

Indonesian Government Intervention in The Management of Indonesian Migrant Workers' Remittances: Is It Constitutionally Justified?

Mailinda Eka Yuniza^{1*}, Annisa Ayuningtyas²

¹Faculty of Law, Gadjah Mada University

²Faculty of Law, Gadjah Mada University

*Corresponding author. Email: mailinda@ugm.ac.id

Abstract

As the newest law on the protection of Indonesian Migrant Workers (IMWs), Law Number 18 of 2017 (Law 18/2017) obliges the Indonesian government to conduct economic protection through remittance management by involving certain institutions. The private nature of migrant workers' remittances leads to the question of constitutional justification essential for the government's authority to intervene – particularly for Indonesia as a constitutional state in the form of a welfare state – besides the norm applicability skepticism. This paper mainly emphasizes the constitutional silence in regards to state intervention on human resources allocation as it makes the deployment of Indonesian workers abroad constitutionally groundless. As a consequence, this eventually lets the discretion intrude on the remittance, a component of national income that is essentially a private transfer in which the management should be fully controlled by the families.

Keywords: Indonesian Migrant Worker, remittance management, government intervention, constitutional justification, Indonesia

INTRODUCTION

In Indonesian context, migrant workers who originated from the state have been labelled as 'the hero of foreign exchange' (*pahlawan devisa*) for a long time. However, the demand for their protection has been – ironically – a tough and lengthy struggle (see Setyawati, 2013; Dewanto, 2020; Eddyono et al., 2020). Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (Law 18/2017) eventually emphasizes the protection aspect, 47 years after a frequent changing of statutory laws having more emphasize on the placement aspect. This relatively significant shift deserves appreciation, but there is something perturbing on one of the protection forms.

This newest law imposes an obligation and gives authority for the central and local governments to conduct

economic protection towards Indonesian Migrant Workers (IMWs) through remittance management by involving banks or non-bank financial institutions within the state and the placement state other than through financial and entrepreneurship educations.¹ The accessible statutory laws show that the government intervention on IMWs' remittances has actually occurred since 1983 with capricious forms ranging from mandatory requirement,² to

¹ This obligation is regulated in the Art. 35 of Law 18/2017 reads, "The central and local governments, in accordance with their authorities, are obliged to conduct economic protection for Indonesian Migrant Workers and/or the Candidate through: a. remittance management by involving banks or non-bank financial institutions within the state and the placement state; b. financial education, so as IMWs and their families can manage their remittances result; and c. entrepreneurship education." By dividing this economic protection into 3 different points, the government intervention on IMWs' remittances is placed as a clearly distinctive measure separated from both financial and

entrepreneurship educations.

² For instance, Art. 7 para. (1) of the Ministry of Manpower Decree No. PER 149/MEN/1983 on the Procedures for Implementing the Deployment of Indonesian Workers to Saudi Arabia obliges IMWs deployed to Saudi Arabia to set aside at least 50% of their income to send to their families through the government's bank, and Art. 50 para. (2) of the Ministry of Manpower and Transmigration Decree No. KEP-104A/MEN/2002 on Indonesian Workers Placement Abroad requires the attachment of saving book for remittance in order to get migrant worker identity card.

remittance program,³ to monitoring.⁴ The inclusion of remittance management within the Law 18/2017 seems to show a disparate nuance – compared to the previous formulations of government intervention – as it is stated in the framework of economic protection, but there are several considerations in regards to the norm applicability. First, neither further regulation in another article nor any explanation in the elucidation is provided within this law.⁵ Second, there is still a legal vacuum as further regulation is mandated to government regulation which ought to be stipulated at the latest 2 years after the promulgation of Law 18/2017.⁶ Third, most authorities in the state of origin seem confident that migrant workers' remittances impact has been 100% positive, yet it actually depends on the specific circumstances under which such migration occurs as well as the general political and economic conditions within the state (International Labour Office, 2010, pp. 7, 25, 42–43). Fourth – and most importantly – government authorities over IMWs' remittances need to be clarified as migrant workers' remittances are essentially a private household transfer (International Labour Office, 2010, p. 25). Thus, state is actually just bypassed as a consequence that the remittance receivers are within the jurisdiction of the state.

The private nature of migrant workers' remittances appears to be the main reason behind such norm applicability skepticism – leading to the difficulty in formulating any implementation step – and there is a more basic issue involved when this is perceived from Indonesia's character as a law state: *the constitutionality of such government intervention*. In the context of Indonesia as a law state with the type of welfare state, the state does have a very large discretion in regulating the life of its people. Nonetheless, this ought to be followed by the

constitutionality of the measures taken. A strong constitutional justification is undoubtedly required as the government intervention on IMWs' remittances has shown that private law matter is attracted to the public law arena.

This paper discusses a welfare state's government intervention towards migrant workers' remittances wherein the state acts as migrant workers' state of origin in the international labor migration. It aims to acquaint migrant workers' remittances as a particular object to discuss in the constitutional and administrative laws yet contributing to the migrant workers' remittances studies by taking into account the constitutional law and administrative law perspectives as academic research on migrant workers' remittances mostly come from the economic development and sociological perspectives,⁷ and when the policy is being focused, the orientation is directed to maximizing the remittance utilization (see O'Neill, 2001; Carling, 2004). In Indonesian context, the existing research on IMWs' remittances management merely describes the remittance management from the experience of IMWs' families (see Yuniarto, 2015, pp. 81–83).

The existence of law in regulating remittances is important because the remittance mechanism is quite complex and requires legal certainty. Fund transfer that is carried out required a different system and are difficult to track compared to simply transferring funds between domestic banks. It is the cross-border transfer of funds that is feared to be a loophole for the breach, where this service can be misused, such as financing terrorism, money laundering or crimes committed between countries. In addition, based on the facts on the ground, migrant workers tend to look for the simplest and cheapest way of sending remittances, if their funds are not channeled by the

³ Art. 33 of the Ministry of Manpower Decree No. PER-01/MEN/1991 on Inter-State Inter-Work, Art. 34 of the Ministry of Manpower Regulation No. PER-02/MEN/1994 on Workers Placement Inside and Outside the State and Art. 47 para. (1) point i of the Ministry of Manpower Decree No. KEP-44/MEN/1994 on the Implementation Guidelines of Workers Placement Inside and Outside the State oblige IMWs to join the remittance program.

