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Legal Protection of Indonesian Migrant Workers from the Perspective of International Law and Its Implementation

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Abstract

Background: Indonesian migrant workers continue to face various forms of vulnerability, including exploitation, unpaid wages, physical and psychological violence, human trafficking, document confiscation, and limited access to justice in destination countries. International law has established a broad framework for protection through human rights instruments, migrant worker conventions, and International Labour Organization standards.

Objective: This research examines the legal protection of Indonesian migrant workers from the perspective of international law and evaluates its implementation within the Indonesian legal system.

Methods: This study employs normative legal research using statutory, conceptual, and international-instrument approaches. Primary legal materials consist of international conventions, International Labour Organization instruments, Indonesian legislation, and bilateral agreements concerning migrant workers. Secondary legal materials include academic books, journal articles, institutional reports, and relevant legal studies.

Results: The results show that Indonesia has incorporated several international principles into its national regulations, particularly through legal protection before, during, and after employment. However, practical implementation remains uneven due to illegal recruitment, weak supervision, overlapping institutional authority, limited access to legal assistance, and differences between Indonesian law and the domestic laws of destination countries. Effective protection requires stronger integration of international legal standards, national regulations, bilateral cooperation, consular services, recruitment monitoring, and cross-border complaint mechanisms.

Conclusion: The novelty of this research lies in proposing an integrated protection framework that positions state responsibility, institutional coordination, and accessible legal remedies as interconnected elements in safeguarding Indonesian migrant workers throughout the migration process.

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INTRODUCTION

International labor migration has become an essential part of the global labor market and a livelihood strategy for people seeking employment, higher income, and better living conditions outside their countries of origin. The International Labour Organization reports that approximately 169 million migrant workers are employed globally, with Indonesia consistently ranked among the top countries of origin, contributing approximately 9 million workers abroad

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and generating significant remittance flows that constitute essential household income for millions of families. Indonesian migrant workers contribute to household welfare, regional economic activity, and national development through the income and remittances generated during their employment abroad. However, their contribution does not always correspond to the level of protection they receive throughout the migration process. Many Indonesian migrant workers remain exposed to contract substitution, excessive working hours, unpaid wages, document confiscation, restrictions on movement, physical violence, sexual harassment, forced labor, and human trafficking. Research on Indonesian migrant workers confirms that human rights violations, exploitation, and weak protection in destination countries continue to occur despite the existence of national protection policies (Ibrahim et al., 2025). These conditions demonstrate the importance of recognizing migrant workers not merely as economic actors, but as rights holders whose dignity must be protected (Suyanto et al., 2020).

International law places migrant workers within the broader system of human rights protection regardless of their nationality, gender, occupation, or migration status. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families recognizes fundamental rights related to life, humane treatment, freedom from forced labor, access to justice, equality before courts, remuneration, and protection against arbitrary deprivation of property. International Labour Organization standards also provide specific protection through the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). These instruments emphasize equality of treatment, non-discrimination, orderly migration, and state action against abusive migration practices. The international legal framework establishes a normative standard requiring states to respect, protect, and fulfill migrant workers' rights at every stage of migration (Hartono & Samsuria, 2021; United Nations, 1990).

Indonesia has strengthened its domestic legal framework through the ratification of international human rights instruments and the enactment of Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers. The law shifts the legal orientation from a placement-centered approach toward a protection-centered approach covering the periods before employment, during employment, and after employment. Protection responsibilities are distributed among the central government, regional governments, village governments, diplomatic missions, employment agencies, and other relevant institutions. State responsibility under this framework includes access to accurate information, competency development, social security, legal assistance, supervision of placement, repatriation, and social and economic reintegration. This regulatory structure reflects formal recognition that protection must accompany migrant workers from recruitment in their place of origin through their return and reintegration into society (Republic of Indonesia, 2017).

Practical conditions reveal a considerable gap between legal commitments and the experiences of migrant workers. Official complaint data continue to record problems involving prospective and current Indonesian migrant workers arising both within Indonesia and overseas, demonstrating that legal protection has not eliminated disputes and rights violations. Non-procedural recruitment, falsification of documents, placement through illegal intermediaries, inadequate training, unclear employment contracts, and limited knowledge of complaint mechanisms increase workers' vulnerability. Institutional fragmentation also creates difficulties when a case involves recruitment companies, local authorities, central government agencies, diplomatic representatives, employers, and authorities in destination countries. The different legal systems of destination states may further restrict access to labor inspection, legal representation, compensation, and effective remedies. This discrepancy confirms that comprehensive legislation alone cannot guarantee protection without coordinated enforcement and accessible cross-border remedies (Rahayu et al., 2024).

