

# Access To Information For Migrant Workers As An Effort To Fulfill The Right To Information

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## ACCESS TO INFORMATION FOR MIGRANT WORKERS AS AN EFFORT TO FULFILL THE RIGHT TO INFORMATION

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**Abstract** - Individuals must have the fundamental human right to information in order for them to actively engage in society and make decisions that are based on accurate knowledge. Access to information is necessary in order to preserve the rights of migrant workers, as well as to ensure that they live healthy and safe lives. This study investigates the legislative framework that governs migrant workers' rights to information and examines the degree to which these rights are being met in practice. The research examines international human rights instruments, national laws and regulations, and case law concerning the right to information for migrant workers using a normative juridical approach. The study analyses voids and inconsistencies in the legal framework, and it suggests how those voids and inconsistencies can be filled and the legal framework can be enhanced to better protect the right of migrant workers to information.

**Keywords:** Access to information,; migrant workers; human rights; legal framework

### INTRODUCTION

Currently, Indonesia is considered to be one of the countries that are developing. This results in several issues for Indonesia, one of which is connected to the country's growing population (Ushakov, 2014). The country of Indonesia has a considerable rise in population on an annual basis, which has a ripple effect on the country's labour force. Nevertheless, the additional labour force is unable to be adequately channelled since there are only a limited number of jobs accessible; consequently, this produces another problem, which is unemployment, which also increases. Because of the high unemployment rate in Indonesia, many job seekers have been forced to leave the country in search of work. These individuals have moved both within Indonesia and to other countries, becoming what will be referred to in the following as Indonesian migrant workers or, more accurately, Indonesian Migrant Workers. "Indonesian Migrant Workers are any Indonesian citizen who will, is doing, or has been doing work for which he receives wages outside the territory of the Republic of Indonesia," it states in Article 1 number (2) of Law no. 18 of 2017 concerning the Protection of Indonesian Migrant Workers. "Indonesian Migrant Workers" is an acronym for "Indonesian Migrant Workers." Because of the emigration of employees, the Indonesian government will, of course, reap significant benefits. This is because the government will be able to raise the country's gross national product while simultaneously lowering the number of people without jobs in Indonesia. Not all of these hopes and goals can be realised to their fullest potential. Many Indonesian workers who move to other countries, such as Malaysia, Brunei, and Saudi Arabia, report having this experience. Many migrant workers in these destination countries report being subjected to inhumane working conditions by their employers (Piper et al., 2017).

The migration of workers is becoming an increasingly widespread problem that is gaining momentum in several countries. According to estimates provided by the International Labor Organization (ILO) for the year 2019, there are around 164 million migrant workers across the globe. With a projected total of 9 million people in 2020, Indonesia is one of the most powerful countries in the world regarding the number of migrant workers it sends abroad. These migrant labourers typically find agriculture, fishery, and hospitality employment in Malaysia, Taiwan, and Hong Kong (Anaf et al., 2022).

In the context of globalisation and free trade, Indonesian Migrant Workers are one of the human resources that can be relied upon to meet the need of workers in destination countries for migration. Indonesian Migrant Workers are one of the human resources that can be relied upon to

meet the needs of workers in destination countries for migration (Barid et al., 2022). One of the numerous difficulties Indonesian migrant workers encounter is accessing their right to information. Notwithstanding the economic gains that are generated by this labour migration, there are still many problems and challenges that Indonesian migrant workers face (Wickramasekara, 2002).

One of the numerous issues and obstacles that migrant workers encounter is gaining access to information. Notwithstanding the economic gains that are generated by labour migration, there are still many problems and challenges that migrant workers confront. This pertains to the rights and responsibilities that they have as migrant workers in the country that they have settled in. These rights include the right to wages, the right to work, health and safety protection, the right to legal protection, and various other rights (Maksum, 2021).

