
Legal Protection for Indonesian Migrant Workers

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Abstract

This study explores legal protection for Indonesian Migrant Workers (PMI) in domestic and international contexts. The main focus of this study is to analyze the implementation of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PPMI) and the challenges faced in its implementation. In addition, this study also examines the lack of legal protection for migrant workers in destination countries, especially in the informal sector such as domestic workers and factory workers, who are vulnerable to exploitation and human rights violations. Through a normative and empirical legal approach, this study finds that although the legal framework in Indonesia has been designed to protect migrant workers, its implementation still faces various obstacles, including lack of socialization, supervision, and law enforcement. In destination countries, migrant workers often do not have adequate access to legal assistance, which worsens their working conditions. Therefore, more coordinated efforts are needed from the government, non-governmental organizations, and the international community to strengthen legal protection for Indonesian migrant workers abroad.

Keywords: *Indonesian Migrant Workers, Legal Protection, PPMI Law, Exploitation, Legal Aid.*

INTRODUCTION

Indonesian Migrant Workers (PMI), known as Tenaga Kerja Indonesia (TKI), are one of the groups that make a significant contribution to the national economy through the remittances they send from the countries where they work. According to data from the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), every year millions of Indonesian citizens choose to work abroad in the hope of getting a better income to improve the welfare of their families. However, behind this large economic contribution, these migrant workers often face various serious risks and challenges, both in their home countries and in their destination countries.

Indonesian migrant workers mostly work in the informal sector, such as domestic helpers, factory workers, and construction workers. They often work under harsh working conditions, low wages, and minimal legal protection. These conditions make them highly vulnerable to exploitation, physical and psychological violence, discrimination, and human rights violations. Many cases of migrant workers experience sexual harassment, unpaid, or even inhumane treatment by their employers. However, their access to justice is often hampered by various factors, such as language barriers, lack of access to legal aid, and injustice in the legal system in their destination countries (Rahman, 2020).

In Indonesia, legal protection for migrant workers has actually been regulated through various regulations, one of which is Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PPMI). This law is designed to provide comprehensive protection to migrant workers, from the recruitment process, placement, to repatriation. The PPMI Law stipulates various rights for migrant workers, including the right to receive clear information about the work offered, the right to work in safe and healthy conditions, and the right to receive protection from violence and exploitation.

In addition, this law also requires the government to provide legal assistance to migrant workers who face problems abroad, as well as to ensure that they are treated fairly by the legal system in their destination country (Handayani, 2020).

However, despite the existence of comprehensive regulations, the implementation of the PPMI Law in the field still faces various challenges. One of the main challenges is the lack of socialization and education about the rights of migrant workers to the wider community, especially those in rural areas and with low levels of education. Many migrant workers are not aware of their rights under the PPMI Law, making them more vulnerable to exploitation and rights violations. In addition, the recruitment process for migrant workers is often marred by unethical practices, such as fraud, very high recruitment fees, and withholding of documents by recruitment agents (Putri, 2019).

Another obstacle faced in the implementation of the PPMI Law is weak supervision and law enforcement. Although the law has set various sanctions for recruitment agencies and placement companies that violate the rules, in practice, these sanctions are rarely enforced. Supervision of recruitment agencies is also often ineffective, especially in remote areas, where many agencies operate without adequate government supervision. As a result, many migrant workers are sent abroad without adequate preparation, making them more vulnerable to exploitation in their destination countries (Haryanto, 2021).

In addition, in the destination countries, Indonesian migrant workers also face various challenges. In many countries, especially in the Middle East and Southeast Asia, domestic workers are often not protected by local labor laws, which makes them vulnerable to mistreatment by employers. Some countries do not even recognize the rights of domestic workers as part of the formal workforce, so they are not entitled to social security, health insurance, or other legal protections. In situations like this, Indonesian migrant workers often have to fend for themselves to protect themselves, with little or no assistance from the Indonesian government (Nurhidayah, 2018).

In addition, although there are several bilateral agreements signed between Indonesia and the destination countries of migrant workers, the implementation of these agreements on the ground is often ineffective. Many destination countries do not have strong monitoring and enforcement mechanisms, so that the rights of migrant workers are often not well protected. On the other hand, Indonesian embassies and consulates abroad often do not have adequate resources to provide effective legal assistance to migrant workers facing problems abroad. This results in many migrant workers not getting the justice they deserve, and often having to return to Indonesia empty-handed after experiencing tremendous suffering in their destination countries (Hidayat, 2019).