⁴ Art. 6 para. (4) *jo.* Art. 5 para. (1) point d of the Head of National Authority for the Placement and Protection of Indonesian Overseas Workers Regulation (*BNP2TKI*) No. 10 of 2016 on the Organization and Work Procedures of the Technical Implementation Unit for Indonesian Workers Placement and Protection assigns the Protection and Empowerment Section under the Agency for the Service, Placement and Protection of Indonesian Overseas Workers (*BP3TKI*) to monitor IMWs' remittances, while the Art. 8 para. (4) *jo.* Art. 7 para. (1) point d assigns the Protection and Empowerment Officer under *LP3TKI* to do the monitoring.

⁵ In Indonesian statutory law design – according to the Attachment II of Law No. 12 of 2011 on the Statutory Laws Formation as amended by Law No. 15 of 2019 – elucidation functions as the statutory law-makers' official interpretation of certain norms, and is a means of clarifying the norms contained in the statutory laws' body.

⁶ See Art. 36 *jo.* Art. 90 of Law 18/2017. Amidst various

substances mandated to the government regulation – during- and after-work protection procedures; legal, social and economic protection; one stop integrated services; central and local governments' duties and responsibilities; IMW placement procedures by the non-ministerial government institutions in charge as the integrated IMW protection and services policy executor; IMW Placement Company's duties and responsibilities; crew and fishery sailors' protection and placement; coaching to institutions related to IMW placement and protection; supervision to IMW placement and protection implementation – procedures of IMW placement by such non-ministerial government institution is the only one followed up through the stipulation of Government Regulation No. 10 of 2020 on the Placement Procedures of Indonesian Migrant Workers by Indonesian Migrant Workers Protection Agency, and this is also overdue.

⁷ Much research from the economic development perspective can be found in the national scale – for instance, see Oberai & Singh, 1980; Knowles & Anker, 1981; Adams, 1991; Campbell, 2008; Garip, 2012; Gerber & Torosyan, 2013 – but there are also studies having a broader scope as in Djajić, 1986; Barham & Boucher, 1998; Taylor, 1999; and so forth. From the sociological perspective, the discussions are varied, ranging from the motivations to remit (Lucas & Stark, 1985); to the actors involved in the remittance (Dewi & Yazid, 2017); to the remittance-use (Chandravarkar, 1980).

competent and appropriate institutions, the possibility of misuse of funds as mentioned above will be even greater. Therefore, Indonesian banking law, with its characteristics as administrative penal law, should accommodate a definite administrative mechanism for regulating remittances in order to prevent the things mentioned above.

The Indonesian government recognizes the importance of the existence of the law in the midst of complicated and crime-prone remittances. Therefore, the government issued several regulations related to the protection of migrant workers, especially remittances. Migrant workers as the ones who receive work and wages outside the territory of Indonesia should not necessarily lose their rights as Indonesian citizens. One of them is the rights regulated in Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia (the 1945 Constitution) which regulates the right of everyone to work and to receive fair and proper compensation and treatment in work relations. However, in regards to the remuneration obtained by migrant workers outside Indonesia who then enter the territory of Indonesia, it is known as remittances as discussed above. The remittance itself does not have a clear position in the constitution, but the regulation is found in Law 18/2017 without any authentic definition. The existing law is one of the administrative penal laws that regulates several criminal provisions in it, but its main focus is not on eradicating criminal acts. That existing law focuses on administrative legal matters relating to the protection of migrant workers. Article 35 *a quo* states that the central government and regional governments, according with their respective authorities, have an obligation to provide economic protection for Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers, one of which is through the management of remittances by involving domestic banking institutions or non-bank financial institutions and the country of placement destination.

Remittance and the Remittance of Migrant Workers: The Absence of Authentic Definition

There are distinctions in refers to the definitions of migrant workers' remittances and remittance in general, respectively. Bouvier's Law Dictionary defines remittance as money sent by one merchant to another, either in specie, bill of exchange, draft or otherwise.⁸ Black's Law Dictionary provides broader perspective by defining remittance not only as (1) a sum of money sent to another as payment for goods or services or (2) an instrument – such

as a check – used for sending money, but also (3) the action or process of sending money to another person or place (Garner & Black, 2009, p. 1409). Meanwhile, Engle defines migrant remittance specifically in terms of migrant workers as money and goods generated during the work abroad and sent to home (Engle, 2004, p. 38). Ratha perceives workers' or migrant remittances similarly as part of migrants' earnings in the form of either cash or goods to support their families (Ratha, 2020). The IMF also sights that remittances assume the form of cash or credit transfers and transfers in kind involving transfers of goods (Statistical Office of the European Communities & International Monetary Fund, 2009, p. 6). Remittances are, indeed, sent by a majority of migrants wherein all types of migrant remit funds, and the best understood form of remittance is formal money transfers (Engle, 2004, p. 38–40). However, it can also be transferred in the form of physical or social assets – items addressed to health care and basic needs; consumer goods; jewelry; livestock and items that can be used for marriage dowry. In summarize, (1) remittance does not pay attention to who sends the money, contrary to migrant workers' remittances wherein migrant workers are obviously the subject; and (2) remittance object is money or instrument used for sending money, while goods – besides money – can also be the object of migrant workers' remittances.

Amidst these distinctions, there is an absence of authentic definitions in Indonesian context as no statutory laws define remittance and migrant workers' remittances. The central bank thus discerns remittance in terms of migrant workers as part of IMWs' earnings – either money or goods – sent to Indonesia and/or brought back home by the concerned IMWs (Yudanto et al., 2009, p. 3), while perceiving remittance as part of fund transfer that is generally conducted without underlying to economic obligation fulfilment; having low value; and carried out between individual (Bank Indonesia, n.d.). Fund transfer itself is authentically defined as a series of activities begun with the originator's order to transfer certain amount of funds to the beneficiary mentioned in the fund transfer order until the reception of such fund by the beneficiary.⁹

Consequently, the Art. 35 point a of Law 18/2017 mentioning “banks or non-bank financial institutions” in the remittance management indicates a simplification towards IMWs' remittances to be part of remittance, wherein remittances are part of fund transfer. This is because banks and non-bank financial institutions obviously function to mobilize and to channel fund,¹⁰ while fund refers to money; overdraft; or credit facility.¹¹ In other words, the

⁸ See 'remittance' in *Bouvier's Law Dictionary (1856 Edition - Letter R*, no date).

⁹ This authentic definition is found in the Art. 1 point 1 of Law No. 3 of 2011 on Fund Transfer (Law 3/2011) and Art. 1 point 1 of Bank Indonesia Regulation No. 14/23/PBI/2012 on Fund Transfer

¹⁰ This is based on (1) the authentic definition of bank in Art. 1 point 1 of Law No. 7 of 1992 on Banking in which those function remain the same although the authentic definition has been

slightly changed by Law No. 10 of 1998 on the Amendment of Law No. 7 of 1992 on Banking; and (2) some regulations always referring non-bank financial institutions to – among others – insurance company, pension fund, and financing institution.

