

SOCIALIZATION OF CONSUMER LEGAL PROTECTION: NATIONAL AND INTERNATIONAL PERSPECTIVES FOR INDONESIAN MIGRANT WORKERS IN MALAYSIA

Erry Fitriya Primadhany^{1*}, Ahmad Syauqi Azmi Ramadhan¹, Hamdan Azhar Siregar²,
Ritawati², Galih Bagas Soesilo³

¹Department of Sharia Economic Law, Faculty of Sharia, Institute Agama Islam Negeri (IAIN) Palangka Raya

Jl. G. Obos, Menteng, Kec. Jekan Raya, Kota Palangka Raya, Kalimantan Tengah 73112 - Indonesia

²Universitas Islam Jakarta, DKI Jakarta - Indonesia

³Universitas Muhammadiyah Purworejo, Jawa Tengah - Indonesia

*Corresponding Author: Erry.fitrya@iain-palangkaraya.ac.id

Article history:

Received: April 2024

Revised: April 2024

Accepted: April 2024

ABSTRACT In this era of globalization, business actors have a more dominant position economically and in power compared to consumers. Therefore, consumers need support and protection to ensure their rights are maintained. Indonesian migrant workers (PMI) working in Malaysia often face challenges in understanding and protecting their consumer rights. Therefore, they should obtain full rights and protection, including in the field of consumer protection. So, to increase consumer protection, outreach activities and monitoring of PMI working conditions need to be carried out. This community service activity aims to empower Indonesian migrant workers in terms of consumer protection, with a focus on the principles, objectives and legal principles of consumer protection from a national and international perspective. The method of service carried out is by providing legal education to the community. The method of implementing activities is through lectures, discussions and questions and answers. The results of the service stated that there was an increase in Indonesian migrant workers' understanding of relevant consumer rights in Malaysia. There is also increased awareness of the legal protections available and how to access them, both from a domestic and international legal perspective. In addition, this activity can educate Indonesian migrant workers towards practices that are safer, fairer and in accordance with the principles of global consumer protection law.

KEYWORDS: *Consumer Legal Protection, National and International Perspectives, Indonesian Migrant Workers*

1. INTRODUCTION

Malaysia is ranked fourth with 1,200 PMI as the main destination for Indonesian Migrant Workers (PMI). (Memperkuat Perlindungan Pekerja Migran Indonesia Di Malaysia, 2023) In terms of complaints, Malaysia reported the highest number as of June 2022 with 293 complaints, followed by Saudi Arabia with 201 complaints, Taiwan with 94 complaints, and the United Arab Emirates (UAE) with 53 complaints. Malaysia is one of the largest migrant receiving countries in Asia Southeast, with the largest number of migrant workers coming from Indonesia. Of the total 2.7 million Indonesian migrant workers in Malaysia in 2020 according to the Ministry of Foreign Affairs (MOFA), only 1.6 million workers entered through regular channels based on data from Bank Indonesia and the Indonesian Migrant Worker Protection Agency (BP2MI) in the same year . The remainder are irregular migrant workers who often work in very difficult conditions in sectors such as household, construction and agriculture. (Memperkuat Perlindungan Pekerja Migran Indonesia Di Malaysia, 2023) Migrant workers who go abroad provide great benefits for the Indonesian government, because they can reduce the unemployment rate in the country and increase the country's foreign exchange earnings. However, in reality, not all of these hopes can be fully realized, especially for many Indonesian workers who face legal protection problems. Indonesian Migrant Workers (PMI) have played a significant role in Malaysia's economic growth. Therefore, they should obtain the full rights and protection they deserve as a matter of course. So, to increase consumer protection, outreach activities and monitoring of PMI's working conditions continue to be carried out

At this time, the AICHR (Asean Intergovernmental Commission on Human Rights) or in Indonesian is called the ASEAN Intergovernmental Commission on Human Rights, was formed as one of the implementations of Article 14 paragraph (2) of the ASEAN Charter. In its terms of reference, the objectives of the AICHR are stated as: 1.1. uphold the rights of the ASEAN people to live in peace, dignity and prosperity. 1.2. contribute to the realization of ASEAN's goals as stated in the ASEAN Charter in order to advance regional stability and harmony, friendship and cooperation between ASEAN member countries, as well as welfare, decent living, prosperity and participation of the ASEAN people in the development process of the ASEAN Community. 1.3. enhance regional cooperation to assist national and international efforts in the promotion and protection of human rights. The three goals above all refer to the desire of ASEAN members to improve welfare and a decent life for their nation by prioritizing human rights. The ASEAN Intergovernmental Commission on Human Rights (AICHR) was inaugurated in October 2009 as a consultative body of the Association of Southeast Asian Nations (ASEAN). AICHR is a new institution under the ASEAN Secretariat General. It was also emphasized that the AICHR is an intergovernmental body

and an integral part of the ASEAN organizational structure. AICHR is a consultative body. As explained in number three of the AICHR terms of reference. (Mahdi Bin Achmad Mahfud, 2016)

In this era of globalization, business actors have a more dominant position economically and in power compared to consumers. Consumer protection through legal regulations and clear information can help prevent fraud and ensure their rights. (Bukit et al., 2022) Therefore, consumers need support and protection to ensure their rights are maintained. Indonesian Migrant Workers (PMI) working in Malaysia often face challenges in understanding and protecting their consumer rights. Consumer legal protection is important but often complex, especially in the context of transactions in destination countries with different cultures and laws. This phenomenon shows the need for deeper socialization and education regarding consumer rights, both from a national and international legal perspective, so that PMI can access the protection they should receive.