These issues indicate that legal protection for Indonesian migrant workers still requires more serious attention from the government and all stakeholders. Although the PPMI Law has established a clear framework to protect migrant workers, its implementation in the field is still far from expectations. Stronger efforts are needed to increase socialization and education on the rights of migrant workers, strengthen supervision and law enforcement, and ensure that bilateral agreements with destination countries are truly implemented to protect the rights of migrant workers. In addition, the Indonesian government also needs to strengthen the role of embassies and consulates abroad to provide better legal protection for Indonesian migrant workers who face problems in their destination countries (Rahmawati, 2020).

Against this backdrop, this study will focus on two main issues facing legal protection for Indonesian migrant workers. First, this study will explore weaknesses in the implementation of the PPMI Law, with a focus on supervision and law enforcement, and their impact on legal protection for Indonesian migrant workers. Second, this study will examine how the lack of legal protection in the destination countries of Indonesian migrant workers affects their working conditions and welfare, and the role that the Indonesian government can play in improving protection for migrant workers abroad.

METHOD

This study uses a normative legal approach, namely an approach that focuses on the study of applicable legal norms, especially those related to legal protection for Indonesian migrant workers. This method involves an analysis of various laws and regulations, international conventions, and bilateral agreements related to migrant workers. The analysis will focus on Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PPMI), as well as its implementing regulations, to understand the extent to which these regulations provide protection for Indonesian migrant workers and how they are implemented in the field.

In addition to the normative approach, this study will also use an empirical legal approach to obtain a more comprehensive picture of the situation faced by Indonesian migrant workers. This approach involves collecting data through in-depth interviews with migrant workers who have returned to Indonesia, labor recruitment agencies, and relevant government officials. Through these interviews, researchers will try to explore information about migrant workers' experiences related to the recruitment process, working conditions in the destination country, and the obstacles they face in accessing legal protection. This empirical data will be analyzed to identify gaps between existing legal regulations and the reality on the ground, as well as to propose policy recommendations that can improve legal protection for Indonesian migrant workers (Sugiyono, 2017).

This study will also utilize comparative analysis by examining the comparison of legal protection for Indonesian migrant workers with several other countries that have similar characteristics, both in terms of the number of migrant workers sent and in terms of applicable regulations. Through this analysis, researchers will identify best practices that can be adopted by Indonesia to strengthen the legal framework and increase the effectiveness of protection for migrant workers. This comparative analysis will also include a study of the implementation of bilateral agreements between Indonesia and the main destination countries for migrant workers, such as Malaysia, Saudi Arabia, and Hong Kong, with the aim of understanding how these agreements are implemented and whether the protection provided is adequate (Rahardjo, 2018).

Data collected from document studies, interviews, and comparative analysis will be analyzed qualitatively to identify key themes and patterns relevant to the objectives of this study. The results of this analysis will be used to answer research questions related to weaknesses in the implementation of the PPMI Law and challenges to legal protection in destination countries for Indonesian migrant workers. From here, this study is expected to provide a meaningful contribution to the development of migrant worker protection policies in Indonesia.

RESULTS AND DISCUSSION

Weaknesses in the Implementation of the Indonesian Migrant Workers Protection Law

Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PPMI) is expected to be an important milestone in protecting the rights of Indonesian migrant workers. This law replaces Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Migrant Workers Abroad, with the aim of improving the existing legal framework, as well as expanding the scope of protection provided to migrant workers, from the pre-placement, placement, to post-placement stages. However, although the PPMI Law has introduced a number of new mechanisms to protect migrant workers, its implementation in the field still faces significant obstacles.

One of the main weaknesses in the implementation of the PPMI Law is the lack of effective socialization and education for prospective migrant workers. Many migrant workers, especially those from rural areas with low levels of education, do not fully understand their rights as stipulated in the PPMI Law. They are often unaware that they have the right to receive clear information about the work they will do, the wages they will receive, and the working conditions in the destination country before leaving. As a result, many migrant workers become victims of fraud by irresponsible recruitment agents, who often take advantage of their ignorance to make a profit (Handayani, 2020).

