's seldom ratification of international conventions. Basically Indonesia still perceives international the wrong way. Government's perception over migrant workers perceived their act not to ratify the Convention. The basic problem is, there's a huge misunderstanding on adopting convention into national law. In Indonesia conducted perceptive that ratified convention doesn't always applicable enforced to national law. While according to Djamin (2008) that ratifying international convention always means that convention as a political decision has to directly apply by the legislator (*Dewan Perwakilan Rakyat*) to determine the norms within the convention becoming national law. So the convention itself could be applied nationally, no depredated norms or values. It is actually, the biggest mistake and misunderstanding that absorbed nationally. Law enforcer, policemen *et cetera* always excusing themselves not to enforce certain convention because there's no appropriate domestic law, on the contrary certain convention could be applied domestically when it's ratified.

Secondly, the immature perception towards migrant workers followed by lack commitment and lack of political will of government to manage the matter correctly. It's a problem of capability. The weak bureaucracies and collusive government members don't help enforcing the persistent convention but using it for morally depraved purposes such publish law aggravating migrant, such collect money from migrant for identity equipment (each person has to pay IDR 2.9 million), which is too expensive. What government rarely does is making adjustment on ratified convention and make sure the norms wouldn't cross the existing laws. It's the common problem of ratified law. Like Herrmann (1984) mentioned that different combinations of four components result in different ideal types of perceptual patterns. Dimensions of images (capability and culture) act as important modifiers that interact with the central dimension to represent substantially different perceived relationships (Herrmann, 1984).

The third and last obstacle is lack of leader's role in decision-making concerning migrant issues. Indonesia in Reformation Era has been ruled by quite amount of changing presidencies. Soesilo Bambang Yodhoyono as present president seems ignorant and takes no active role dealing with migrant workers, unlike Madam Arroyo (Banzon, 2007). Leadership by one or more countries should be encouraged. Governments most likely to be active are the Philippines and Sri Lanka as they have already ratified the Convention. NGOs and governments throughout the region see the Philippines, in particular, as a model (Piper & Iredale, 2003: viii). Indonesia is beginning to move in this direction and it still needs many works to do from restructuring the bureaucracies, boost confidence and bargaining position, give commitment toward human rights matters and transform perceptions towards migrant workers.

Conclusion

The UN Convention on Migrant Workers Rights is very important as legal base for each country to protect their working migrants abroad. Hence the problem occurred when only a few countries willing to ratify the convention. Moreover, the problem arose when a migrant exporter country such as Indonesia didn't ratify while many mistreatments and inhuman endeavors and neighbor country such the Philippines already had comprehensive law structure protecting their migrants.

The Philippines themselves had done tireless efforts regarding migrant workers' protection. The Philippines participated in the deliberations of the draft of the Convention in the early 1980s. Since 1974, they had already had solid structures, supported by useful bureaus, supportive local government and most importantly had actualized a significant piece of legislation domestically. For supporter, Ambassador Jose Brillantes targeting ratification by countries in the Middle East is a top priority of the Philippines. He stated that this should be the policy of the Philippines because of the sheer magnitude of migrant workers holding various jobs in said countries and one approach that can contribute to faster ratification is to discourage bilateral agreements between receiving and sending countries on matters pertaining to the rights of migrant workers.

While Indonesian migrant workers send home more than USD 6.1 billion in registered remittances annually, unfortunately they weren't facilitated with comprehensive laws of protection. Indonesian government believes they still have obstacles between the ratification, which are the cost they would spend regarding the cost of providing greater awareness raising and general education about the rights of migrant workers, high costs of implementation, difficulty (partly due to lack of transparency) and high cost of monitoring.

In Indonesia's case, the government still disbelief that ratifying the convention wouldn't bring any changes influencing how the government stood still and do nothing about the convention. Firstly, the culture of Indonesia who flatly has bad human rights record, strengthen government perception about how wasted ratifying a convention while the government hasn't ready to apply the clauses. Secondly, the immature perception towards migrant workers followed by lack commitment and lack of political will of government to manage the matter correctly. It's a problem of capability. The third and last obstacle is lack of leader's role in decision-making concerning migrant issues. Leadership by one or more countries should be encouraged. Indonesia is beginning to move in this direction and it still needs many works to do from restructuring the bureaucracies, boost confidence and bargaining position, give commitment toward human rights matters and transform perceptions towards migrant workers.

Indonesia needs to ratify the Convention more than ever regarding migrant workers' remittances contributing domestically. Government should aware of migrants' safety hence they could work more and the government could send more migrants abroad peacefully with set up protection legal framework. Logically, Indonesian government have to act fast to regain migrants' trust. It is fundamental for citizens to trust their government, and on the other hand government must do its social function role regarding protecting its citizens inside and outside country's territorial.

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