¹¹ Art. 1 point 4 of Law 3/2011 – similarly the Art. 1 point 4 of Bank Indonesia Regulation No. 14/23/PBI/2012 on Fund Transfer – defines fund as (1) cash money turned over by Sender to the Receiving Provider; (2) money saved in Sender's Account on the Receiving Provider; (3) money saved in Receiving

simplification on migrant workers' remittances through a narrow formal money transfer-oriented formulation has neglected the non-formal money transfer and transfer of good as the other forms of migrant workers' remittances. Postal network – as one of formal channels used by migrant workers to remit (Engle, 2004, pp. 38–39) – is not fully involved accordingly as the services provided also cover transfer of goods besides money transfer ('About UPU' n.d.; 'Postal and Telecommunications Services Sector' n.d.). Meanwhile, postal network is also a popular remittance channel used by IMWs (Dewi & Yazid, 2017, pp. 216–218).

Migrant Workers' Remittances: A Component of National Income Infiltrated by the Government

As a private transfer, migrant workers' remittances are a component of secondary income in the balance of payment¹² that can be included in the national income calculation (Ou, 1946, pp. 294–296). There are different ideas reflecting what is meant by national income (see Kuznets, 1940; Clark, 1948; Barna, 1942; and so forth) as well as different methods of measurement such as product; income; expenditure; and value-added methods. Neither national income nor other terminologies equal to it is available in Indonesian statutory laws. In the 1945 Constitution consisting of a specific chapter on national economic and social welfare besides financial matters, some aspects of state finance – including the state budget; tax and other levies; central-local governments financial relation; audit board – currency; central bank; principles underlying national economic; state control over land, water and natural resources as well as important sectors of production are encompassed.¹³ Some terminologies – which might seem similar – existing in the statutory laws are state finance; state revenue; state income; and state ownership,¹⁴ but none of them are comparable to national income since

both terminologies count heavily on state as the right holder and/or duty bearer.

By giving a space for the government in the remittance management, Law 18/2017 seems to attract migrant workers' remittances to an area in which the state has an active role, while such remittances are a private transfer in which the management is – logically – fully controlled by the families Indonesian government obligation to give an economic protection towards Indonesian Migrant Workers (IMWs) through remittance management by involving banks or non-bank financial institutions within the state and the placement state – imposed by Law 18/2017 – triggers a question on whether such remittance management can really be conducted and how this will be conducted because neither further provision nor explanation provided in the law; there is still a legal vacuum on the implementing regulation; the impact of migrant workers' remittances are conditional; and remittance is actually a private household transfer thus Indonesia is just bypassed as a consequence that the receiver is within Indonesia's jurisdiction. Given the legal vacuum on the implementing regulation that makes the form of so-called 'economic protection' unclear, the following two sections will show that IMW's remittance is an area infiltrated by the government beginning from a constitutionally groundless measure.

Deployment of Indonesian Workers Abroad within the Absence of Constitutional Basis for State Intervention on Human Resources Allocation

Economic provisions in the 1945 Constitution have been criticized for being insufficient, including the state intervention on economic resources allocation that merely covers natural resources and important sectors of production.¹⁵ As the activity producing IMWs' remittances,

Provider's Account on another Receiving Provider; (4) money saved in Beneficiary's Account on the Final Receiving Provider; (5) money saved in Receiving Provider's Account allocated for the purposes of Beneficiary who do not have Account on such Provider; and/or (6) overdraft or credit facility given by Provider to the Sender.

¹² See International Monetary Fund, 2009, p. 210. A relatively minor change is made by the Balance of Payments and International Investment Position Manual Sixth Edition (BPM6) – the current basis for Indonesian Balance of Payment arrangement – by replacing 'workers' remittances' known in the fifth edition of the Balance of Payments Manual (BPM5) with a broader terminology of 'personal transfer'. Nonetheless, the BPM6 still acknowledges the definition of workers' remittances, and personal transfers – which includes workers' remittances – remain fall under the secondary income account.

¹³ See the Arts. 18A para. (2); 23 para. (1); 23A; 23B; 23D; 33; and the Chapter VIIIA specifically focused on the Audit Board. The principles underlying national economic are explicitly mentioned, and the production sectors necessary for the state as well as natural resources are explicitly stated as 'under the powers by state' (*dikuasai oleh negara*). The other matters might not be treated similarly, but those are mandated to legislation.

¹⁴ See Art. 1 points 1, 9 and 13 as well as Art. 2 of Law No. 17 of 2003 on State Finance; General Elucidation of Law No. 31 of 1999 on the Corruption Eradication; Ministry of Finance Decree No. KEP-225/MK/V/4/1971 on Implementing Guidelines for the Inventory of State-Owned Property/State Assets; Ministry of Finance Decree No. 01/KM.12/2001 on Guidelines for the Capitalization of State-Owned Property/State Assets in the Government Accounting System; Law No. 15 of 2004 on the Examination of State Finance Management and Responsibility. See also "Beda Keuangan Negara dan Kekayaan Negara", 2014.

¹⁵ As documented by the Mahkamah Konstitusi Republik Indonesia 2010b, pp. 534–536, Bambang Soedibyo – on his capacity as the Expert Team member in the third amendment of the 1945 Constitution – criticized the economic provision within the 1945 Constitution for being insufficient as there are 4 areas of economic technocracy necessary to be regulated while the regulation is still very minimal. Fiscal matters – the management of state finance and assets – are only a half provided with constitutional basis; technocracy in monetary is not even regulated; market institution as well as state intervention on this are also unregulated; and market management and state intervention on economic resources allocation have no constitutional basis at all. These are still relevant as the Chapter

IMWs deployment abroad is actually a form of government intervention of human resources – a component of economic resources clearly distinct from natural resources and irrelevant to the interpretation of important sectors of production –¹⁶ lacking of constitutional basis accordingly.