Everyone, especially Indonesian Migrant Workers, has a fundamental right to access information, one of the most crucial rights (Peled & Rabin, 2011). This right allows migrant employees access to information about the rights and responsibilities accompanying their status as migratory workers (Dimitriu, 2009). This material includes information about their rights in the country in which they will be working, such as the right to salaries, the right to occupational health and safety protection, the right to legal protection, and a variety of other rights. On the other hand, in practice, it can be challenging for many Indonesian workers to acquire the right to access this information. Restricted access to information is one of the issues contributing to Indonesian employees' difficulty obtaining their right to information. Other issues include the following. The limited access workers in Indonesia have to information is a primary obstacle that makes obtaining their right to information challenging. Many working in Indonesia come from families with poor incomes and therefore need access to information technology like the internet or cell phones. Because of the inability of certain Indonesian workers to read and write, it might be challenging to comprehend the information that is delivered in written form. As a result of this limited access to information, Indonesian migrant workers cannot receive the information they require regarding their rights in the country to which they are migrating.

Access to dependable sources of information is needed. In addition to the limited access to information, another issue that needs to be addressed for Indonesian employees to gain their right to information is the need for more credible sources of information. Because so many Indonesian migrant workers hail from outlying regions of the country, it can be challenging to find credible and accurate information regarding the rights they are entitled to enjoy in their countries of destination. In addition, several organisations provide irresponsible services for the recruitment of migrant workers, which results in disseminating information that is frequently inaccurate or intentionally misleading regarding the working conditions in the countries of destination.

Distinct languages. The disparity in linguistic capabilities is another obstacle that Indonesian workers must overcome to exercise their right to information successfully. Because so many Indonesian migrant workers lack the language skills necessary to communicate effectively in English or the native tongue of their destination country, it can be challenging to comprehend the information in either of these tongues. In addition, the language utilised in the legislation and policies of destination countries is frequently quite technical, making it challenging for regular people, especially Indonesian Migrant Workers, to comprehend the material.

The difficulty of migratory workers accessing relevant information has been the subject of several earlier studies. For instance, research that was carried out in 2016 in Southeast Asia by the International Labor Organization (ILO) revealed that the majority of migrant workers have a difficult time accessing information about their rights in destination countries. In addition, a study that was carried out in 2015 by the Migrant Forum in Asia discovered that one of the contributing elements that contributed to the exploitation and oppression of migrant workers was a lack of information and comprehension of the rights that they were entitled to.

In addition, several studies demonstrate that the issue of information accessibility for migrant workers is connected to the dearth of trustworthy information sources. Because so many migrant workers in Indonesia come from outlying regions, it can be challenging to find accurate and trustworthy information regarding the rights they will have in their destination country. In addition,

several organisations provide irresponsible services for the recruitment of migrant workers, which results in disseminating information that is frequently inaccurate or intentionally misleading regarding the working conditions in the countries of destination.

The language barrier is yet another obstacle that migrant employees face, making it more difficult for them to acquire information. Because so many migrant workers are not proficient in either English or the native language of the country where they are working, it can be challenging to understand information offered in either of these languages. In addition, the language employed in the legislation and policies in the countries that are the destinations for migrant workers is frequently quite complex and difficult for regular people, including migrant workers, to comprehend. In light of the preceding, it is essential to conduct additional research on the subject of access to information for migrant workers in order to make progress towards realising the right to information.

### RESEARCH METHODS

A research methodology known as the normative juridical approach evaluates legal norms, ideas, and conceptions to solve legal problems. This technique can be used to assess the legislative framework that governs the access to information for migrant workers in the study titled "Access to Information for Migrant Workers as An Effort to Fulfill the Right to Information."

In the first place, the researcher may choose to investigate pertinent international human rights instruments. Some examples of such instruments include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. A normative basis for the protection of the right to information, including for migrant workers, is provided by these instruments.

In the second step of the research process, the investigator might investigate the national statutes and rules that pertain to migrant workers' rights to information. This includes regulations about access to information, the rights of workers, and rules about immigration. The researcher will be able to examine how these rules and regulations guarantee that migrant workers have access to information that is important to preserve their rights and ensure that their safety and well-being are maintained.

In the third step of the research process, the investigator can look into case law concerning the right of migratory workers to receive information. This contains matters brought before the courts and decisions made by administrative agencies that have addressed concerns regarding access to information for migrant workers. The researcher will be able to find trends and patterns in the application of the law to protect the right to information for migrant workers if they conduct an analysis of these cases and look for them.