Previous studies have examined several dimensions of Indonesian migrant worker protection. Hartono and Samsuria (2021) analyzed migrant worker protection through international law, national regulations, and contemporary legal problems, while Palmer and Piper identified regulatory malintegration that restricted migrant workers' access to employment rights. Rahayu et al. (2024) focused on the neglect of undocumented migrant workers within the

human rights framework, whereas Utami examined sanctions against perpetrators of non-procedural placement from a human trafficking perspective (Utami, 2024). Ibrahim et al. found a significant gap between government protection policies and their implementation, particularly in relation to illegal agents, low digital literacy, and limited institutional coordination (Ibrahim et al., 2025). Tandos et al. (2022) further showed that weak supervision of recruitment agencies, uneven training quality, and restricted access to protection continue to reduce the effectiveness of protection programs for women migrant workers.

Existing scholarship provides important explanations of regulatory protection, undocumented migration, human trafficking, recruitment practices, and the vulnerability of women migrant workers. However, limited attention has been given to the legal nexus between international obligations, domestic implementation, institutional responsibility, and remedies available throughout the entire migration cycle. Several studies discuss international and national law as parallel regulatory frameworks without fully assessing how international standards should operate within recruitment supervision, consular protection, dispute resolution, repatriation, and reintegration. This research focuses specifically on examining legal protection as an integrated system in which international norms, national legislation, bilateral cooperation, institutional coordination, and accessible legal remedies function as interdependent components. The proposed novelty lies in an integrated protection framework that evaluates state responsibility through the continuity of protection before employment, during employment abroad, and after the worker returns, distinguishing this study from earlier works that focused separately on regulatory policy, illegal placement, gender vulnerability, or complaint mechanisms (Rahayu et al., 2024).

The identification of these legal and institutional problems is essential because ineffective implementation can transform rights formally guaranteed by international and national law into protections that are difficult for migrant workers to obtain in practice. This research aims to analyze the integration of international legal standards with Indonesian national law and institutional mechanisms for protecting migrant workers throughout the migration cycle, with specific attention to identifying legal and institutional obstacles affecting their enforcement and formulating an integrated legal protection framework capable of strengthening state responsibility and access to justice.

METHOD

The comparative approach assessed the relationship between international protection standards and their incorporation into the Indonesian legal framework, specifically by comparing provisions of international instruments, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and ILO Conventions Nos. 97 and 143, with the corresponding provisions of Law No. 18 of 2017. The statutory approach was operationalized by comparing Law No. 18 of 2017 with relevant international instruments to identify areas of alignment and gaps, while the conceptual approach provided the theoretical framework for analyzing how key legal concepts operate across international and national legal systems (Marzuki, 2017).

Data analysis was conducted qualitatively through multiple forms of legal interpretation, including grammatical interpretation (examining the literal meaning of statutory language), systematic interpretation (analyzing the relationships among different legal provisions and concepts), and teleological interpretation (examining the purposes and objectives of legal instruments), as well as regulatory synchronization, comparison of international and national legal standards, and assessment of their implementation. Conclusions were drawn deductively by connecting international legal obligations, national regulations, institutional practices, and obstacles affecting access to effective legal protection (Marzuki, 2017).

RESULTS AND DISCUSSION

Results

International Legal Framework for the Protection of Indonesian Migrant Workers

Legal protection for migrant workers under international law originates from the

recognition that employment across national borders does not remove a person's fundamental rights. Migrant workers remain human rights holders regardless of nationality, occupation, gender, immigration status, or the country in which they work. The Universal Declaration of Human Rights provides a general foundation through its recognition of equality, human dignity, freedom from slavery, protection against discrimination, the right to work, fair remuneration, and an effective remedy. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights strengthen this foundation by requiring states to respect civil, political, economic, social, and cultural rights without unjustified discrimination. Migrant worker protection must therefore be understood as part of the universal human rights system rather than solely as a matter of immigration administration or contractual employment ([United Nations, 1948](#)).

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides the most comprehensive international legal framework specifically addressing migrant workers. Indonesia ratified the Convention through Law No. 6 of 2012, creating binding international obligations to implement the rights recognized in the Convention. This ratification establishes the Convention as an important legal standard against which Indonesian legal institutions can assess their protection mechanisms, requiring national measures to be consistent with its obligations. The Convention functions not merely as a symbolic commitment but as a binding normative framework for states parties, requiring appropriate legislative, administrative, and institutional measures to give effect to the rights it recognizes. The Convention guarantees fundamental human rights to all migrant workers, including those in irregular situations, while providing additional rights to migrant workers who are documented or in a regular situation. Protected rights include the right to life, freedom from torture and cruel, inhuman, or degrading treatment, freedom from slavery and forced or compulsory labor, equality before courts and tribunals, access to legal assistance in circumstances specified by the Convention, protection against arbitrary arrest or detention, respect for employment-related rights, equal remuneration in applicable circumstances, access to emergency medical care, and protection against unlawful confiscation or destruction of identity documents. State authorities must also protect migrant workers and their families against violence, threats, intimidation, and abuse, including abuses committed by public officials, private employers, recruitment agents, or other individuals ([Republic of Indonesia, 2012](#); [United Nations, 1990](#)).

