

INDONESIA'S IMPLEMENTATION IN MIGRANT WORKERS PROTECTION FROM INVOLVEMENT OF TERRORISM AS ASEAN MEMBER STATES

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Abstract

As the one of the largest sending and receiving states of migrant workers, ASEAN as an international organization with regional characteristics has objectives to protect the migrant workers from the threats of terrorism crimes. This happen because there are several cases of terrorism in ASEAN member states that involves migrant workers as the victims and as well as actor in their acts, some of them are Indonesian migrant workers. Thus, ASEAN and Indonesia need the measures to combating the challenges from acts of terrorism crimes which involves migrant workers. This research aims to examine the ASEAN and Indonesia as ASEAN member states approach to combating terrorism crimes and the enforcement of migrant workers protection from the threats. Therefore, the research uses normative legal research method by using statues and case approaches. The finding in this article is ASEAN and Indonesia took several measures in legal instruments regulation to combating terrorism crimes and to protect migrant workers from the involvment of terrorism acts.

Keywords: ASEAN, Indonesia, migrant workers, terrorism

A. Background

As one of the international organizations with regional characteristics based on intergovernmental cooperation, the Association of Southeast Asian Nations (ASEAN) is concerned with political, economic, social, cultural, educational, security, and other areas of cooperation.¹ The importance of cooperation between ASEAN member countries is to enhance and accommodate cooperation in agriculture, industry, trade, transportation, facilities, and communication facilities, especially in terms of providing employment opportunities for citizens of ASEAN member countries to be able to work outside their country in the destination country², especially to the same member countries of the organization. This then becomes one of the most important objectives to be achieved through regional cooperation in Southeast Asia to enhance the standard of living of people in the region.

Migrant workers who are working abroad are very vulnerable to becoming victims of transnational crimes, especially terrorism where migrant workers suffer mental health disorders in the form of Post-traumatic stress

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¹ Koesrianti, *Association of South East Asian Nations (ASEAN): Sejarah Konstitusi Dan Integrasi Kawasan* (Surabaya: Airlangga University Press (AUP), 2014).

² Saweeda Rahman, "The Emergence, Development and Role of ASEAN: An Analysis," *FWU Journal of Social Sciences* 12, no. 1 (2018): 266–78.

disorder (PTSD).³ There are several contributing factors, including living far from their homes and separated from their families, receiving harsh and even inhuman treatment from their employers, or because the community environment in the country where they work is considered not supportive and guarantees the freedom of their human rights.⁴ This causes migrant workers to be involved in terrorism crimes, so they have to deal with legal problems due to the consequences of their actions.

One of the terrorism cases which have involved migrant workers is a terrorism case affecting migrant workers from Indonesia. Based on the latest report from the Indonesian Counter-Terrorism Agency also known as *Badan Nasional Penanggulangan Terorisme* (BNPT) in 2023, the number of migrant workers involved in terrorism crime reached 94 people spread across several countries.⁵ The majority of them were from ASEAN member countries, which are Singapore was the country with the number of migrant workers arrested for terrorism crimes are 45 people, then Brunei Darussalam with 4 people, Malaysia with 2 people, and Thailand with 1 person. As a result, they had to be deported back to Indonesia for their acts that had violated the law.

The purpose of terrorist movements involving migrant workers is to use them to carry out acts of violence against innocent people to create a sense of fear in the wider community, so that it will disrupt social life and disrupt the entire social order, especially terrorism driven by radical ideology. Radical ideology-driven terrorism focuses on the kind of fear that spreads to all levels of society and influences people.⁶

The purpose of involving migrant workers as primary victims is not only as a means to achieve the objective but also as a means to achieve the objective by treating the secondary victims as the objectives⁷ (such as the case of suicide bombing terror attacks, where someone will be asked by the leader of the terrorist group to blow themselves up in the middle of a crowd center). It is intended that these migrant workers are then deceived into joining the terrorism movement. However, it turns out that not all of them joined because they were deceived, but they also joined because they did not have empathetic concern for the sadness, fear, and misery of the secondary victims, in the same

³ International Organization for Migration., "PROTECTION AND ASSISTANCE FOR MIGRANTS VULNERABLE TO VIOLENCE, EXPLOITATION AND ABUSE: INDIVIDUAL CASE MANAGEMENT," in *IOM Handbook: ON PROTECTION AND ASSISTANCE TO MIGRANTS VULNERABLE TO VIOLENCE, EXPLOITATION AND ABUSE*, 2019, 1–298.