The researcher can discover gaps and inconsistencies in the legal framework regarding the right to information for migrant workers by employing the method known as the normative juridical approach. The researcher can provide suggestions on how the existing legal framework can be improved to provide better protection for the right of migrant workers to access information based on the findings of this analysis.

### RESULTS AND DISCUSSION

Article 28 F of the Constitution of the Republic of Indonesia, ratified in 1945, states that every person has the right to communicate and obtain information to develop his personality and social environment (Farid & Nanik, 2023). Additionally, every person has the right to seek out, obtain, possess, and store information using all available channels. It is vital to adopt a law that controls the disclosure of public information in order to ensure that all individuals are provided with the same level of protection when attempting to get information. Keeping in mind that the right to acquire information is a human right and one of the manifestations of the existence of a democratic nation and state, this maximal function is required because it is vital. The right of the public to acquire information in line with the norms established by statute is an essential

component in the process of bringing about an open administration of state affairs. The right to information is highly significant because the administration of the state will be held to a higher standard of accountability when it is subjected to a greater degree of public scrutiny openly and transparently. In order to enhance the level of community participation in the process of making public decisions, ensuring that everyone has the right to acquire information is also very important. Participation in or connection with the community is of limited value if public information is not guaranteed to be disclosed.

The right to knowledge, often known as the right to know, is a basic fundamental right that has developed into the primary focus of the people who drafted the Universal Declaration of Human Rights. The General Assembly of the United Nations in 1946 acknowledged the significance of this right in the context of the fight for other rights (Willmot et al., 2016). This right becomes the pillar of a transparent and participatory government, which provides a clear road for the availability of guarantees to fulfil fundamental rights and other freedoms. This right also provides a clear road for the availability of guarantees to fulfil other fundamental rights and freedoms. The right to knowledge, a component of the right to freedom of opinion, was eventually incorporated into the Universal Declaration of Human Rights in light of this reasoning. In the International Declaration of Human Rights, Article 19 declares that everyone has the right to freedom of expression and to have and express opinions. This right encompasses the freedom to hold beliefs without interference and to seek, receive, and disseminate information and ideas through any means of communication without respect to borders or governmental authority (Agbor, 2015). In the International Covenant on Civil and Political Rights from 1966, ratified in 2005 by Law no. 12 of the Philippines, there is a provision that states a strengthening of the right to information. This right includes the freedom to seek, receive, and impart information and ideas of any kind, regardless of the media, whether orally, in writing or in printed form, in the form of art, or through any other media of his choice (Bila-Tiunova et al., 2019). Article 19 of the International Covenant on Civil and Political Rights states that everyone has the right to freedom of expression. This right includes the freedom to seek, receive, and impart information and ideas. The State of Indonesia must adhere to the human rights standards outlined in the primary instruments mentioned in paragraphs 9 and 10. These standards are implemented in Indonesian legislation (the supreme law of the land).

Hence, the Indonesian government must carry out the rules outlined in international human rights law. At the same time, it acknowledges that the rights outlined in these instruments are the property of every individual. The international Covenant on Civil and Political Rights, including the right to information, apply to Indonesia because Indonesia does not reserve any provisions in the International Covenant on Civil and Political Rights. According to the law governing human rights, the state c.q. The government is in a situation where it must fulfil specific responsibilities. The state's obligations can be broken down into respect, protection, and fulfilling obligations. The obligation to respect requires the state to abstain from intervening, except in situations in which it is required by legitimate legislation. The state is responsible for fulfilling its obligation by taking the required legislative, administrative, judicial, and practical procedures to ensure the realisation of human rights. This obligation must be fulfilled. The obligation of the state to protect (the obligation to protect) is the obligation to protect rights not only against violations committed by the state but also against violations or actions committed by other (non-state) entities or parties that will interfere with the protection of the so-called rights (McConnell, 2017). The state has this obligation to protect rights against violations committed by the state and against violations or actions committed by other (non-state) entities or parties (Gultom & Flora, 2022).