However, in response to the high demand for manual and domestic workers in the Middle East, the Indonesian government in 1970 declared that it ‘may agree on exporting Indonesian workers’ and even promoted this as a national development program (Dewanto, 2020, p. 509). The number of workers to be deployed abroad was explicitly targeted in the *Rencana Pembangunan Lima Tahun* (Five-Year Development Plan, *REPELITA*) era, starting from 100,000 workers during the *REPELITA* III;¹⁷ 225,000 workers during *REPELITA* IV;¹⁸ 500,000 workers during *REPELITA* V;¹⁹ and at least 1,250,000 workers during *REPELITA* VI.²⁰ A specific chapter on the balance

of payment records of migrant workers’ remittance as a component of net factor income since *REPELITA* IV²¹ included workers deployment as a means to increase foreign exchange income sourced from remittance²² and estimated the amount of foreign exchange income from IMWs.²³ The *Rencana Pembangunan Jangka Menengah Nasional* (National Medium Term Development Plan, *RPJMN*) still realizes the need of opportunities to work overseas due to the huge amount of unemployment within the state, but the number of IMWs to be deployed is no longer visible.²⁴ The number of IMWs’ remittances is also no longer clearly stated as a balance of payment component, but its contribution to foreign exchange income is still acknowledged.²⁵

XIV – National Economy and Social Welfare’s alterations brought by the fourth amendment do not answer these criticisms. He even argued that state intervention on economic resources allocation is totally constitutionally groundless. However, some constitutional bases can actually be seen on the Art. 33 para. (2) of the 1945 Constitution for state intervention on important sectors of production and the para. (3) for state intervention on natural resources.

¹⁶ There is still an unclearness in terms of what is meant by important sectors of production, but human resources are more a production factor than a production sector. During the constitution amendment process, the only clue about the important sectors of production was given by Hendi Tjaswadi on his capacity as the spokesman of the Indonesian National Army fraction in the second amendment of the 1945 Constitution by referring ‘the control by state’ to state companies which he explicitly exemplified the State Electricity Company and Telkom – the state-owned information and communications technology enterprise and telecommunications network in Indonesia – (see Mahkamah Konstitusi Republik Indonesia, 2010b, pp. 507–508). This question was also the Constitutional Court’s concern in 2003 (see Constitutional Court Decision No. 001-021-022/PUU-I/2003, p. 331), but this is also completely irrelevant to human resources as the context was on whether electricity is a production sector important to state and affects the lives of many people.

¹⁷ See the Attachment of Presidential Decree No. 7 of 1979 on the Third Five-year Development Plan (*REPELITA* III) 1979/80-1983/84s (Presidential Decree 7/1979), Chapter V on the Expansion of Employment Opportunity, p. 292.

¹⁸ Attachment of Presidential Decree No. 21 of 1984 on the Fourth Five-year Development Plan (*REPELITA* IV) 1984/85-1988/89 (Presidential Decree 21/1984), pp. 341-345 gives more detail that 35.000 workers are planned to be deployed in 1984/1985; 40.000 in 1985/1986; 45.000 in 1986/1987; 50.000 in 1987/1988; and 55.000 in 1988/1989.

¹⁹ Attachment of Presidential Decree No. 13 of 1989 on the Fifth Five-year Development Plan (*REPELITA* V) 1989/90-1993/94 (Presidential Decree 13/1989), pp. 397-398 details that 50.000 workers are planned to be deployed in 1989/1990; 75.000 in 1990/1991; 100.000 in 1991/1992; 125.000 in 1992/1993; and 150.000 in 1993/1994.

²⁰ See the Attachment of Presidential Decree No. 17 of 1994 on the Sixth Five-year Development Plan (*REPELITA* VI) 1994/94-1998/99 (Presidential Decree 17/1994), Chapter X on

Labor and the Expansion of Employment Opportunities, pp. 118, 130.

²¹ See the Attachment of Presidential Decree 21/1984 and the Attachment of Presidential Decree 13/1989. The amount recorded in *REPELITA* IV are USD 4 million in 1978/1979; USD 15 million in 1979/1980; USD 27 million in 1980/1981; USD 39 million in 1981/1982; USD 55 million in 1982/1983; and USD 48 million in 1983/1984, with an average grow rate of 64,4%. *REPELITA* V records migrant workers remittances to the tune of USD 46 million in 1983/1984; USD 56 million in 1984/1985; USD 64 million in 1985/1986; USD 75 million in 1986/1987; USD 90 million in 1987/1988; and USD 110 million in 1988/1989, with an average grow rate of 19,0%.

²² See the attachments of Presidential Decree 21/1984, 235, 239; Presidential Decree 13/1989, 295; and Presidential Decree 17/1994, 392. *REPELITA* IV emphasizes the deployment to and remittance from the Middle East. *REPELITA* V still acknowledges the potency of Indonesian Migrant Workers remittances as a source of foreign exchange income. *REPELITA* IV includes Indonesian Migrant Workers remittance as a means to increase foreign exchange income from services sector to control the deficit in the services sector.

²³ *REPELITA* IV estimates that the remittance will reach USD 48 million in 1983/1984; USD 200 million in 1984/1985; USD 348 million in 1985/1986; USD 530 million in 1986/1987; USD 805 million in 1987/1988; and USD 1230 million in 1988/1999, with an average grow rate of 91,3%. *REPELITA* V estimates that the remittance will reach USD 110 million in 1988/1989; USD 126 million in 1989/1990; USD 143 million in 1990/1991; USD 157 million in 1991/1992; USD 181 million in 1992/1993; and USD 218 million in 1993/1994, with an average grow rate of 14,7%. *REPELITA* VI estimates that the remittances are increasing with an average of 26,8% per year from USD 291 million in 1993/1994 to USD 953 million in 1998/1999. *REPELITA* VI estimates that foreign exchange income from the deployment of Indonesian Migrant Workers is USD 3,0 billion.

²⁴ See the Attachment of Presidential Regulation 7/2005, Part IV.23, p. 3; the Attachment of Presidential Regulation 5/2010, p. II.3.34.; and the Attachment of Presidential Regulation 2/2015, pp. 3-59.

²⁵ See the Attachment of Presidential Regulation 7/2005, Part V.34, p. 7; the Attachment of Presidential Regulation 2/2015, pp. 3-60, 4-13 – 4-14; and the Attachment of Presidential Regulation 18/2020, pp. II.6-II.7.

