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### Regulation Regarding Marginals Based on Indonesian National Law and International Human Rights Law

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#### Abstract

Organizing the margins is an important part of efforts to create a more inclusive and just society. Government policy, social intervention, community participation, economic empowerment, and education all have a key role in ensuring that marginalized people have equal opportunities to develop their potential and contribute to sustainable social and economic development. The problem of the marginalized is not only a problem for developing countries such as Indonesia. Still, it has become a problem for all countries, including developed countries such as the United States and Russia. In this study, the author will examine how national law, especially in Indonesia and International Human Rights Law, regulates the marginalized people, considering that the marginalized are vulnerable people who

need help and attention from the government, the domestic community, and even the international community. The results obtained from this study show that both Indonesia and the international community have reasonable regulations regarding the marginalized. Although the above rules provide many protections, in this case, the protection of these rights is classified as a positive right that is unfair so that in case of a violation, it cannot be carried out in court. So that in its implementation, there are still many human rights violations experienced by these migrants. An example we can easily find is the right to education; this is still not enjoyed by the marginalized, especially children, because education is a luxury, and they prefer to work to fulfill their needs.

**Keywords:** International Human Rights Law, Indonesian National Law, Marginals

#### 1. Introduction

Marginal people, or in Indonesian, often known as the marginalized, are vulnerable people and often become a forgotten community group. The definition of the marginalized has differences and does not yet have a standard meaning in Indonesian national and international law. Nevertheless, here are some points of understanding regarding marginalized people according to several sources:

1. Marginal people are a marginalized group in society regarding the economy, education, and culture. This group comprises workers, small traders, urban poor, and farmers.<sup>1</sup>
2. A marginal person is a person who belongs to two different social or cultural groups but is not fully integrated into them (sometimes with implications for the capacity to mediate between the two); isolated from or perceived to be on the edge of society or social or cultural group.<sup>2</sup>
3. Marginal people have limited access to resources, assets, and services (von Braun and Gatzweiler, 2014); and little social, political, or economic standing to change their situation.<sup>3</sup>

Based on several understandings obtained from these sources, the author concludes several essential points contained in formulating the notion or classification of society so that it can be said to be a marginal group, namely someone who has limitations in terms of access to education, a weak economy, and have no position in society. Von Braun and Gatzweiler define marginality as a multidimensional and interdisciplinary concept that integrates poverty, discrimination, social exclusion;

<sup>1</sup> [http://dip.fisip.unair.ac.id/id\\_ID/pembudayaan-literasi-kaum-marginal/](http://dip.fisip.unair.ac.id/id_ID/pembudayaan-literasi-kaum-marginal/), quoted on January 25, 2022.

<sup>2</sup> [https://www.lexico.com/definition/marginal\\_man](https://www.lexico.com/definition/marginal_man), quoted on January 25, 2022.

<sup>3</sup> Edward R Carr *et al*, Working with Marginal Populations an Annex to the Usaid Climate-Resilient Development Framework (Alexandria: United States Agency International Development, 2015), p. 6.

degradation of ecosystem functions; and access to services, markets, and technology.<sup>4</sup> The problem of the marginalized is not only a problem for developing countries such as Indonesia. Still, it has become a problem for all countries, including developed countries such as the United States and Russia.<sup>5</sup> According to the author in international law, the grouping of the marginalized will be more comprehensive because previously, those belonging to the marginal group were laborers, small traders, the urban poor, and farmers. Still, the case is different if we look at it from the point of view of international law. In the grouping of international law belonging to the marginalized, there are at least four groups, namely:<sup>6</sup>

- a. Woman;
- b. Poor society;
- c. Asylum Seekers and Refugees;
- d. Irregular Migrants.

So that in this study, the author will try to examine how the national law, especially Indonesia and International Human Rights Law, in terms of regulating the marginalized people, considering that the marginalized are vulnerable people who need help and attention from the government, the domestic community, and even the community. International.