⁴ Tegar Bimantoro, "Pelibatan Pekerja Migran Indonesia (PMI) Dalam Kejahatan Terorisme," *Syntax Literate ; Jurnal Ilmiah Indonesia* 9, no. 1 (2024): 59–69, <https://doi.org/10.36418/syntax-literate.v9i1.14769>.

⁵ Ryan Suryadi, "BNPT Catat 94 PMI Terpapar Terorisme Sepanjang 2023," RRI, November 22, 2023, <https://www.rri.co.id/nasional/452639/bnpt-catat-94-pmi-terpapar-terorisme-sepanjang-2023>.

⁶ Igor Primoratz, *Terrorism: A Philosophical Investigation*, 1st ed. (Cambridge: Polity Press, 2013).

⁷ Samuel Scheffler, "Is Terrorism Morally Distinctive?," *The Journal of Political Philosophy* 14, no. 1 (2006): 1–17.

meaning that they personally already have potential within themselves to commit terrorism crimes.

The large number of female migrant workers, as well as their foreign language skills and international knowledge, make them a target to be exploited by male terrorists. For terrorists, the presence of migrant workers allows terrorist groups to expand their opportunities to recruit members in various ways. One of the most common is by using religious knowledge and the caliphate doctrine. This is why migrant workers are vulnerable to being exploited in various roles such as funders, contacts, and potential suicide bombers.⁸

Terrorism that involves migrant workers is a violation of international law and threatens the peace and security of the international community. One of the main objectives of international law is to maintain peace and enhance friendly relations with other countries in the world. This is because terrorism on an international scale consists of the use or threat of violence by citizens of one country against people or property in one or more other countries, which violates the sovereignty of the attacked country.⁹ Therefore, the government needs effective measures to protect its citizens who are migrant workers from threats, especially women.

B. Identified Problems

Based on the explanations of the previous paragraph, there is a formulation of the problem which consists of:

1. ASEAN Legal Framework for the Protection of Migrant Workers Against Terrorism?
2. Legal Measures in Indonesia for Enforcing the Terrorism Act for the Protection of Migrant Workers?

C. Research Methods

This research uses normative legal research methods. The purpose of this method is to find the truth in the rule of law, such as whether it is based on legal norms, whether there are norms in the form of regulated rules or prohibitions, as well as whether the actions (acts) are in accordance with legal norms or legal principles.¹⁰ The approach used in this research is a statute approach, which uses laws and regulations. This approach not only looks at the form of statutory arrangements but also examines the content material.¹¹

Furthermore, the case approach is a type of approach in normative legal research in which researchers attempt to build legal arguments from the

⁸ Muhammad Subhan, "Jurnal Ilmu Sosial The ' Migration ' of Terrorist Actors in Indonesia : From Male - Dominated Terrorist to the Emergence of Female," *Jurnal Ilmu Sosial* 19, no. 2 (2020): 207–25, <https://doi.org/10.14710/jis.19.2.2020.207>.

⁹ Carl Wellman, *Terrorism and Counterterrorism: A Moral Assessment* (St. Louis: Springer International Publishing, 2013).

¹⁰ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi*, 17th ed. (Jakarta: Kencana Prenada Media Group, 2022).