Law-Based State, Constitution Supremacy and Silence in the 1945 Constitution as an Economic Constitution

The dynamic of the 1945 Constitution unequivocally shows that Indonesia is a law-based state. The pre-amended version states that Indonesia is based on law by referring to *rechtsstaat* in opposite to *machtsstaat*, but this statement is placed nothing else but in the elucidation. The desire to elevate this position has been around since the discussion of the first amendment of the 1945 Constitution (Mahkamah Konstitusi Republik Indonesia 2010a, pp. 389–477), until the third amendment finally embraced this.²⁶ The position is now more assertive, but there is another difference as *rechtsstaat* is no longer mentioned. How the best formula would be was obviously the main object of discussion, but it was around some options including the ‘law-based state’ (*negara berdasar atas hukum*); ‘law state’ (*negara hukum*); ‘law state upholding human rights’ (*negara hukum yang menjunjung tinggi hak asasi manusia*); and ‘democratic law state’ (*negara hukum yang demokratis*): nothing was specifically addressed to mention or not to mention the *rechtsstaat*. There is no trenchant clue during the discussion, but such a final formula seems to avoid a rigid bound to certain concept as the ‘rule of law’ was also frequently mentioned besides the *rechtsstaat*.²⁷ Both *rechtsstaat* and the rule of law – indeed – investigate what it means for a person to be governed by law as opposed to being subject to the dictates of the powerful, and the narrowest understanding of each concept will require discretionary powers accorded to officials constrained by law (Barber, Jacobson, & Schlink, 2003, pp. 444–445). In spite of the fact that these concepts are actually distinctive,²⁸ those similarities were presumably the matters fully concerned during the discussion of amendment as the intention to step up the law-based state idea was to explicitly ensure the commitment to the supremacy of law.

Such an idea is closely related to the constitutionalism which essentially focuses on the regulation and limitation of power or commonly known as the limited government

principle (see Asshiddiqie, 2011, pp. 20–23). Constitutionalism is a legal device for the prevention of tyranny and the protection of the rights of man (Patterson, 1948, p. 427). It is defined (1) in a minimal sense as the existence of norms not only creating legislative, executive and judicial powers, but also imposing significant limits on these powers; and (2) in a richer sense as an idea that government can/should be limited in its powers and that its authority depends on its observation over these limitations (Waluchow, 2018).

Both constitutionalism, *rechtsstaat* and the rule of law, similarly have a basic idea to limit government’s power and authority, but constitutionalism is more specific as it requires the limitation to be placed in the constitution, in convenient with the ideal of constitutionalism expressed by the concept of the constitution supremacy (see Andreescu & Andreescu, 2017, p. 19; Waluchow, 2018). One of the main purposes and functions of a constitution is both to authorize and to create limits on the powers of political authorities (Gavison 2002, p. 90), in which restraints imposed by the constitution to the government are a manifestation of constitutionalism (see ‘entrenchment’ in Waluchow, 2018). Hence, it is very important to measure whether certain government actions have a legal basis in the constitution.

In Indonesian context, the constitution supremacy has also been explicitly committed by the 1945 Constitution through, among others, (1) the elucidation of the pre-amended version stating that the government is based on the constitutional system; (2) an article regulating that the president holds the power of government in accordance with the constitution;²⁹ (3) the third amendment establishing a Constitutional Court authorized to conduct the constitutional review;³⁰ and (4) the special procedures required for amending the constitution.³¹ The measurement of government action to the 1945 Constitution is in force accordingly, and the absence of provision in regards of state intervention on human resources allocation has led IMWs deployment overseas by the government – that further goes

²⁶ Art. 1 para. (3) of the 1945 Constitution exactly reads, “The State of Indonesia is a law state” (*Negara Indonesia adalah negara hukum*). Mahkamah Konstitusi Republik Indonesia (2010a, pp. 389–477) has documented that the debate on whether the best formulation will be – ‘law-based state’; ‘law state’; ‘law state upholding human rights’; ‘democratic law state’; etc. – was driven by, among others, a concern to the world history showing that many states are law state yet dominated by certain powers – including Indonesia’s experience during the New Order regime – but the notion behind this final formula is to elevate *rechtsstaat* originally having the complete formula of, “... the state based on law” from the pre-amended 1945 Constitution’s elucidation.

²⁷ This can be seen in some opinions as documented by Mahkamah Konstitusi Republik Indonesia, 2010a, pp. 451, 447, 466), for example, (1) what is meant by ‘law state’ (*negara hukum*) is ‘law-based state’ known as *rechtsstaat* in the German term and the rule of law in the anglo saxon term essentially having the same

meaning although differently explained by the European tradition (*rechtsstaat*) and the American tradition (rule of law); (2) the rule of law – along with the constitutional system and human rights protection – is contained in the terminology of ‘law state’ (*negara hukum*); (3) the formula of ‘Indonesia is a democratic law state’ is related to *rechtsstaat* or the rule of law emphasizing the urgency of the supremacy of law; and so forth.

²⁸ For instance, Barber, Jacobson, & Schlink, 2003 observe that (1) *rechtsstaat* rests on some sort of connection between the legal system and the state, while the rule of law is a quality of – or theory about – a legal order; and (2) *rechtsstaat* brings with such connection an aspiration to harmony, in contrast to the rule of law containing no implicit ambition to find a harmonious relationship between law and the state.

²⁹ See Art. 4 para. (1) of the 1945 Constitution. The provision has been around since the very first emergence of the 1945 Constitution, and is consistently maintained to date.

³⁰ See Art. 24C para. (1) of the 1945 Constitution.

³¹ See Art. 37 of the 1945 Constitution.

to the government intervention on IMWs' remittances – is neither legitimate nor restricted.

Constitution supremacy makes a constitution ought to be the source of all regulations – both in the political, economic, social and legal areas – and its most important consequences are the conformity of the entire legal system with the constitutional norms as well as the fundamental obligation for the state authorities to perform their attributions within the limit and in the spirit of the constitution (Andreescu & Andreescu, 2017, p. 49). With regard to the developing perspectives concerning the constitution, the existence of economic articles within the 1945 Constitution prior and subsequent to the amendments shows that the constitution has been consistently an economic constitution since its emergence, instead of merely a political one.³² Nonetheless, the inadequate economic provisions – even after being amended for the fourth time – should be of concerned. There are many substances commonly covered in an economic constitution (Asshiddiqie, 2013, pp. 19–20), and the absence of constitutional basis for state intervention on human resources allocation as an economic resource is essential to be fully scrutinized as labor ought to be one of the substances encompassed. The closest reason might be because this issue was not anticipated (see R. Dixon, 2015, p. 821; R. Dixon & Ginsburg, 2011, p. 640) as 'human resources' was slightly mentioned during the discussion behind the fourth amendment of the 1945 Constitution, and it seemed neglected afterwards.³³

Silences in a constitution permit 'time and experience' for improvement and completion as a constitution is an evolutionary achievement (Loughlin, 2018, pp. 922–923). The long practice of IMWs deployment abroad as a constitutionally groundless means has shown time and experience, but the constitution on this particular issue has not been improved. This unfortunately hinders the 1945 Constitution to optimally safeguard the civic virtues of the citizens and to simultaneously impose limits to the abuse of political power and citizens exploitation (Faria, 1999, p. 177). Yet, this is especially important for the specific issue of IMWs deployment and remittances – wherein the interventions merely based on ministerial decrees until Law 25/1997 and Law 18/2017 appear as a 'stronger' justification after the policies have been carried out for decades – because placing economic provisions as constitutional norms will make these acceptably have a compelling position to be used as the reference standard in all economic policies. Hence, the annulment of economic

policies contradictory to the standard can be pursued through judicial process.