Legal research conducted in examine this research by examining library materials or secondary data known as normative legal research or legal research literature (library research). This research was conducted with collect legal materials both primary, secondary and or tertiary. In order to get an answer or solutions to problems in this research, the approach used is a statutory approach comparative approach, conceptual approach. The nature of the research is descriptive-prescriptive with content analysis.

## 2. Result and Analysis

Indonesia as a sovereign country and is a state of law already has regulations governing the marginalized. The international community of course also has regulations governing this matter, considering that the problem of the marginalized is not only a problem for one country, but is a problem for all countries in the world. the following are some of these rules and regulations:

### a. The Importance of Human Rights for Women

It is no longer a secret about the position of women as people who are very vulnerable to being victims of various rights violations and inequality of opportunities that often harm women, such as domestic violence, lower wages, and low access to education.<sup>7</sup> Here are some of the most common violations of women's rights:

- a. Trafficking of women;
- b. Violence against women;
- c. Discrimination in employment;

<sup>4</sup> *Ibid.*

<sup>5</sup> <https://www.liputan6.com/citizen6/read/2165704/7-negara-dengan-jumlah-tuna-wisma-terbanyak>, quoted on 25 Januari 2022.

<sup>6</sup> FutureLearn, "Human Rights Law and Marginalised People - Online Law Course," FutureLearn, diakses 10 November 2022, <https://www.futurelearn.com/courses/how-well-does-international-human-rights-law-serve-marginalised-people->.

<sup>7</sup> <https://www.amnesty.id/hak-perempuan-dan-kesetaraan-gender/>, quoted on 25 January 2022.

The number of victims of trafficking is because many women work as migrant workers but do not have official documents or are illegal migrant workers. This makes them a vulnerable group to become victims of trafficking in persons. Based on data from an international organization, the number of girls victims of sex trafficking reaches 30%. These victims are usually victims of natural disasters who have lost their livelihoods or can also come from the four million children considered abandoned, as well as 16.000 homeless people who live in urban areas.<sup>8</sup> In the Komnas Perempuan report, violence against women occupies the first position with 3.221 cases.<sup>9</sup>

The number of cases of women as victims has sparked concern from the international community. So that in 1979 an international convention was formed which regulates the importance of protecting women's human rights, namely the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Indonesia has ratified the convention into Law no. 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. Here are some essential things that are regulated in the convention as well as the law:

#### 1. Protection of civil and political rights

This has been regulated in Articles 7 and 9 of CEDAW. The following are some of the civil and political rights: the right to culture, the right to life, the right not to interfere in personal matters, and the right to be free from slavery and human trafficking.

#### Protection of economic, social, and cultural rights

Regarding this matter, it has been regulated in CEDAW in Articles 2 and 6-15, which explain these rights, such as the right to access education and seek and choose a job.

#### 2. Protection of gender equality

This convention also regulates the existence of equal rights that men and women own in dealing with the law. This has been held in Article 15 of CEDAW.

According to the author of the Convention on the Elimination of All Forms of Discrimination against Women, it has been very good at regulating the rights and obligations of women. It's just that the implementation is often inappropriate, so there is a violation of the convention. So that in its execution, it requires cooperation between various parties in the national and international scope.

Meanwhile, the government has been good at paying attention to women's issues in Indonesia. This can be seen from the many laws and regulations that protect women from all forms of abuse and arbitrariness. Law No. 39 of 1999 concerning Human Rights in Article 1 paragraph (3) and Article 3 paragraph (3) prohibits discrimination based on gender.<sup>10</sup> As a people who are vulnerable to being victims of violence even in the domestic sphere, Indonesia has Law no. 23 of 2004 concerning the Elimination of Domestic Violence; the emergence of this law is an extraordinary achievement because previously, domestic violence was considered a disgrace in a family so that

<sup>8</sup> <https://id.usembassy.gov/id/our-relationship-id/official-reports-id/laporan-tahunan-perdagangan-orang-2021/>, quoted on 25 January 2022.