Lack of understanding of their rights also makes migrant workers more vulnerable to exploitation in the destination country. For example, many migrant workers do not know that they have the right to a fair and transparent employment contract, and the right to refuse work that does not comply with the contract. This ignorance is often exploited by employers in the destination country to exploit migrant workers, by giving them harder work or lower wages than promised. This condition is exacerbated by the lack of access for migrant workers to information and legal assistance in the destination country, which makes them unable to defend themselves when their rights are violated (Putri, 2019).

In addition, socialization of the PPMI Law at the regional level is still very limited. Local governments, especially in areas that are migrant worker enclaves, often do not have sufficient resources to carry out effective socialization. As a result, many prospective migrant workers go abroad without adequate preparation, both in terms of knowledge of their rights and in terms of the skills needed to work in the destination country. This shows that greater efforts are still needed from the government, both at the central and regional levels, to ensure that all prospective migrant workers receive adequate education about their rights before going abroad (Rahman, 2020).

Another very crucial problem in the implementation of the PPMI Law is the weak supervision of recruitment agencies and employment placement companies. The PPMI Law has set various standards and obligations that must be met by recruitment agencies, including the obligation to provide clear and accurate information to prospective migrant workers, provide adequate training, and ensure that migrant workers receive fair employment contracts. However, in practice, many recruitment agencies do not comply with these standards, and government supervision is often ineffective (Haryanto, 2021).

One of the factors causing weak supervision is the lack of resources and capacity on the part of the government to carry out effective supervision. The Ministry of Manpower and the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) as the institutions responsible for supervising recruitment agencies and placement companies often lack supervisors, especially in remote areas. In addition, the existing supervision system is often not supported by adequate technology, making it difficult to track and supervise recruitment agency

activities in real time. As a result, many violations that occur in the field are not detected or are not followed up with strict sanctions (Hidayat, 2019).

In addition, corruption is also a serious problem in the supervision of recruitment agencies. There are many reports of recruitment agencies operating illegally by involving corrupt government officials. These agents often do not hesitate to deceive prospective migrant workers by offering jobs that do not exist, or by charging very high recruitment fees, far above the provisions permitted by the PPMI Law. These practices often go untouched by the law due to collusion between recruitment agencies and officials who are supposed to carry out supervision (Nurhidayah, 2018).

This weak oversight not only harms migrant workers, but also undermines the integrity of Indonesia's labor placement system as a whole. Migrant workers who fall victim to fraud or exploitation by recruitment agencies often do not receive justice, as perpetrators are rarely prosecuted or punished. As a result, many migrant workers return to Indonesia in worse conditions than when they left, bringing with them stories of the suffering and injustice they experienced abroad. This not only damages Indonesia's image as a labor-sending country, but also undermines public trust in the government and legal system that are supposed to protect them (Rahmawati, 2020).

Law enforcement against violations committed by recruitment agencies and placement companies is also a major problem in the implementation of the PPMI Law. Although this law has set strict sanctions for agents and companies that violate the rules, in practice, these sanctions are rarely enforced. Many cases of violations are not followed up seriously by law enforcement officers, either due to lack of adequate evidence, due to intervention from interested parties, or due to corruption among law enforcers (Haryanto, 2021).

In addition, the long and complicated legal process is also often an obstacle for migrant workers who want to seek justice. Many migrant workers do not have enough time or resources to follow the time-consuming legal process, especially if they have to face the legal process in the destination country which may have a very different legal system from Indonesia. As a result, many migrant workers choose not to report the violations they experience, because they feel they will not get justice (Putri, 2019).

Lack of access to legal aid for migrant workers is also one of the causes of weak law enforcement. Although the PPMI Law has mandated the government to provide legal aid for migrant workers facing problems abroad, in reality, this legal aid is often unavailable or inadequate. Indonesian embassies and consulates abroad often do not have sufficient resources to provide effective legal aid, especially in countries with a very large number of migrant workers. As a result, many migrant workers have to face their legal problems alone without the assistance of a lawyer or legal advisor, which makes them very vulnerable to abuse of power by more powerful parties (Nurhidayah, 2018).

