**The Protection of the Right of Foreign Workers Based on the International Convention on the Protection of All Migrant Workers and Members of Their Families 1990 and the Implementation in Indonesia**

**Desy Churul Aini**

**Desia Rakhma Banjarani**

**Abstract**

The rise of the problem of Foreign Workers or TKA is connected with the used of foreign workers and related to their irresponsibility in the country where they work, such as residence permit offense, and work permit. The other problems that arise from the non-fulfillment of the rights of foreign workers in both the sending and receiving countries are the lack of human rights protection, even in the instrument of the sending countries and receiving countries. Based on this background the focus of this paper is discusses the Protection of Foreign Workers based on the International Convention on the Protection of All Migrant Workers and Members of Their Families 1990 and the implementation in Indonesia.

The Protection of the Right of Foreign Workers based on *International Convention on the Protection of All Migrant Workers and Members of Their Families* 1990 are including of the protection of basic freedoms, the guarantees of appropriate legal process, the consular protection, the protection of equality with local citizens, the protection from the deprivation of identity documents, the right of remittances, the right to access an information, the right of cultural local identity and the other rights for family members of foreign workers. The implementation of the International Convention on the Protection of All Migrant Workers and Members of Their Families 1990 (Migrant Workers Convention) in Indonesia is by ratified the convention into the Law Number 6 of 2012. After ratified the Migrant Workers Convention, then the government re-implements that convention by publishing several policies. The policy is Permenakertrans No. 16 Year 2012 about the Procedures of Independent Return of Indonesian Workers from the State of Placement to the Origin State (The Independent Return of TKI) And PP No. 3 of 2013 about the Protection of Indonesian Workers in overseas. The Indonesian government also involves the district government in the implementation of the Migrant Workers Convention, by published a local regulation in the related of the regulation in the Migrant Workers Convention and in the form of Socialization and conducting the Local Input Activities on Implementation of the UN Migrant Workers Convention.

Key Words: Right, Protection, and Foreign Worker