¹¹ Ibid.

perspective of concrete or legal cases that occur in the field, of course, the case is closely related to cases or legal events that occur in the field. For this reason, this approach needs more complemented legal sources to solve the legal issues. This research uses secondary primary sources, especially sources from books, theses, and journal articles for data.¹² Thus, a legal research approach that examines cases or other legal issues that are related to the law faced by the author has the benefit of conducting reasoning studies in formulating arguments for the answers to the legal issues.¹³

D. Research Findings and Discussions

1. The ASEAN Legal Regulation on the Protection of Migrant Workers from Terrorism

1) ASEAN Convention on Counter Terrorism (ACCT)

The 1967 Bangkok Declaration established ASEAN, an organization that aims to represent the collective state will of Southeast Asian countries to jointly create peace, security, and freedom in the region to achieve prosperity. One of the early stages of security agreement in ASEAN was the Zone of Peace, Freedom, and Neutrality (ZOPFAN) formed in the 1971 Kuala Lumpur Declaration, 5 years later in 1976 ASEAN formed the Treaty of Amity and Cooperation (TAC) or known as Bali Concord I which not only involved ASEAN member countries, but involved several countries such as Japan, China, South Korea, Australia, Russia, France, the United States, the European Union, and several other countries.¹⁴

Furthermore, in 1995 ASEAN formed the Southeast Asia Nuclear Weapon-Free Zone (SEANWFZ) agreement to maintain world peace and security. This makes the ASEAN security agreements that regulate non-traditional threats such as transnational crime, in this case counter-terrorism, are regulated in the Bali Concord II agreement which makes it clear that ASEAN's vision of creating peace and security has been developed by ASEAN since its establishment in 1967.

ASEAN legal regulation as a measure to combat terrorism is the ASEAN Convention on Counter Terrorism (ACCT) as a form of response to acts of bombing that occurred several times in the ASEAN region, including after the Bali Bombing I case in

¹² Ibid.

¹³ Irwansyah, *PENELITIAN HUKUM: Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus, 1st ed. (Yogyakarta: Mirra Buana Media, 2020).

¹⁴ Shoji Tomotaka, "ASEAN Political Security Community : Development of Multilateral Cooperative Frameworks and Further Challenges *," *Anzenhosho Senryaku Kenkyu [Security & Strategy]* 2, no. 2 (2022): 97–110.

2002 and Bali Bombing II in 2005¹⁵ which are a series of bloody acts of terrorism in the ASEAN region.

The ACCT was adopted in 2007 during the ASEAN Summit in the Philippines.¹⁶ The ACCT provides guidelines and a series of relevant agreements in combating terrorism, as well as the measures and commitments of ASEAN member states through law enforcement agencies to cooperate in combating terrorism. In addition, there are several important aims in it, including the interpretation of acts of terrorism based on the will of the perpetrators to commit such acts, whether or not the legal regulations of each member state need to regulate this issue, and how the regulation of acts of terrorism based on politics, religion, and ideology is regulated in legal regulations.¹⁷ This issue needs to be a concern for ASEAN countries, because the ASEAN region consist of various social diversities that can lead to new conflicts if the regulation of terrorism is not well regulated.

The ACCT regulation also has a connection with the protection of migrant workers from terrorism crimes, where migrant workers (especially those who are irregular workers and undocumented migrant workers) are very vulnerable to threats to their safety, such as kidnapping, trafficking, and terrorism.¹⁸ When they are involved in unlawful acts, they will get a bad stigma in their receiving state where they work and will have an impact on the migrant workers home state due to the bad impression that occurs.

ACCT legal regulation relating to law enforcement that can be applied to migrant workers who are involved in acts of terrorism are regulated in Article VI: Areas of Cooperation paragraph (1) point (b), (d), and (g), where the ACCT regulates that the importance of cross-border surveillance between ASEAN member states with the aim of strengthening the movement of foreign nationals in and out of a state, as well as preventing document counterfeiting and misuse of identity documents from migrant workers to be used in acts of terrorism. In addition to strengthening border control and document abuse, the ACCT also regulates that the role of ASEAN member states citizens is very

¹⁵ Reni Windiani, "Peran Indonesia Dalam Memerangi Terorisme," *Jurnal Ilmu Sosial* 16, no. 2 (2018): 135, <https://doi.org/10.14710/jis.16.2.2017.135-152>.