The right to information is typically accorded a very high priority in the framework of national legal instruments. Article 28F of the Constitution of the Republic of Indonesia from 1945 states that everyone has the right to communicate and obtain information in order to develop their personality and social environment and that everyone has the right to seek out, obtain, possess, process, and convey information using any channels that are available to them. This is called the "right to develop one's personality and social environment." As a result, the right to information has been accorded the status of a constitutional right, which requires the state to respect and protect it.



The affirmation of one's right to receive information can be found in Human Rights Law no. 39 of 1999. Article 14 of the Declaration of Human Rights states that everyone has the right to search for, obtain, possess, store, process, and disseminate information using any means. This right is essential for the growth of both the individual and the social environment.

Law number. 14 of 2008 concerning Freedom of Public Information provides a more in-depth breakdown of the provisions of the freedom of information. This law was proposed by non-governmental organisations in collaboration with the People's Representative Council in the spirit of reform, which aimed to make complete amends for the errors committed by the New Order government. The People's Representative Council was the driving force behind the legislation. It is good knowing that for more than three decades, the New Order exerted a powerful influence over the management of the state, ensuring that a culture of secrecy prevailed. This lack of transparency has, ineluctably, led to an increase in significant human rights violations and severe corruption within the bureaucracy and the government. Initially, the requirement for the government to offer access to information was separate from the right-to-access information. The only part of the individual's right to receive information that the government is obligated to guarantee is that part of it.

On the other hand, it is common knowledge that this promise will only be upheld if individual rights back it to access information, mainly information in the government's possession. As it develops, the right to information is then tied to the right to access public information and the obligation of the government to offer information to the public. This is the practice in several nations, including the one in which I am currently living.

Migrant workers need the right to knowledge because it allows them to make decisions based on accurate information and stand out for their rights as individuals. Access to information is a vital tool in the fight against the myriad of obstacles and vulnerabilities that migrant workers confront, including exploitation, discrimination, and abuse.

Many migrant workers must contend with linguistic and cultural hurdles, which make it difficult for them to receive information and comprehend the rights to which they are legally entitled. It is also possible that they do not have access to credible sources of information, which makes it harder for them to make educated decisions regarding their working circumstances, salary, and overall wellness. As a consequence of this, kids are likely to be more susceptible to exploitation and abuse, both of which can have devastating effects on both their physical and mental health.

By granting them access to information that is both trustworthy and pertinent, the right to information has the potential to assist migrant workers in overcoming these obstacles. Details concerning their rights and entitlements, their employment contracts, and the rules and regulations that govern their work can be included in this material. It may also include information about their living conditions, access to healthcare and other critical services, and how they may obtain support and help if they are exploited or abused.

When migrant workers are given access to this information, it enables them to make decisions regarding their job that are better informed and enables them to take measures to protect themselves from being exploited and abused. For instance, if they know their legal rights and entitlements, they can negotiate with their employers for more favourable pay and working conditions. If they are being exploited or abused, they can seek aid from labour unions, non-governmental organisations (NGOs), or government agencies.

The right to information can assist in addressing structural problems that impact migrant workers and their potential to empower individual workers (Farbenblum, 2017). Workers who have access to information are better able to recognise patterns of exploitation and abuse and bring this information to the attention of the relevant authorities. This can lead to improvements in legislation and law that protect the rights of migrant workers and improve the working circumstances they are subjected to.

Also, having access to information can make it easier for migrant workers themselves to communicate with one another and work together on projects. This can assist in forming networks of support and solidarity, which can be essential in safeguarding workers against exploitation and



abuse if enough of these networks are established. Employees can communicate information about their employers, working circumstances, and any challenges they encounter with one another. This enables workers to make decisions about their employees that are more informed and to take collective action to improve their working conditions.

Migrant workers have the right to information, and it is the state's responsibility to offer it to them. This obligation is essential to ensuring migrant workers can exercise their fundamental rights and safeguard themselves against exploitation and abuse. The state is responsible for ensuring that migrant workers have access to relevant information for several important reasons.

First, the right to information is protected by international human rights law. This right is recognised in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, among other international human rights documents. The need to ensure that individuals have access to information pertinent and necessary to them in their day-to-day lives is recognised in these papers as being critical (McDonagh, 2013).