Indonesia in the International Labor Migration: A Welfare State in a Globalized World

Remittance can be considered as the most tangible benefit of international labor migration for the developing countries (International Labour Office, 2010, pp. 41–42), and various forms of government intervention on migrant workers' remittances do occur in many states (Puri and Ritzema, n.d., pp. 19–25). For instance, there are foreign currency denominated bonds in Pakistan, Bangladesh and India; non-repatriable investment scheme in Pakistan; advisory service on investment opportunities as well as supplementary loans for migrant-worker customers of Bangkok Bank in Thailand; training centers establishment in high-migration regions in Philippines; and so forth (Puri and Ritzema, n.d., pp. 20–21). Some governments – Philippines, Thailand, Bangladesh, Indonesia, Republic of Korea – required certain percentages of remittances to be transferred through migrant workers' state of origin's domestic banking system, but this worked effectively only in the Republic of Korea (see Puri and Ritzema, n.d., pp. 19–20). Temporary migration programs tend to be advocated based on the belief that temporary migrants would remit more money, resulted in more advantages for the state of origins' development (de Haas, 2007, p. 9). Nonetheless, the remittance impacts were actually found to have varied in each region as these are critically depend on the specific circumstances under which the migration occurs (International Labour Office, 2010, pp. 42–43), and the discussion on remittance impact has actually changed over time.

In the development and migration optimism before 1973, there was a general expectation that remittance flow – besides experiences, skills and knowledge – would greatly help the developing states' economic take-off (de Haas, 2007, pp. 3–4). In this period, the developing countries' governments started to actively encourage emigration due to a consideration that this is a foremost instrument to promote national development (de Haas, 2007, p. 3). In the development and migration pessimism during 1973–1990, it was argued that remittances were mainly spent on conspicuous consumption and consumptive investment yet rarely invested in productive enterprises (de Haas, 2007, pp. 4–5). Besides weakening local economies and increasing dependency, the increasing consumption and land purchases by migrants were then reported as a trigger

³² Some economic articles – among others concerning the principles underlying economic matters as well as state powers over the important sectors of production and natural resources – have existed in the original version of the 1945 Constitution, and are maintained – with some additional articles – even after the last amendment.

³³ See Mahkamah Konstitusi Republik Indonesia, 2010b, pp. 604–

718). There was an interesting opinion from A.M. Lutfi on behalf of *Reformasi* fraction saying that the Chapter XIV on the National Economic and Social Welfare would guide the nation in managing natural and human resources for the welfare of all its inhabitants. However, nothing on the further discussion responds or addressed to the management of human resources.

of inflationary pressures and soaring land prices (de Haas, 2007, p. 5). The main “positive” effect of migration – i.e. migrants’ and their families’ welfare improvement – was considered to be artificial and dangerous as remittances were supposed to be an unstable and temporary source of revenue (de Haas, 2007, p. 5). It has also argued that migration provokes the withdrawal of human capital – and the breakdown of traditional, stable village communities and their economies – leading to the development passive, non-productive and remittance-dependent communities (de Haas, 2007, pp. 4–5).

As a respond to those contradictory perspectives, the New Economics of Labor Migration (NELM) emerged in the 1980s and 1990s by offering a more subtle view of migration and development that connects migration causes and consequences – in which remittance is a part of – more explicitly instead of determining whether migration affects development positively or negatively (de Haas, 2007, p. 7). NELM opens up the possibility for both positive and negative development responses by questioning (1) why migration has contributed to development in some communities and much less – or even negatively – in others, and (2) what factors explain such different results (de Haas, 2007, p. 6). In essence, the impact of migrant workers’ remittances towards the development of their states of origin fundamentally depends on more general development conditions in the migrant-sending societies (de Haas, 2007, p. 25). It is rather naïve to expect that the idea of government intervention on migrant workers’ remittances would likely to succeed as long as the general political and economic conditions in the state of origin of the migrant workers concerned remain unfavorable (de Haas 2007, p. 25).

The most plausible justification for Indonesian government to intervene the management of IMWs’ remittances is that Indonesia aims to advance public welfare and underlies on the principle of social justice.³⁴ Government function expansion hence emerges as a consequence of welfare services demands in the framework of welfare state (Palguna, 2019, pp. 71–73), but government intervention – in regards to the concepts of democracy and constitutionalism – is allowed only if it is approved by the people, meaning that every attribution shall emerge at least at the legislation level. IMWs deployment abroad thus did not meet this requirement until the Law 25/1997 – that includes Indonesian government as one of the parties which may conduct workers placement services both inside and outside Indonesian territory –³⁵ was enacted. Similarly, Indonesian government intervention on IMWs’ remittances has also just been justified since 2017 through its inclusion

in Law 18/2017. Although these laws appear to be the justification, there are some points to be taken into account.

First, the absence of provision on state intervention on human resources as an economic resource in the 1945 Constitution is still an obstacle (Ayuningtyas, 2020, p. 49). Human resources are, indeed, granted human rights in the constitution, but how state activities are interlocked with market and family role in social provision – besides human rights entitlement – must be taken into account in a welfare state (Esping-Andersen, 1990, p. 21). The inclusion of state intervention provision on human resources into the 1945 Constitution is, therefore, still required. Second, welfare states exist in a global political economy that is increasingly interdependent yet divided into zones of sharply disparate conditions – hence its national economies are structurally integrated into a larger system and engaged in systematic exchanges with it – but a welfare state is, by its nature, meant to be a closed system (Freeman, 1986, pp. 52–55). Welfare state logic implies the existence of boundaries distinguishing those who are citizens and those who are not, and such boundaries are required as welfare state establishes a principle of distributive justice departing from the distributive principles of the free market (Freeman, 1986, pp. 52–53). International labor migration as the activity producing migrant workers’ remittances intrudes on and challenges the endogenous nature of a welfare state accordingly (Freeman, 1986, p. 52).