This research aims to provide a strong theoretical foundation and relevant conceptual framework, based on recent empirical studies, to support the effective implementation of consumer legal protection outreach programs for PMI in Malaysia. Thus, it is hoped that this article can make a real contribution to increasing consumer awareness and protection among PMI, as well as becoming a guide for related policies and practices in the future.

2. METHOD

The approach method used in service activities is community-based participation action. In other words, this method is an approach that involves a social process in groups and together by a related community in determining the needs and results of changes in an activity. (Wahyunita et al., 2024) The steps for implementing community service consist of three stages. The first stage is preparation, where the service group conducts an initial survey to collect data related to legal protection for migrant workers. The second stage is the implementation of community service, which includes outreach to the community regarding consumer protection from a national and international perspective. The third stage is implementation, where the knowledge obtained from the socialization is applied in the community environment.

3. RESULT AND DISCUSSION

Preparation begins with coordination with the team, preparation of tools and materials, as well as communication with activity partners and related parties. The service implementation team, namely from the HES Study Program, Faculty of Sharia, IAIN Palangka Raya, joined the International Community Service (PkM) activity held by the NGO Sharing. This institution

collaborates with the Indonesian Embassy/SIKL, PCINU, PPI UPSI and 82 universities in Indonesia. In May 2024, activities will be held in Malaysia and Thailand. In accordance with the international PkM theme, Empowering Immigrant Workers: A Multidisciplinary Capacity Building Approach and Medical Examination at the KBRI Kuala Lumpur Shelter Care, lecturers and students of the HES Study Program, Faculty of Sharia, IAIN Palangka Raya, providing legal counseling to immigrant workers from Indonesia in Malaysia. The education provided is about consumer protection for the community nationally and internationally.



Figure 1. Opening Community Service Activity

This activity was carried out by a team of Sharia Faculty Lecturers and Students online. Participation in PkM is a form of sharing knowledge with Indonesian migrants who are under the guidance of the Indonesian Embassy in Kuala Lumpur. Participants consisted of 100 Indonesian migrant workers who were members of the Indonesian community working abroad, 5-10 foreign migrant workers living in Malaysia, and 10 teachers from the Kuala Lumpur Indonesian School (SIKL). The diversity of participants' backgrounds and experiences is a challenge in designing appropriate materials and approaches to conveying information.



Figure 2. Virtual Speaker at Community Service Activity

The theme presented was regarding legal protection for consumers. That in consumer protection, there are several principles which are the main basis for formulating policies and safeguarding consumer rights. Legal principles play a role in uniting the real and ideal aspects of law, as well as providing an ethical basis for a deeper understanding of the law. (Primadhany, 2024) The following is a brief explanation of each principle in consumer protection:

1. Benefit Principle: The benefit principle states that all actions in implementing consumer protection must provide maximum benefits for the interests of consumers and business actors as a whole. (Salindeho, 2016)
2. Principle of Justice: This principle refers to fairness in the treatment of consumers. This principle of justice is intended so that the participation of all people can be realized optimally and provide opportunities for consumers and business actors to obtain their rights and carry out

their obligations fairly. (Switly, 2019) This means that every consumer has the same right to be protected and treated fairly without discrimination.

2. Principle of Balance: This principle regulates that consumer protection is balanced with the interests of producers or sellers. Excessive protection of consumers must not compromise the reasonable interests of the party providing the goods or services.
3. Consumer Security & Safety Principle: This principle guarantees that the goods or services consumed must be safe and not harmful to consumers. Sellers or manufacturers are responsible for ensuring the safety of the products they offer to consumers
4. Principle of Legal Certainty: This principle emphasizes that every rule or policy related to consumer protection must be clear and its consequences predictable. Efforts to protect consumers are all forms of action that guarantee legal certainty to protect consumers. (Siregar, 2024) Consumers must understand their rights and obligations clearly, so they can protect themselves appropriately using existing laws.



Figure 3. Presentation by Author

The legal principles of consumer protection involve several important aspects. First, business actors are expected to be able to raise consumers by improving the quality of the goods offered while keeping prices affordable, which also functions as protection for the people. In addition, legal protection for consumers includes aspects of civil, criminal and state administrative law that are preventive and proactive. According to the UN in the Guidelines for Consumer Protection of 1985 "Consumers wherever they are, from all nations, have certain basic rights, regardless of rich, poor,

or social status." Consumer protection covers several basic rights. Consumers have the right to obtain clear, correct and honest information, as well as the right to security and safety. Apart from that, consumers also have the right to choose, the right to be heard, and the right to obtain compensation if their rights are violated.