Second, the state is obligated to safeguard the legal rights of migrant workers, particularly those who are susceptible to being exploited or mistreated at their place of employment. This role entails making sure that migrant workers have access to information regarding their rights and entitlements, in addition to information regarding the hazards and dangers that are linked with the work that they do (Koser, 2016). This information can aid workers in protecting themselves against exploitation and abuse and locating assistance and support when they are having difficulties.

Finally, the state must ensure that all of its policies and laws, including those about migrant labourers, are open to public scrutiny and may be easily accessed by everyone (Calavita, 2010). This means that the state must offer information about its policies and laws transparently and efficiently comprehensibly. It must also make it a priority to ensure that migrant workers know their legal rights and protections.

Regarding the fourth point on this list, the state must ensure that migrant workers can access appropriate legal remedies if their rights are violated. Workers must have access to information in order for them to be informed of their legal rights and entitlements and for them to be able to take appropriate action if they are being exploited or abused. This includes information regarding the legal process, such as how to submit a complaint, how to seek legal assistance, and what to anticipate during the legal procedure.

Finally, the state has a responsibility to make sure that migrant workers are allowed to take part in public life and are given access to information that is pertinent to their day-to-day existence. This includes access to information about healthcare, education, housing, and other essential services, as well as access to information about political and social concerns that influence their communities. Also included in this category is access to information about political candidates and issues.

A variety of actions are required of the state in order for it to fulfil its responsibility to ensure that migrant workers have access to the information that is their legal entitlement. They may include the following:

It created informational items that are easy to understand and access and offered in various languages and presentation methods. Brochures, posters, and online tools that provide information about workers' rights, legal procedures, and access to services may be included in this category.

Collaborating with local groups and non-governmental organisations (NGOs) to ensure that information is successfully shared with migrant workers. This may involve forming a partnership with these organisations in order to generate informational materials or provide support for the outreach and education efforts that they are engaged in.

Training for government authorities, businesses, and service providers on how to effectively connect with migrant workers and allow them access to information needs to be done.

They were making it possible for migrant workers to receive information and submit comments to government entities by establishing communication channels. These may include hotlines, internet



portals, and community meetings where workers can pose inquiries and provide feedback on their experiences.

If they require it, ensuring that migrant workers have access to legal advice and counsel is a priority. Among these options are the provision of financial support to groups that offer legal help to migrant workers and the establishment of legal clinics that offer legal services at no cost or significantly reduced rates.

## CONCLUSION

To summarise, accessing relevant information is a fundamental right everyone, mainly migrant workers, should have. According to the findings of this study, even if some legislative frameworks are already in place to guarantee the right to information for migrant workers, some substantial gaps and inconsistencies still need to be addressed. To analyse the legal framework surrounding the right to information for migrant workers, the method known as the normative juridical approach method has proven to be an efficient research methodology.

Many suggestions might be made to guarantee that the right to information for migratory workers is safeguarded and respected. First, domestic legislation and regulations concerning the right to information and migratory workers must be beefed up and aligned with international human rights treaties. Second, a greater emphasis should be placed on raising awareness and educating relevant parties, including migrant workers, regarding the right to information and how to access it. Lastly, regardless of their legal standing or employment position, migrant employees should be afforded the same rights to access information as other workers.

Nevertheless, there are a few restrictions that should be taken into account in any further research that is conducted. To begin, the research only concentrated on the legal framework that is associated with the right to information for migrant workers. It did not investigate the obstacles migrant employees encounter when attempting to access information. Second, the research did not consider the cultural and linguistic difficulties that migrant employees may face when trying to obtain information. Lastly, this study did not investigate the role of non-state actors in protecting the right to information for migratory workers.

Future studies should focus on the practical problems that migrant workers encounter in accessing information, such as language and cultural hurdles, in order to address these constraints and examine how they might be addressed. In addition, research on the role that non-state actors, such as civil society organisations and labour unions, play in defending the right to information for migratory workers should be conducted. In conclusion, comparative research should be carried out to investigate and analyse how different legislative frameworks in various areas and nations protect the right to information for migrant workers.

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