<sup>9</sup> <https://www.inews.id/news/nasional/kasus-kdrd-di-indonesia-masih-tinggi-terbanyak-kekerasan-terhadap-istri>, quoted on 25 January 2022.

<sup>10</sup> Law No. 39 of 1999 concerning Human Rights.

victims tend to hide it and are afraid to report it.<sup>11</sup> More about human trafficking. As previously explained, women are also often victims of trafficking in persons, so in this case, Indonesia already has a legal umbrella that can protect women from the act of trafficking in persons, namely Law no. 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons.<sup>12</sup>

#### **b. The Importance of Human Rights for the Poor**

Poverty is a very complex problem because it is closely related to the non-fulfillment of several essential societal aspects, such as education, food, health, work, shelter, and the environment. To protect and fulfill these rights, the international community formed a convention that specifically regulates this matter to suppress and reduce the number of people belonging to the poor, namely the International Covenant on Economic Social and Cultural Rights (ICESCR). Indonesia is one of the countries that participated in ratifying the covenant, which is stated in Law no. 11 of 2005 concerning the Ratification of the ICESCR.

The Covenant and the law mandate each country, especially the ratifying member countries, to ensure the fulfillment of economic, social, and cultural rights. However, in this case, these rights are classified as positive rights that are non-justiciable so that in the event of a violation, they cannot be prosecuted in court.<sup>13</sup> Economic rights in ICESCR are contained in Article 6, which regulates the right to work, and are continued in Article 7, which governs wages and workers' rights. The right to social security is held in Article 9, and the right to protection and assistance for every family, mother, child, and youth is contained in Article 10. The right to have an adequate standard of living is also regulated in this convention in Article 11; the right to mental and physical health has been held in Article 12. The right regarding education in Articles 13 and 14, and the last is the right regarding cultural life contained in Article 15.<sup>14</sup>

The 1945 Constitution, as the basis of the Indonesian constitution, also regulates rights aimed at ensuring the welfare of every Indonesian people, including Article 27 paragraph 2, which governs the right to work, 28 D paragraph 2 concerning the right to employee benefits, Article 28 H paragraph 3 the right to social security, Article 31 the right to education and culture, even in Article 31 paragraph 2 stipulates that the government is obliged to finance primary education for every citizen. In addition, it is also stated in Article 34, paragraph (1), where the article states that the poor and neglected children are cared for by the state. An example we can easily find is the right to education; this is still not enjoyed by the marginalized, especially children, because education is a luxury, and they prefer to work to fulfill their needs.

The 1945 Constitution states that the state is obliged to provide protection and welfare for the community. Social welfare is the highest priority of development, namely by

stating that the economy is based on the principle of kinship, finances basic education, develops a social security system for the entire community, empowers the poor, and provides good health service facilities. As a developing country, Indonesia has many problems in the social field, such as a lot of poverty, unemployment, an unhealthy environment, low education and so on, these conditions cause a lot of ignorance, vulnerability to disease, health and death. Therefore, the concept of a welfare state has the aim of reducing the suffering of the community, namely in the form of poverty, health, unemployment and so on, so that the state's public policies are service, protection, service, and prevention of social problems. In addition, the state with the concept of a welfare state requires that the state must be stable in its government, in all fields.<sup>15</sup>

The concept of the *Welfare State* has been implemented in Indonesia through the old-age insurance program and the public health insurance program. In its application, Indonesia is included in the category of a minimalist model. For old-age insurance, Indonesia uses a savings system to foster funds that will be given as old-age benefits in the form of pension benefits. The public health insurance system in Indonesia has used comprehensive insurance through BPJS (Social Security Management Agency) as a guarantee manager. However, the implementation of BPJS insurance is not inclusive of all people. The minimalist model applied in Indonesia is characterized by only providing health insurance to poor families through the Healthy Indonesia Card (KIS). As for the well-to-do groups, there is no cover from the state and they have to pay a premium every month.<sup>16</sup>

The 1945 Constitution and the ICESCR have guaranteed every right needed by citizens to have a decent life. However, its implementation requires considerable effort, time, and cost, so patience and cooperation are necessary to make this happen.