¹⁶ Reinardus L. Meo and Fauzia Gustarina Cempaka Timur, "THE IMPACT OF ASEAN CONVENTION ON COUNTER TERRORISM (ACCT) FOR COUNTER-TERRORISM EFFORTS IN INDONESIA," *Peperangan Asimetris* 9, no. 1 (2023): 102–15.

¹⁷ See Seng Tan and Hitoshi Nasu, "ASEAN AND THE DEVELOPMENT OF COUNTER-TERRORISM LAW AND POLICY IN SOUTHEAST ASIA," *University of New South Wales Law Journal* 39, no. 3 (2016): 1219–38.

¹⁸ Dhanny Safitri and Ali Abdullah Wibisono, "Keamanan Manusia Pekerja Migran Indonesia: Ketidakamanan Dan Perlindungannya," *Intermestic: Journal of International Studies* 7, no. 2 (2023): 741–69, <https://doi.org/10.24198/intermestic.v7n2.17>.

important in preventing acts of terrorism by conducting inter-community dialogues.

In regulating the law, ACCT does not only regulate enforcement measures against migrant workers who commit acts of terrorism, but also regulates the protection of migrant workers who are undergoing judicial proceedings. The regulation of the protection of migrant workers is regulated in Article VIII: Fair Treatment paragraph (1) which regulates that ASEAN member states must provide fair treatment, as well as the provision of rights and guarantees that can be enjoyed by detained migrant workers in accordance with the laws of the state party and the provisions of international law, especially international human rights.

There is also an ACCT legal regulation regarding the protection of migrant workers who are undergoing judicial proceedings in accordance with the legal regulations of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) adopted in 1990, which is stated in Article 16 of the convention that regulates the legal process carried out to migrant workers and their families must be carried out with a fair and reasonable process without violences or threats during the legal process. This is a form of the right to freedom and personal protection for migrant workers and their families in accordance with human rights regulations.

2) ASEAN Political Security Blue Print (APSC Blue Print)

As a form the conception of the ASEAN Security Council (ASC) which then becomes a legal regulation measure in the form of the ASEAN Political Security (APSC)¹⁹. Blue Print has a role to create regional cooperation framework for ASEAN member states in facing and dealing with security threats in a more effective ways, as well as improving security cooperation relations to a better phase than before.

The purpose of the APSC is based on the realization of ASEAN member states that conducting bilateral agreement of international forums will not be able to solve the problems that occur. Thus, ASEAN member states highlighted the need for common objectives for realistic achievements and in accordance with the future of all ASEAN member states, in addition, ASEAN member states realize the need for cooperation between states.

The APSC has an important role to represent significant progress of ASEAN that has embodied new themes in regional governance and regionalism. Comprehensive security regulations

¹⁹ Mely Caballero Anthony, "The ASEAN Way and the Changing Security Environment: Navigating Challenges to Informality and Centrality," *International Politics*, 2022, <https://doi.org/10.1057/s41311-022-00400-0>.

are emphasized in the APSC Blue Print, which covers conventional and non-conventional security issues, especially the regulation of terrorism. Thus, many comprehensive measures have been taken to respond more complex security threats. In addition, in its implementation, it was emphasized that ASEAN member states prioritize non-intervention principles in their cooperation framework.²⁰ This makes one of the distinctive principles of ASEAN member states that still hold the principle of their national interest in interacting in the ASEAN regional forum.

APSC Blue Print regulation on the law enforcement measures is regulated in several regulatory points, in regulation B. Peaceful, Secure, and Stable Region, in section B.3. Enhance ASEAN capacity to address non-traditional security issues effectively and in timely manner at point B.3.1. Strengthen cooperation in addressing and combating transnational crimes. It regulates the effective implementation of the ASEAN Plan of Action to Combat Transnational Crimes which includes terrorism, drugs trade, trafficking in persons, arms smuggling, maritime piracy, money laundering, international economic crimes, and cybercrime.