Furthermore, regarding consumer protection in Malaysia, Indonesia and Malaysia as members of ASEAN regulate consumer protection. Indonesia established Law no. 8 of 1999 concerning Consumer Protection and Malaysia regulates Consumer Protection in the 1999 Consumer Protection Act (CPA). CPA 1999 was formed on November 15 1999 to provide protection for consumers. CPA 1999 is very important in order to guarantee and provide certainty that consumer rights can be protected and can resolve disputes that may arise in the buying and selling process. The aim of the 1999 CPA is to protect consumers, with several important provisions in it. CPA 1999 regulates what manufacturers need to comply with to get their products into circulation

Consumer Act Protection 1999 covers almost all aspects of consumer protection, such as misleading and deceptive acts, false representations and unfair practices, safety of goods and services, unfair contract provisions, guarantees in the provision of goods and services and product liability.

In the Consumer Protection Act, the definition of consumer is stated, namely: "consumer" means a person who;

1. acquires or uses goods or services of a kind ordinarily acquired for personal, domestic or household purpose, use or consumption; and
2. does not acquire or use the goods or services, or hold himself out as acquiring or using the goods or services, primarily for the purpose of resupplying them in trade;
2. consuming them in the course of a manufacturing process; or 5) in the case of goods, repairing or treating, in trade, other goods or fixtures on land;"

Based on the definition above, consumers are people who use or obtain services and goods which are generally used for household, personal and consumption needs. And every person who uses and obtains services and goods, or himself is deemed to use and obtain services and goods, especially those whose purpose is to re-circulate them for sale or consumption during the process of making or relating to goods, maintaining and repairing, in trade, equipment or other goods in countries, are not considered consumers.

The target of consumer protection outreach activities is for PMI to gain knowledge and understanding about consumer protection. Indicators of success include solving problems faced by PMI, increasing their economic independence. From activities regarding socialization of consumer

protection which were carried out online, the results showed that Indonesian Migrant Workers (PMI) who took part in this activity were able to understand the brief material presented well and received information or knowledge well.

4. CONCLUSION

The target of consumer protection outreach activities is for Indonesian Migrant Workers (PMI) to gain better knowledge and understanding regarding consumer protection. Indicators of success include solving problems faced by PMI and increasing their economic independence. Indonesian migrant workers (PMI) working in Malaysia often face challenges in understanding and protecting their consumer rights.

Consumer legal protection is important but often complex, especially in the context of transactions in destination countries with different cultures and laws. Some generally recognized rights are: right to safety, right to information, right to choose and right to redress. From consumer protection socialization activities carried out online, the results show that Indonesian Migrant Workers (PMI) who took part in this activity were able to understand the brief material presented well and receive information or knowledge well.

From the implementation of PKM International which has been carried out through socialization of consumer protection laws, it can be concluded that there has been significant achievement towards the community empowerment activity targets that have been set. The socialization activities were held successfully to provide suitability of community empowerment methods with the problems, needs and challenges faced by the community, especially migrant workers in the field of consumer protection.

REFERENCES

- Bukit, A. N., Weley, N. C., Harahap, R. A., & Disemadi, H. S. (2022). Fenomena Produk dengan Merek Palsu: Perlindungan Konsumen? *Jurnal Sapientia et Virtus*, 7(1).
- Mahdi Bin Achmad Mahfud. (2016). *PERLINDUNGAN HUKUM BAGI PEKERJA MIGRAN ASIA TENGGARA*. Prosiding Univeritas Wiraraja.
- Memperkuat Perlindungan Pekerja Migran Indonesia di Malaysia. (2023). <https://indonesia.iom.int/id/news/memperkuat-perlindungan-pekerja-migran-indonesia-di-malaysia>
- Primadhany, E. F. (2024). Pengantar Ilmu Hukum. In *ILMU HUKUM DAN PENELITIAN ILMU HUKUM*. Sada Kurnia Pustaka.
- Salindeho, R. G. (2016). Perlindungan Hukum terhadap Konsumen Atas Pengguna Barang Menurut Undang-undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *Lex Crimen*, V(7).

- Siregar, S. P. (2024). Kepastian Hukum Perlindungan Konsumen Sesuai Dengan Ketentuan Undang-Undang Perlindungan Konsumen. *Journal of Law, Administration, and Social Science*, 4(2).
- Switly, S. (2019). Aspek Juridis Pembatalan Penerbangan Secara Sepihak Oleh Pihak Penyedia Jasa Penerbangan Menurut Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen. *Lex Ex Sociotatis*, 7(1).
- Wahyunita, L., Primadhany, E. F., Angelia, N. M., & Pramuditya, D. (2024). Upaya Peningkatan Pemahaman Karya Ilmiah Berbasis Teknologi Informasi Bagi Guru Dan Siswa Madrasah Aliyah. *Minda Baharu*, 7(2).