#### **c. The Importance of Human Rights for Asylum Seekers and Refugees**

Asylum seekers are individuals who apply for protection, but the application is still in the process of being determined. When the application is received, the asylum seeker's status will change to refugee status.<sup>17</sup> The agency that regulates or processes the application is UNHCR, under the auspices of the United Nations. Besides UNHCR, there is also an agency that explicitly handles refugees from Palestine, namely the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The regulation regarding the rights of asylum seekers has been enshrined in Law no. 39 of 1999 concerning Human Rights, Article 28, which clearly explains that every individual has the right to seek asylum and also has the right to obtain political protection from other countries. Before the existence of the Act, it was also regulated in a convention and protocol called the Convention Relating to

<sup>11</sup> Law No. 23 of 2004 concerning the Elimination of Domestic Violence.

<sup>12</sup> Law No. 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons.

<sup>13</sup> <https://lcbadiklat-jateng.kemendikham.go.id/wp-content/uploads/2020/02/PENGANTAR-HAM.pdf>, quoted on January 26, 2022.

<sup>14</sup> International Covenant on Economic Social and Cultural Rights.

<sup>15</sup> Siti Saskia Fernandya, Teguh Yuwono, dan Laila Kholid Al-Firdaus, "PENGENTASAN MASALAH SOSIAL MELALUI PEOPLE CENTERED DEVELOPMENT GUNA MEMAKSIMALKAN PEMBANGUNAN DI INDONESIA," t.t., 12.

<sup>16</sup> Fernandya, Yuwono, dan Al-Firdaus.

<sup>17</sup> <https://jrs.or.id/refugee/>, quoted on January 26, 2022.

the Status of Refugees 1951 and the Protocol Relating to the Status of Refugees 1967.

International law protects since a person is still an asylum seeker. This protection is very clearly seen in Article 33, paragraph 1 of the Convention Relating to the Status of Refugees 1951 which the core of the paragraph contains that it is not permissible for a country to expel and also return refugees to the borders of a country so that it can endanger and threaten the lives of the refugees. Although the article only mentions the word refugee, it can also be used for asylum seekers in its implementation.<sup>18</sup> The prohibition of evictions and returns is also known as the principle of non-refoulement. In addition to being contained in the convention, the focus of non-refoulement is also included in the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 in Article 3.

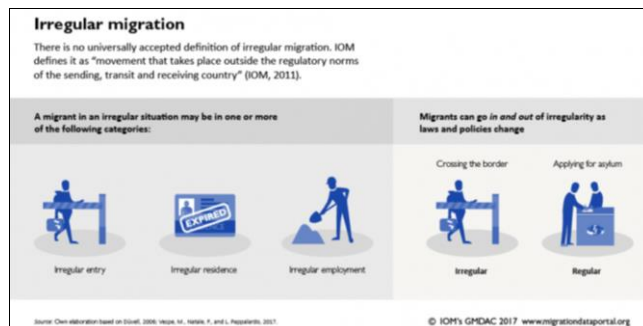
Then in the case of asylum seekers, the term political asylum seekers have also known wherein Indonesian law has been regulated regarding their rights in the Prime Minister's Circular Number 11/R.I./dated 7 September 1956 concerning the Protection of Political Runners as stated in Article 1 which has the core that for asylum seekers Those who flee to Indonesia will be given protection based on the rights and freedoms possessed by humans, which are based on customary international law.<sup>19</sup> So based on the article, it can be concluded that for anyone and any citizen, if he comes to Indonesia to ask for protection so that he becomes a political asylum, Indonesia will protect that citizen.