Welfare state as a closed system is essentially inward looking – seeking to take care of its own while its ability to do so is premised on its ability to construct a ‘safe house’ to shelter its members from the outside world (Freeman, 1986, pp. 54–56). Hence, the implications for the welfare states playing different role in the international labor migration process are distinctive. For a welfare state acting as the placement state, the migration addresses problems caused by the welfare state’s constraints on the flexibility of labor market only if the migrant workers are excluded from the exercise of welfare state rights (Freeman, 1986, pp. 54–56). For a welfare state acting as the state of origin – such as Indonesia in the context of IMW – the demand to construct such a ‘safe house’ should be translated into a real protection for IMWs as its members (Ayuningtyas, 2020, pp. 51–52).

Conclusion

It is difficult to conclude that Indonesian government intervention on the management of IMWs’ remittances is constitutionally justified. Silence in the 1945 Constitution has been the main issue. By taking into account the constitution supremacy and economic constitution applied in Indonesia, the absence of provision on state intervention on human resources allocation obviously makes IMWs

outside Indonesian territory, while the Art. 145 mentioned that labor placement services can be executed by the government and/or the people.

³⁴ See the fourth paragraph of the 1945 Constitution’s preamble.

³⁵ Art. 144 of Law 25/1997 gave the same right and opportunity to every labor to obtain labor placement services within and/or

deployment abroad practiced by the government constitutionally groundless. Most importantly, it also imposes no restriction so that the intervention eventually infiltrates the financial output generated. It is hard to argue that welfare state's demand and endogenous nature are unconformable, particularly in the context of international labor migration. Meanwhile, Indonesia has to deal with it as the lack of employment within the state has been a persistent problem. Legislations hence seem to emerge as an effort to give the government's actions a justification, but it eventually creates problematic rule as the most fundamental substruction remains vacuous. This is exemplified by the considerable problems coming with the Indonesian government's obligation to conduct 'economic protection' through the remittance management, including the simplification of migrant workers' remittances scope and channel as well as the legal vacuum on the implementing regulation.

REFERENCES

- 'About UPU'. n.d. Universal Postal Union. Accessed 24 August 2021. <https://www.upu.int/en/Universal-Postal-Union>.
- Adams, Richard H. 1991. 'The Economic Uses and Impact of International Remittances in Rural Egypt'. *Economic Development and Cultural Change* 39 (4): 695–722.
- Andreescu, Marius, and Claudia Andreescu. 2017. 'Constitution and Constitutionalism Contemporary Issue'. *LESIJ* 1 (XXIV): 48–60.
- Asshiddiqie, Jimly. 2011. *Konstitusi dan Konstitusionalisme Indonesia*. Ed. 1 Cet. 2. Jakarta: Sinar Grafika.
- . 2013. 'Memperkenalkan Gagasan Konstitusi Ekonomi'. *Jurnal Hukum PRIORIS* 3 (2): 1–26.
- Ayuningtyas, Annisa. 2020. 'The Role of Indonesian Government in the Management of Indonesian Migrant Workers' Remittances: Justification and Restriction'. Master Thesis, Indonesia: Universitas Gadjah Mada.
- Bank Indonesia. n.d. 'Remitansi Dan Transfer Dana'. Accessed 19 November 2020. <https://www.bi.go.id/id/edukasi-perlindungan-konsumen/edukasi/produk-dan-jasa-sp/remitansi/Pages/default.aspx>.
- Barber, N. W., A. Jacobson, and B. Schlink. 2003. 'The Rechtsstaat and the Rule of Law'. *The University of Toronto Law Journal* 53 (4): 443–54. <https://doi.org/10.2307/3650895>.
- Barham, Bradford, and Stephen Boucher. 1998. 'Migration, Remittances, and Inequality: Estimating the Net Effects of Migration on Income Distribution'. *Journal of Development Economics* 55 (2): 307–31. [https://doi.org/10.1016/S0304-3878\(98\)90038-4](https://doi.org/10.1016/S0304-3878(98)90038-4).
- Barna, T. 1942. 'Valuation of Stocks and the National Income'. *Economica* 9 (36): 349–58. <https://doi.org/10.2307/2550325>.
- 'Beda Keuangan Negara dan Kekayaan Negara'. 2014. Kementerian Keuangan Republik Indonesia. 19 November 2014. https://www.djkn.kemenkeu.go.id/berita_media/baca/6817/Beda-Kuangan-Negara-dan-Kekayaan-Negara.html.
- 'Bouvier's Law Dictionary, 1856 Edition - Letter R'. n.d. Accessed 10 November 2020. https://constitution.org/1-Constitution/bouv/bouvier_r.htm.
- Campbell, Eugene K. 2008. 'Moderating Poverty: The Role of Remittances from Migration in Botswana'. *Africa Development* 33 (2): 91–115. <https://doi.org/10.4314/ad.v33i2.57286>.
- Carling, Jørgen. 2004. 'Policy Options for Increasing the Benefits of Remittances'. Paper presented at the Workshop B9: Remittances and Development: beyond increasing incomes, Ninth International Metropolis Conference, Geneva, October 27.
- Chandravarkar, Anand G. 1980. 'Use of Migrants' Remittances in Labor-Exporting Countries'. *Finance & Development* 17 (2): 9–36.
- Clark, Colin. 1948. 'The Rate of Economic Development in Different Countries'. *India Quarterly* 4 (1): 12–21.
- Dewanto, Pamungkas A. 2020. 'The Domestication of Protection: The State and Civil Society in Indonesia's Overseas Labour Migration'. *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 176 (4): 504–31. <https://doi.org/10.1163/22134379-bja10018>.
- Dewi, Elisabeth Adyiningtyas Satya, and Sylvia Yazid. 2017. 'Tata Kelola Remitansi Buruh Migran Indonesia oleh Pemangku Kepentingan di Tingkat Nasional dan Akar Rumput: Praktik Baik, Peluang dan Tantangan'. *Jurnal Hubungan Internasional* 6 (2): 209–20. <https://doi.org/10.18196/hi.62116>.
- Dixon, R., and T. Ginsburg. 2011. 'Deciding Not to Decide: Deferral in Constitutional Design'. *International Journal of Constitutional Law* 9 (3–4): 636–72. <https://doi.org/10.1093/icon/mor041>.
- Dixon, Rosalind. 2015. 'Constitutional Drafting and Distrust'. *International Journal of Constitutional Law* 13 (4): 819–46. <https://doi.org/10.1093/icon/mov068>.
- Djajić, Slobodan. 1986. 'International Migration, Remittances and Welfare in a Dependent Economy'. *Journal of Development Economics* 21 (2): 229–34.
- Eddyono, Sri Wiyanti, Anis Hidayah, Susilo Andi Darma, Siti Badriyah, and Nur Harsono. 2020. *Gerakan Advokasi Legislasi untuk Perlindungan Pekerja Migran Indonesia*. Jakarta: Migrant CARE.
- Engle, Lauren B. 2004. *The World in Motion: Short Essays on Migration and Gender*. Geneva: IOM.
- Esping-Andersen, Gøsta. 1990. *The Three Worlds of Welfare Capitalism*. Princeton, N.J: Princeton University Press.
- Faria, Joa O Ricardo. 1999. 'Is There an Optimal Constitution?' *Constitutional Political Economy* 10: 177–84.
- Freeman, Gary P. 1986. 'Migration and the Political Economy of the Welfare State'. *The Annals of the American Academy of Political and Social Science* 485 (May): 51–63.
- Garip, Filiz. 2012. 'An Integrated Analysis of Migration and Remittances: Modeling Migration as a Mechanism for