In the next regulation at point B.3.2. Continue to enhance cooperation against terrorism as a measure to counter radicalization, individual radicalization, and extremism, this framework highlights the necessity for enhanced ASEAN cooperation. It recommends strengthening deradicalization and moderation programs and encouraging the exchange of practices and experiences in deradicalization, rehabilitation, and re-education. In addition, the framework also encourages the enhancement of regional initiatives to address the underlying causes of terrorism and counteract its enabling environment.

Furthermore, in point B.3.7. Strengthen cooperation on border management as a step to enhance collaboration among ASEAN member states in border management regulation by addressing common issues such as misuse of identity and travel documents. This is in accordance with the national laws and regulations of ASEAN member states, where they began to examine the use of related technologies to do a better management of borders and conduct coordinated border patrols and inspections to combat transnational crimes.

The APSC regulation for the protection of migrant workers is regulated in A. Rules-Based, People-Oriented, People-Centered Community in section A,2, Strengthen democracy,

²⁰ Faruq Arjuna Hendroy, "ASEAN Political Security Community (APSC) on Counter-Terrorism : Roles and Obstacles," *Jurnal Ilmiah Hubungan Internasional* 14, no. 2 (2018): 163–74.

good governance, the rule of law, promotion and protection of human rights and fundamental freedoms as well as combat corruption, in point A,2.5. Promote and protect human rights, fundamental freedoms and social justice to ensure our peoples live with dignity, in peace, harmony and prosperity which regulates the ASEAN Committee of the Rights of Migrant Workers, this instrument calls on ASEAN member states to ratify or accede to fundamental international human rights instruments, strengthen their engagement with the United Nations (UN) and related human rights mechanisms, and cooperate with sectoral agencies.

The regulation also provides for ASEAN member states to coordinate and mutually exchange on their practices and experiences in carrying out the implementation. It aims to create a legal regulatory instrument to ensure that the rights of migrant workers are properly protected throughout the region.

3) **ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers**

The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers is ASEAN legal regulatory measure in the protection and promotion of the rights of migrant workers which contains the obligations of migrant workers sending states, as well as migrant workers receiving states, and also ASEAN as a regional organization in providing protection and guaranteeing the rights of migrant workers. This legal regulation is a further step from ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which was adopted in 2007.²¹

The regulation aims to provide protection to migrant workers to avoid the crime of terrorism because they are considered to be very vulnerable to be involved in the crime of terrorism. This happens when migrant workers have worked and lived for a long time in the receiving state, it is very natural that they have a feeling to become permanent residents.²² This desire of migrant workers can make the receiving state feel that it can provide an opportunity to commit crimes, especially terrorism even though the migrant workers criminal record is clean without any acts committed.

In addition, citizens of the receiving states may become increasingly concerned about the presence of migrant workers who are perceived to pose a threat to national security due to the

²¹ Ade Irawan Taufik, "Peran Asean Dan Negara Anggota Asean Terhadap Perlindungan Pekerja Migran," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 3, no. 2 (2014): 255, <https://doi.org/10.33331/rechtsvinding.v3i2.43>.

²² Seung Whan Choi, "Does Restrictive Immigration Policy Reduce Terrorism in Western Democracies?," *Perspectives on Terrorism* 12, no. 4 (2018): 14–25.

community response to acts of terrorism, which has important effects, particularly the psychological effects as well as perceptions of violence and the dangerous feelings of identity groups, which are felt particularly strongly in receiving states that are often targeted by terrorism.²³

The legal regulations regarding the protection of migrant workers are regulated in the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers in Chapter 5: Obligations of Sending States which regulates that sending and receiving states shall cooperate to implement pre-departure orientation programs, which include human rights and labor rights, working conditions, laws, policies, regulations, culture, norms, and practices. In addition, the sending state will assist and follow all applicable procedures. Whoever destroy, damages, modifies, or counterfeits a migrant workers travel documents, employment, or personal identity documents will also face consequences for their acts.