Unfortunately, until now Indonesia has not ratified the 1951 Refugee Convention and the 1967 Protocol, but Indonesia still has obligations and responsibilities to protect the human rights of refugees and asylum seekers residing in Indonesian territory. This obligation is not only a constitutional obligation, but also the implementation of the principle of non-refoulement and the Calvo Doctrine which is recognized by countries in this world.<sup>20</sup> The Calvo doctrine is a doctrine that supports the principle of non-intervention, which in this doctrine states that foreigners must be treated the same as citizens of that country.<sup>21</sup> The purpose of this doctrine is to avoid diplomatic interference from foreign countries. So that in this case the state is obliged to protect foreign nationals who are in the territory of its country just as the country protects its own citizens.

**d. Human Rights for Irregular Migrants**

There is no standard definition in translating or defining the meaning of irregular migrant. Still, the Organization for Migration IOM describes the rare migrant as someone who moves outside the regulatory norms of the sending, transit, and receiving countries. A person can be said to be an irregular migrant if:

- a. A person who enters the territory of a country irregularly, such as using forged documents or entering the country without crossing official borders;
- b. Living in a country but violating entry visa/residence permit requirements; or
- c. Employed by a country, the person has the right to stay but is not allowed to take work and be paid in that country.



Indonesia is one of the countries that have close relations with irregular migrants. This is because Indonesia is one of the transit countries before heading to the destination country, for example, irregular migrants who will go to Australia. The following are some of the factors that make Indonesia a transit country for irregular migrants:

a. Geographical

Indonesia's location is very strategic because it connects the continents of Asia and Australia. So that migrants from the African continent will transit to Indonesia first. For migrants who do not have official documents, the archipelagic state is one of the gaps for them. As a vast archipelagic country, it has an impact on the number of routes that can be accessed by migrants who will go to Australia due to weak supervision in its territorial waters.

b. Person

Several individuals are willing to allow irregular migrants to stay in Indonesia and arrange their onward journey by giving a reward or bribing some of these individuals or by using local agents who usually take care of such matters.

c. Transportation

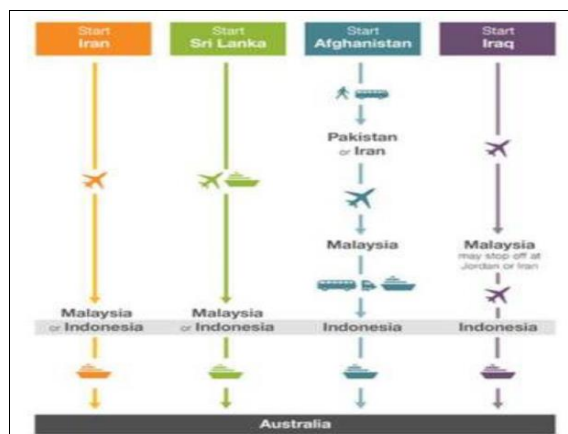
When they want to cross to Australia, they usually use small boats owned by Indonesian fishermen. This was done to deceive and reduce the suspicion of security supervisors in Indonesia and Australia. The anglers who provide these services are, of course, tempted by the wages they will get.

<sup>18</sup> Intan Pelangi, "Perlindungan Terhadap Para Pencari Suaka Berdasarkan Undang-Undang No. 39 Tahun 1999 Tentang Hak Asasi Manusia", Jurnal Ilmu Hukum, Vol. 4 No. 1 (2017), p. 149.

<sup>19</sup> Surat Edaran Perdana Menteri Nomor 11/R.I./tertanggal 7 September 1956 Tentang Perlindungan Pelari Politik.

<sup>20</sup> Rahayu Rahayu, "Perlindungan Hak Asasi Manusia Pengungsi Dan Pencari Suaka Di Indonesia," 2022.

<sup>21</sup> Jürgen Samtleben, "Calvo-Doktrin und Calvo-Klauseln. Wechselnde Realitäten im Internationalen Wirtschaftsrecht Lateinamerikas.(Abhandlungen zum Recht der Internationalen Wirtschaft. Bd. 30.)," 1996.