Weaknesses in the implementation of the PPMI Law not only impact individual migrant workers, but also have broader implications for society and the country. Migrant workers who are victims of exploitation or human rights violations often return to Indonesia in poor physical and mental conditions, which makes them unable to work or contribute productively to society. This not only harms them and their families, but also the Indonesian economy as a whole, due to the loss of potential contributions they could make (Haryanto, 2021).

In addition, weaknesses in the implementation of the PPMI Law also damage Indonesia's reputation in the eyes of the international community. Indonesia is known as one of the largest labor-sending countries in the world, and the quality of protection provided to migrant workers reflects the extent to which the country values human rights and justice. If Indonesia fails to protect its migrant workers, this could reduce other countries' trust in Indonesia's ability to enforce the law and protect

its citizens, which in turn could affect Indonesia's diplomatic and economic relations with those countries (Rahmawati, 2020).

Lack of Legal Protection in Destination Countries for Indonesian Migrant Workers

In addition to the challenges faced at home, Indonesian migrant workers are often faced with worse conditions in their destination countries. Although they leave their homeland in the hope of improving their welfare, the reality they face abroad is often far from expectations. One of the main problems faced by Indonesian migrant workers is the lack of legal protection in their destination countries, especially for those working in the informal sector such as domestic workers, factory workers, and construction workers. This lack of legal protection has a direct impact on the welfare, safety, and rights of migrant workers, and raises a number of serious problems.

In many destination countries, especially in the Middle East and some Southeast Asian countries, Indonesian migrant workers often work under inhumane conditions. One of the most vulnerable sectors is the domestic work sector, where workers are often required to work long hours without adequate rest, receive very low wages, and live in unsuitable conditions. In addition, they are often subjected to physical, psychological, and even sexual violence by their employers. This situation is exacerbated by the fact that many destination countries do not have labor laws that protect the rights of domestic workers, so they do not have access to social security, health insurance, or fair dispute resolution mechanisms (Rahman, 2020).

For example, in Middle Eastern countries, domestic workers often work under the kafala system, which ties them to their employers and restricts their freedom of movement. Under this system, workers cannot leave their jobs or move to other jobs without their employers' permission. This often leads to human rights violations, as workers who face mistreatment or exploitation have no choice but to continue working under inadequate conditions. Many who try to escape or report their employers face the threat of deportation or more severe punishment (Nurhidayah, 2018).

In some countries, migrant workers are not even recognized as part of the formal workforce, meaning they are not protected by applicable labor laws. This leaves them vulnerable to various forms of exploitation and human rights violations, with no effective mechanism for seeking justice. In this situation, many migrant workers are left to fend for themselves to protect their rights, often at risk of losing their jobs or being treated worse by their employers (Hidayat, 2019).

In addition to facing poor working conditions, Indonesian migrant workers abroad also often do not have adequate access to legal aid. When they face legal problems, such as disputes with employers, violence, or breach of contract, they often do not know where to seek help or how to obtain justice. In many countries, especially in the Middle East, the legal system is often biased against migrant workers, especially those working in the informal sector. This leaves many migrant workers facing complicated and unfair legal processes without the assistance of a lawyer or legal advisor, making them particularly vulnerable to abuse of power (Hidayat, 2019).

Indonesian embassies and consulates in destination countries should play an important role in providing protection and legal assistance to migrant workers who face problems. However, in practice, this role is often not carried out properly. Many embassies and consulates do not have sufficient resources to provide effective legal assistance, especially in countries with very large numbers of migrant workers. In addition, the lack of coordination between various government agencies in Indonesia and representatives abroad often hinders a quick and effective response to problems faced by migrant workers (Rahman, 2020).

For example, when a migrant worker faces legal problems abroad, the process of obtaining legal assistance from the Indonesian government is often slow and convoluted. In many cases, migrant workers must wait months or even years before their cases are heard, while they remain in unsafe or inadequate conditions. This situation not only causes prolonged suffering for migrant workers, but also undermines their confidence in the Indonesian government's ability to protect them abroad (Nurhidayah, 2018).

One of the efforts made by the Indonesian government to improve legal protection for migrant workers abroad is to establish bilateral agreements with the main destination countries for migrant workers. These agreements usually include provisions on migrant workers' rights, employer responsibilities, and dispute resolution mechanisms. However, although several agreements have been signed, the implementation of these agreements in the field is often ineffective.