2. Indonesian Measures in Implementing the Terrorism Act on the Protection of Migrant Workers

Indonesian legal regulation regarding the protection of migrant workers from act of terrorism is carried out with several steps, one of them is by regulating legislation of Law No. 5 of 2018 on Amendment of Law No. 15 of 2003 on Stipulation of Government Regulation in Lieu of Law No. 1 of 2002 on Eradication of Criminal Acts of Terrorism where the government can enforce the law in the form of maximum imprisonment and administrative revocation of passport to Indonesian migrant workers who are proven to be involved in the criminal act of terrorism, both directly and indirectly.²⁴

Law No. 5 of 2018 in its regulations does not only regulate criminal and administrative sanctions but also provides legal protection for migrant workers who are involved in terrorism. The regulations are stated in Article 35A paragraph (1) and paragraph (2) which regulates the migrant workers who become victims, either directly or indirectly as a result of their involvement in criminal acts of terrorism, must be protected by the stated. This is in line with Indonesia's implementation as an ASEAN member state of the ACCT regulation regarding the protection of migrant workers. In addition, Article 43A paragraph (1), paragraph (2), and paragraph (3) also regulates the Indonesian

²³ Tobias Böhmelt, Vincenzo Bove, and Enzo Nussio, "Can Terrorism Abroad Influence Migration Attitudes at Home?," *American Journal of Political Science* 64, no. 3 (2020): 437–51, <https://doi.org/10.1111/ajps.12494>.

²⁴ Ida Susilowati, Nur Rohim Yunus, and Novi Rizka Amalia, "STRATEGI PEMERINTAH INDONESIA DALAM PENANGGULANGAN WARGA NEGARA INDONESIA BERSTATUS FOREIGN TERRORIS FIGHTER (FTF) DI SURIAH," *Jurnal Dinamika Global* 8, no. 2 (2023): 288–304.

governments obligation to take steps to prevent terrorism crimes by conducting national acts, counter-radicalization, and deradicalization.

In the implementation, the Ministries or Institutions authorized to carry out the enforcement are the Indonesian National Police (POLRI) and the Ministry of Immigration and Corrections, although the Ministry of Immigration and Corrections is still newly established as a form of separation from the Indonesian Ministry of Law and Human Rights, resulting in adjustments to the rights and authorities of the Ministries so as not overlap. In addition, BNPT²⁵ as an institution for combating terrorism cannot directly take action due to restrictions on its authority in the regulations that form the institution, so BNPT can collaborate with related Ministries or Institutions as a form of enforcement implementation.

The legal regulation on terrorism is also strengthened by Presidential Regulation of The Republic Indonesia No. 7 of 2021 Concerning The 2020-2024 National Action Plan For Preventing And Countering Violent Extremism That Leads To Terrorism which states in Article 4 paragraph (1) that Ministers and Head of Institutions, especially the Minister for the Protection of Migrant Workers (PPMI)/the Migrant Workers Protection Agency (BP2MI) to carry out the implementation of national strategies in their authority with the provisions of laws and regulations in preventing terrorism against migrant workers.

The enforcement of law enforcement on terrorism must also have the involvement of civil society in the policy making process, the involvement of civil society in the policy making process is aimed to provide alternative views, especially on the view of human rights protection and the view to provide regulations and limitations on the use of the power of enforcement in conducting law enforcement to be in accordance with the authority and duties and functions.²⁶

The Law No. 18 of 2017 on The Protection of Indonesian Migrant Workers in the regulation of Article 3 points (a) and (b) regulates the protection of Indonesian migrant workers as a form of fulfillment and enforcement of human rights and guarantees of legal, economic and social protection of Indonesian migrant workers in line with the implementation of Indonesia adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) 1990 and the International Covenant on Civil and Political Rights (ICCPR) which is a derivative of the

²⁵ Rasji, Joshua Anggie Bobby, and Jeane Neltje Saly, "Implementasi Langkah Preventif Pencegahan Kejahatan Terorisme Berskala Transnasional Dianalisis Melalui Implementasi Pengawasan Keimigrasian," *Jurnal Kewarganegaraan* 7, no. 2 (2023): 1693–1700.