Gambar 1: Rute penyelundupan manusia sumber: komisi keajahtan australia



An irregular migrant is often the victim of a violation of rights in the scope of work. A migrant who works and has fulfilled all the requirements as a migrant worker is still often a victim of rights violations, especially for an irregular migrant who does not meet the criteria or does not have legal documents as a migrant. In Indonesia, a rare migrant who works is regulated in Article 28 D paragraph 2 of the 1945 Constitution, which essentially states that everyone has the right to work and receive compensation and fair and proper treatment in an employment relationship. Based on the article, it can be concluded that even though a person is an irregular migrant, that person still has the right to get a job and a reward for the results of his work.

Legal protection for workers with the status of irregular migrants is within the scope of international human rights law, labor law, and international law.<sup>22</sup> The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is an international convention that regulates the protection that states parties must provide to the way migrants work as well as including the migrant's family, whether the migrant is a migrant legal and irregular migrants or both documented and undocumented migrants.<sup>23</sup>

However, the fickle nature of these irregular migrants tends to increase their vulnerability to trafficking and exploitation, discrimination, and other human rights violations, including labor rights. This can reduce wages for all workers and disrupt the labor market. Such irregularities can also push migrant workers into informal jobs where they face a higher risk of exploitation, lack of social protection, and suffer from skills and job-matching deficits. People in low-skilled jobs or insecure forms of work face additional barriers and are particularly vulnerable to not fulfilling their labor rights. Some sectors are also highly gendered, reflecting and reinforcing existing gender stereotypes and gender inequalities in the labor market. Irregular women migrants will be more vulnerable to exploitative working conditions or become victims of gender-based violence and harassment or other forms of discrimination related to women.<sup>24</sup>

Irregular does not mean that migrant workers do not have rights or that these rights should not be respected. All migrants defend their human rights regardless of migration status. Respecting their human rights, including labor rights, is critical to tackling irregular migration, and there must be a basis for effective management and cooperation at all levels. Adequate access to justice is vital. Rights are meaningless if migrant workers cannot enjoy them. The right to an effective remedy applies to everyone, national or migrant, regardless of migrant status. The legal process to claim

rights should be given to everyone without fear of the enforcement of immigration laws.<sup>25</sup>

The author would like to add a little about the protection of migrant workers in Indonesia. After the issuance of the omnibus law or the Job Creation Act, Indonesia provided wider opportunities for foreign workers to be able to work in Indonesia. However, Indonesia does not pay sufficient attention to Indonesian workers working abroad. This can be seen from the following explanation. The issuance of Article 42 of the Job Creation Law automatically amends Article 42 of the Manpower Law Number 13 of 2003 which requires foreign workers to obtain written permission from the minister or other official appointed in Presidential Regulation Number 20 of 2018, foreign workers entering Indonesia must have a number of permits, including a residence visa. Limited (VITAS), Plan for Employment of Foreign Workers (RPTKA), and Permit to Use Foreign Workers (IMTA). With the enactment of the Job Creation Act, foreign workers only need to need RPTKA because they no longer need written permission from the minister or appointed official.<sup>26</sup>

The entry permit for foreign workers has been cut and now only requires an RPTKA. Then in Article 46 of the Manpower Law, foreign workers are prohibited from holding positions in charge of personnel and certain positions whose details are regulated by a Ministerial Decree. In the Job Creation Law, the position restrictions for foreign workers in Indonesian companies as regulated in Article 46 of the Manpower Law are removed. Another convenience for the entry of foreign workers is the abolition of Article 43 of the Manpower Act. Previously in the article, the RPTKA at least contained information on the reasons for using foreign workers, the position of foreign workers in the company, the period of use of foreign workers, and the appointment of Indonesian citizens as companions. Then, the Job Creation Law also abolishes Article 44 of the Manpower Law which requires companies employing foreign workers to comply with the provisions regarding positions and applicable competency standards set out in a Ministerial Decree. In addition to having legal problems in the Job Creation Bill, it also continues after the ratification of the bill into Law no. 11 of 2020 with the abolished Articles relating to manpower.<sup>27</sup>