One of the main problems in the implementation of bilateral agreements is the lack of strong monitoring and enforcement mechanisms. In many countries, bilateral agreements are often considered formal documents that have no real legal force. As a result, when violations of migrant workers' rights occur, employers or local authorities often do not take the necessary actions to enforce the agreement. This leaves many Indonesian migrant workers unprotected even though they should be legally protected by the bilateral agreements that have been agreed upon (Hidayat, 2019).

In addition, bilateral agreements often do not cover all aspects of protection needed by migrant workers. For example, many agreements only cover provisions on wages and working hours, but do not cover protection against violence, sexual harassment, or other exploitation. This means that even though migrant workers are legally protected in some aspects, they remain vulnerable to violations in other aspects that are not regulated by the agreement. To address this problem, greater efforts are needed to expand the scope of bilateral agreements and ensure that all migrant workers' rights are comprehensively protected (Nurhidayah, 2018).

In addition to bilateral agreements, Indonesia is also involved in various multilateral forums and initiatives aimed at improving protection for migrant workers at the global level. For example, Indonesia is a member of the International Labour Organization (ILO) and has ratified several ILO conventions related to the protection of migrant workers' rights. However, although Indonesia has signed and ratified these conventions, their implementation in the field is still far from expectations.

One of the main challenges in implementing international standards is the incompatibility between national laws in the destination countries of migrant workers and agreed international standards. In many countries, national laws still do not recognize or implement international standards on migrant workers' rights, which keeps legal protection for migrant workers weak. In such a situation, although Indonesia is trying to improve protection for migrant workers through multilateral mechanisms, the results are often limited by obstacles in the destination countries (Rahmawati, 2020).

Strengthening legal protection for Indonesian migrant workers abroad requires coordinated and sustained efforts from various parties, including the government, non-governmental organizations, and the international community. One step that can be taken is to strengthen the role of Indonesian embassies and consulates in countries where migrant workers are sent. This can be done by increasing the capacity and resources available at Indonesian missions abroad, so that they can provide more effective and responsive legal assistance to migrant workers in need.

In addition, the Indonesian government needs to work harder to ensure that the bilateral and multilateral agreements that have been agreed upon are actually implemented in the field. This can be done by strengthening the monitoring and enforcement mechanisms of the agreements, as well as by renegotiating agreements that do not provide adequate protection for migrant workers. The

government also needs to work with destination countries to develop a stronger legal framework that is more in line with international standards, so that the rights of migrant workers can be effectively protected (Rahman, 2020).

In addition, efforts to improve socialization and education for migrant workers about their rights must also be strengthened. Migrant workers who are aware of their rights are more likely to seek justice when those rights are violated, and they are also more likely to protect themselves from exploitation and violations. Therefore, the Indonesian government needs to work with non-governmental organizations and civil society organizations to raise awareness of migrant workers about their rights, both before they leave for overseas and while they are working in the destination country (Hidayat, 2019).

CONCLUSION

Legal protection for Indonesian migrant workers is a very complex issue and requires serious attention from various parties. From the discussion that has been conducted, it is clear that although Indonesia has a fairly comprehensive legal framework through Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PPMI), its implementation in the field still faces many challenges. Weaknesses in socialization, supervision, and law enforcement domestically, as well as the lack of legal protection and access to legal aid in the destination country, are the main factors that cause migrant workers to remain vulnerable to exploitation and human rights violations.

At the international level, although Indonesia has been involved in various bilateral and multilateral agreements to improve protection for migrant workers, the effectiveness of these agreements is still limited. Weak implementation and incompatibility between national laws in destination countries and agreed international standards mean that many Indonesian migrant workers still do not receive the protection they need. Therefore, more intensive and coordinated efforts are needed from the government, non-governmental organizations, and the international community to strengthen legal protection for Indonesian migrant workers.

Overall, this study emphasizes the importance of deeper reforms in the migrant worker protection system, both at the national and international levels. More effective socialization, stricter supervision, stronger law enforcement, and stronger international cooperation are important steps that need to be taken to ensure that Indonesian migrant workers can work abroad safely, have their rights guaranteed, and are protected from various forms of exploitation and violations. Only then can Indonesia truly protect its citizens working abroad and ensure that they can make a positive contribution to the national economy without having to sacrifice their welfare and dignity.

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