²⁶ Chaula Rininta Rininta Anindya, "SECURITISATION, NATIONAL ACTION PLAN, AND LAW ON TERRORISM IN THE PHILIPPINES AND INDONESIA: QUESTIONING COMPREHENSIVE APPROACH," *Global: Jurnal Politik Internasional* 26, no. 1 (2024): 95–115, <https://doi.org/10.7454/global.v26i1.1328>.

Universal Declaration of Human Rights (UDHR) as an instrument for the protection of all human beings, including migrant workers regardless their nationality and legal status. The ICCPR protection of migrant workers is fundamental, as it comprehensively regulates the protection and guarantee of their rights.

Article 6 paragraph (1) point (g) which regulates that Indonesian migrant workers have the right to obtain protection and legal assistance for their actions in accordance with the provisions of laws and regulations in Indonesia and in the migrant workers receiving state. In addition, Article 33 regulates the obligations of the central government and local governments to provide legal protection in accordance with statutory provisions, the laws of the receiving state of migrant workers, and international law and international customary laws.

Legal regulations on the protection of migrants are also strengthened by the Regulations of Government of the Republic Indonesia No. 59 of 2021 on Implementation Of The Protection Of Indonesian Migrant Workers in Article 20 paragraph (1) as a step by the Indonesian government in repatriating Indonesian migrant workers who become victims because they are involved in criminal acts of terrorism in the country where they work. In addition, the legal regulation also regulates diplomatic protection measures in the form of consular services to migrant workers in the receiving state under Article 13 paragraph (2).

The Indonesian governments measures in providing diplomatic protection to Indonesian migrant workers as its obligation as sending states with the obligation to hold receiving states of responsibility for the losses suffered migrant workers from sending states for violations of a rule of international law, so that it becomes part of the responsibility of the state.

E. Conclusions

ASEAN as an international regional organization has a responsibility to combating terrorism crimes and also protect workers who work in receiving states, which are ASEAN member states, as well as migrant workers who come from sending states, which are ASEAN member states. This is necessary because migrant workers are very vulnerable to becoming victims of terrorism crimes, where they are exploited in various roles such as funders, contacts, and potential suicide bombers. In addition, the involvement of migrant workers in terrorism is a violation of international law, and threatens the peace security of the international community. Therefore, it can disrupt peaceful and diplomatic relation between states.

ASEAN addresses the issue of terrorism and the protection migrant workers through the ASEAN Convention on Counter Terrorism (ACCT), which guarantees a fair and violence-free legal process for migrant workers. ASEAN Political Security (APSC) Blue Print emphasizes cooperation between states in border management, technology, deradicalization, and

rehabilitation programs while respecting national laws and the principle of non-intervention. The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers ensures the rights of migrant workers are protected from exploitation or involvement in terrorism while guaranteeing the fulfillment of human rights and workers' rights.

Indonesia as an ASEAN member state, implements legal measures aligned with the ASEAN Convention on Counter Terrorism (ACCT), including Law No. 5 of 2018 on Eradication of Criminal Acts of Terrorism and Presidential Regulation No. 7 of 2021 on the 2020-2024 National Action Plan for Preventing and Countering Violent Extremism. Additionally, Law No. 18 of 2017 and Regulations of Government of the Republic Indonesia No. 59 of 2021 incorporates international legal instruments like UDHR, ICCPR, ICMW 1990, and ACMW to protect and fulfill migrant workers rights. Collaboration among relevant ministries and institutions is essential to enhance enforcement and ensure effective implementation of these regulations.

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