### 3. Conclusion

Marginal people are vulnerable people who can quickly become victims of the non-fulfillment of their rights. Such as women, the poor, asylum seekers, and migrants, both regular migrants and irregular migrants. The following are regulations regarding marginalized groups based on Indonesian national law and international human rights law:

<sup>22</sup> Riri Anggraini, "Perlindungan Hukum Bagi Irreguler Migrant Workers Indonesia Di Kawasan Asia Tenggara (Dalam Perspektif Hukum HAM Internasional), *Yuridika*, Vol. 32 No. 2 (2017), p. 326.

<sup>23</sup> Leolita Masnum Dan Erly Wijayani, "Ratifikasi International Convention on The Protection of The Rights of All Migrant Workers and Members of Their Families dan Upaya Perlindungan Tenaga Kerja Indonesia, *Jurnal Masyarakat dan Budaya*, Vol. 12 No. 1, 2010.

<sup>24</sup> International Labour Organization, "Protecting the rights of migrant workers in irregular situations and addressing irregular labor migration: A compendium," (2021), p. V.

<sup>25</sup> *Ibid.*

<sup>26</sup> Ida Hanifah, "Peluang Tenaga Kerja Asing Untuk Bekerja Di Indonesia Berdasarkan Rancangan Undang-Undang Cipta Kerja," *DE LEGA LATA: Jurnal Ilmu Hukum* 6, no. 1 (7 Januari 2021): 168–73.

<sup>27</sup> Hanifah.

S. No	Regulation	Theme	Explanation
1	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Women's Rights	Set regarding: 1. Protection of civil and political rights 2. Protection of economic, social, and cultural rights 3. Protection of gender equality
2	Law No. 39 of 1999 concerning Human Rights	Women's Rights	Prohibit discrimination based on sex. Women's rights are often violated because they are often seen as weak.
3	Law Number 23 of 2004 concerning the Elimination of Domestic Violence	Women's Rights	They are eliminating domestic violence, where women are the vulnerable people to become victims of violence even though it is within the scope of a family.
4	Law No. 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons	Women's Rights	This law protects women in terms of trafficking in persons, where most victims are women.
5	<i>International Covenant on Economic Social and Cultural Rights (ICESCR)</i>	Human Rights for the Poor	Ensure the fulfillment of economic, social, and cultural rights.
6	1945 Constitution	Human Rights for the Poor	Article 27 paragraph 2 which regulates the right to work, 28D paragraph 2 concerning the right to employee benefits, Article 28H paragraph 3, the right to social security, Article 31 the right to education and culture, and even Article 31 paragraph 2 stipulates that the government is obliged to finance education basis for every citizen. In addition, it is also stated in Article 34, paragraph (1), where the article states that the poor and neglected children are cared for by the state.
8	Law No. 39 of 1999 concerning Human Rights	Human Rights for Asylum Seekers and Refugees	Article 28 explains that every individual has the right to seek asylum and also has the right to obtain political protection from other countries.
9	<i>Convention Relating to the Status of Refugees 1951</i>	Human Rights for Asylum Seekers and Refugees	It is not permissible for a country to expel and return refugees to the borders of a country so that it can endanger and threaten the lives of the refugees.
10	<i>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984</i>	Human Rights for Asylum Seekers and Refugees	Regulates one of the essential principles in protecting asylum seekers and refugees, namely <i>non-refoulement</i> .
11	Prime Minister's Circular Number 11/R.I./dated 7 September 1956 Concerning the Protection of Political Runners.	Human Rights for Asylum Seekers and Refugees	Article 1 contains the essence that political asylum seekers who flee to Indonesia will be given protection based on human rights and freedoms based on customary international law.
12	1945 Constitution	Human Rights for Irregular Migrants	The right to work for irregular migrants, 1945 Constitution states that everyone has the right to work and receive remuneration and fair and proper treatment in an employment relationship.
13	<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i>	Human Rights for Irregular Migrants	Regulates the protection that the state parties must provide to the convention to migrants who work and include the migrants' families, whether the migrants are legal migrants or irregular migrants, or both documented and undocumented migrants.