- Selection'. *Population Research and Policy Review* 31 (5): 637–63. <https://doi.org/10.1007/s11113-012-9246-5>.
- Garner, Bryan A., and Henry Campbell Black, eds. 2009. *Black's Law Dictionary*. 9th ed. St. Paul, MN: West.
- Gavison, Ruth. 2002. 'What Belongs in a Constitution?' *Constitutional Political Economy* 13: 89–105.
- Gerber, Theodore P., and Karine Torosyan. 2013. 'Remittances in the Republic of Georgia: Correlates, Economic Impact, and Social Capital Formation'. *Demography* 50 (4): 1279–1301. <https://doi.org/10.1007/s13524-013-0195-3>.
- Haas, Hein de. 2007. 'Remittances, Migration and Social Development: A Conceptual Review of the Literature', no. 34 (October): 46.
- International Labour Office, ed. 2010. *International Labour Migration: A Rights-Based Approach*. Geneva: International Labour Office.
- International Monetary Fund, ed. 2009. *Balance of Payments and International Investment Position Manual*. 6th ed. Washington D.C: International Monetary Fund.
- Knowles, James C., and Richard Anker. 1981. 'An Analysis of Income Transfers in a Developing Country: The Case of Kenya'. *Journal of Development Economics* 8 (2): 205–26.
- Kuznets, Simon. 1940. 'National and Regional Measures of Income'. *Southern Economic Journal* 6 (3): 291–313. <https://doi.org/10.2307/1053447>.
- Loughlin, Martin. 2018. 'The Silences of Constitutions'. *International Journal of Constitutional Law* 16 (3): 922–35. <https://doi.org/10.1093/icon/moy064>.
- Lucas, Robert E. B., and Oded Stark. 1985. 'Motivations to Remit: Evidence from Botswana'. *Journal of Political Economy* 93 (5): 901–18. <https://doi.org/10.1086/261341>.
- Mahkamah Konstitusi Republik Indonesia. 2010a. *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Latar Belakang, Proses, Dan Hasil Pembahasan 1999-2002, Buku VII Keuangan, Perekonomian Nasional, Dan Kesejahteraan Sosial. Revisi*. Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi.
- . 2010b. *Naskah Komprehensif Perubahan Undang-Undang Dasar Negara Republik Indonesia tahun 1945, Latar Belakang, Proses, dan Hasil Pembahasan 1999-2002, Buku II Sendi-Sendi/Fundamental Negara. Revisi*. Jakarta: Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi.
- Oberai, A S, and H K Singh. 1980. 'Migration, Remittances and Rural Development: Findings of a Case Study in the Indian Punjab'. *International Labour Review* 119 (2): 229–41.
- O'Neill, Alexander C. 2001. 'Emigrant Remittances: Policies to Increase Inflows and Maximize Benefits'. *Indiana Journal of Global Legal Studies* 9 (1): 345–60.
- Ou, Pao-San. 1946. 'International Payments in National Income'. *The Quarterly Journal of Economics* 60 (2): 289–98.
- Palguna, I D.G. 2019. *Welfare State vs Globalisasi: Gagasan Negara Kesejahteraan di Indonesia*. 1st ed. Depok: Rajawali Press.
- Patterson, C Perry. 1948. 'The Evolution of Constitutionalism'. *Minnesota Law Review* 32 (5): 427–57.
- 'Postal and Telecommunications Services Sector'. n.d. International Labour Organization. Accessed 24 August 2021. <https://www.ilo.org/global/industries-and-sectors/postal-and-telecommunications-services/lang-en/index.htm>.
- Puri, Shivani, and Tineke Ritzema. n.d. 'Migrant Worker Remittances, Micro-Finance and the Informal Economy: Prospects and Issues', 41.
- Ratha, Dilip. 2020. 'Remittances: Funds for the Folks Back Home'. *Finance & Development | F&D*. 24 February 2020. <https://www.imf.org/external/pubs/ft/fandd/basics/remitt.htm>.
- Setyawati, Dinita. 2013. 'Assets or Commodities? Comparing Regulations of Placement and Protection of Migrant Workers in Indonesia and the Philippines'. *Austrian Journal of South-East Asian Studies* 6 (2): 264–80. <https://doi.org/10.14764/10.ASEAS-6.2-3>.
- Statistical Office of the European Communities, and International Monetary Fund, eds. 2009. *International Transactions in Remittances: Guide for Compilers and Users*. Washington, D.C: International Monetary Fund.
- Taylor, Edward J. 1999. 'The New Economics of Labour Migration and the Role of Remittances in the Migration Process'. *International Migration* 37 (1): 63–88. <https://doi.org/10.1111/1468-2435.00066>.
- Waluchow, Wil. 2018. 'Constitutionalism'. In *The Stanford Encyclopedia of Philosophy*, edited by Edward N. Zalta, Spring 2018. Metaphysics Research Lab, Stanford University. <https://plato.stanford.edu/archives/spr2018/entries/constitutionalism/>.
- Yudanto, Noor, Andy Johan Prasetyo, Riza Tyas Utami Hirzam, Fadhil Nugroho, Asrianti Mira Anggraeni, and Putu Utami Ardarini Sadha. 2009. 'Laporan Survei Nasional Pola Remitansi TKI Tahun 2008'. Jakarta: Direktorat Statistik Ekonomi dan Moneter Bank Indonesia. https://www.bi.go.id/id/publikasi/lain/lainnya/Pages/remitansi_tki_2008.aspx.
- Yuniarto, Paulus Rudolf. 2015. 'Siasat Bertahan, Model Pengelolaan Remitansi, dan Usaha Mikro Keluarga Buruh Migran'. *Populasi* 23 (1): 71–87. <https://doi.org/10.22146/jp.8571>.