#### 4. References

- Edward R, Carr *et al.* Working With Marginal Populations An Annex To The USAID Climate-Resilient Development Framework (Alexandria: United States Agency International Development), 2015, p6.
- Fernandya, Siti Saskia, Teguh Yuwono, dan Laila Kholid Al-Firdaus. Pengentasan Masalah Sosial Melalui People Centered Development Guna Memaksimalkan Pembangunan Di Indonesia, 2015, p12.
- Hanifah, Ida. Peluang Tenaga Kerja Asing Untuk Bekerja Di Indonesia Berdasarkan Rancangan Undang-Undang Cipta Kerja. DE LEGA LATA: Jurnal Ilmu Hukum. 2021; 6(1):168-173.
- Intan Pelangi. Perlindungan Terhadap Para Pencari Suaka Berdasarkan Undang-Undang No. 39 Tahun 1999 Tentang Hak Asasi Manusia, Jurnal Ilmu Hukum. 2017; 4(1):p149.
- International Covenant on Economic Social and Cultural Rights.
- International Labour Organization, Protecting the rights of migrant workers in irregular situations and addressing irregular labor migration: A compendium, 2021, pV.
- Law No. 21 of 2007 concerning Eradication of the Crime of Trafficking in Persons.
- Law No. 23 of 2004 concerning the Elimination of Domestic Violence.
- Law No. 39 of 1999 concerning Human Rights.
- Leolita Masnum Dan Erly Wijayani, Ratifikasi International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families dan Upaya Perlindungan Tenaga Kerja Indonesia, Jurnal Masyarakat dan Budaya. 2010; 12(1).
- Prime Minister's Circular Number 11/R.I./dated 7 September 1956 Concerning the Protection of Political Runners.
- Rahayu, Rahayu. Perlindungan Hak Asasi Manusia Pengungsi Dan Pencari Suaka Di Indonesia, 2022.
- Riri Anggraini. Perlindungan Hukum Bagi Irreguler Migrant Workers Indonesia Di Kawasan Asia Tenggara (Dalam Perspektif Hukum HAM Internasional), Yuridika. 2017; 32(2):p326.

14. Samtleben, Jürgen. Calvo-Doktrin und Calvo-Klauseln. Wechselnde Realitäten im Internationalen Wirtschaftsrecht Lateinamerikas. (Abhandlungen zum Recht der Internationalen Wirtschaft. Bd. 30.), 1996.
15. FutureLearn. Human Rights Law and Marginalised People-Online Law Course. FutureLearn. Diakses, 2022. <https://www.futurelearn.com/courses/how-well-does-international-human-rights-law-serve-marginalised-people->.
16. [http://dip.fisip.unair.ac.id/id\\_ID/pembedayaan-literasi-kaum-marginal/](http://dip.fisip.unair.ac.id/id_ID/pembedayaan-literasi-kaum-marginal/).
17. <https://id.usembassy.gov/id/our-relationship-id/official-reports-id/laporan-tahunan-perdagangan-orang-2021/>.
18. <https://jrs.or.id/refugee/>.
19. <https://lcbadiklat-jateng.kemenkumham.go.id/wp-content/uploads/2020/02/PENGANTAR-HAM.pdf>.
20. <https://www.amnesty.id/hak-perempuan-dan-kesetaraan-gender/>.
21. <https://www.inews.id/news/nasional/kasus-kdrt-di-indonesia-masih-tinggi-terbanyak-kekerasan-terhadap-istri>.
22. [https://www.lexico.com/definition/marginal\\_man](https://www.lexico.com/definition/marginal_man).
23. <https://www.liputan6.com/citizen6/read/2165704/7-negara-dengan-jumlah-tuna-wisma-terbanyak>.