The Convention places obligations on both countries of origin and states of employment. Countries of origin are responsible for providing accurate information, regulating recruitment, preventing irregular migration, preparing workers before departure, and assisting their return and reintegration. States of employment bear responsibility for ensuring humane working conditions, equal treatment where required by applicable law, access to justice, wage protection, personal security, and respect for legally recognized employment rights. Shared responsibility becomes essential because violations may begin during recruitment in the country of origin and continue during employment in the destination country. However, the reach of these international mechanisms remains limited because destination countries that have not ratified the Convention are not bound by its treaty obligations, and even ratifying states may differ in the extent and effectiveness of domestic implementation. A fragmented approach that places responsibility exclusively on one state cannot respond effectively to violations involving cross-border recruiters, employers, immigration authorities, and placement companies. International protection consequently requires continuing cooperation between states throughout the migration cycle ([United Nations, 1990](#)).

International Labour Organization standards provide a more specific labor-oriented framework. The Migration for Employment Convention (Revised), 1949 (No. 97), requires member states to maintain appropriate services for migrant workers, provide reliable information, facilitate departure and reception, and ensure treatment no less favorable than that received by nationals in specified employment-related matters. The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), expands protection by requiring states to respect the basic human rights of all migrant workers and to take measures against clandestine migration and abusive employment practices. Convention No. 143 also addresses equality of

opportunity and treatment for migrant workers in a regular situation, subject to the Convention's provisions. These standards demonstrate that legal protection cannot be limited to border control because fair recruitment, access to employment rights, social protection, and protection against exploitation form essential components of migrant worker protection ([International Labour Organization, 1949](#)).

The principle of nondiscrimination occupies a central position within the international protection framework. Migrant workers often experience unequal treatment based on nationality, gender, ethnicity, occupation, immigration status, or the domestic nature of their work. Women employed in private households face additional risks because their workplaces are separated from public supervision and may be difficult to reach through conventional labor inspection. Domestic workers may experience excessive working hours, restrictions on communication, delayed wages, physical abuse, sexual violence, and the confiscation of passports. International standards require states to address these intersecting vulnerabilities through gender-responsive regulation, effective inspection and compliance mechanisms, confidential complaint mechanisms, shelters, legal assistance, and access to remedies. However, these requirements confront significant jurisdictional limitations in destination countries where domestic workers remain excluded from ordinary labor inspection, where privacy law restricts government access to private households, or where immigration authorities prioritize border control over workplace protection. Formal equality is insufficient when a worker cannot report abuse without risking detention, deportation, dismissal, or retaliation from an employer ([Rahayu et al., 2024](#)).

Access to justice represents another fundamental element of international legal protection. Rights stated in conventions have limited meaning when migrant workers cannot submit complaints, understand legal procedures, obtain representation, recover unpaid wages, or receive compensation. Effective remedies must be available without discrimination and should remain accessible even after workers have returned to their country of origin. Language barriers, financial limitations, fear of employers, dependence on recruitment agents, irregular migration status, and unfamiliarity with the legal system commonly prevent migrant workers from pursuing their claims. Diplomatic missions, labor attachés, local authorities, trade unions, civil society organizations, and legal aid providers must therefore operate as a connected support system. A rights-based approach requires complaint procedures that are safe, affordable, understandable, and capable of producing enforceable outcomes ([International Labour Organization, 2023](#)).

A rights-based framework for state responsibility under international law distinguishes among duties to respect, protect, and fulfill human rights. The duty to respect requires state institutions not to unlawfully interfere with migrant workers' rights. The duty to protect requires governments to take appropriate measures to prevent employers, recruitment companies, intermediaries, and other private actors from committing abuses. The duty to fulfill requires the establishment of legislation, institutions, services, budgets, bilateral arrangements, complaint procedures, and recovery mechanisms capable of making those rights effective. Failure to regulate recruitment, monitor employment conditions, respond to complaints, or provide legal assistance may indicate a failure to exercise due diligence, even when the immediate violation is committed by a private employer ([United Nations, 1990](#)).

International law has therefore provided a substantial normative basis for protecting Indonesian migrant workers. The principal weakness does not lie in the absence of recognized rights but in the limited transformation of those rights into coordinated and enforceable protection. Indonesia's ratification of the Migrant Workers Convention represents an important legal commitment, yet full protection also depends on the domestic law and institutional practices of destination countries. Indonesia cannot obtain uniform protection conditions in every destination state because international instruments do not bind states that have not ratified them in the same manner. Bilateral agreements, diplomatic protection, ethical recruitment standards, and enforceable employment contracts therefore become necessary instruments for addressing this protection gap. The effectiveness of international law must ultimately be assessed through the ability of migrant workers to experience safety, fair treatment, legal certainty, and accessible remedies in actual employment situations ([Tjitrawati & Romadhona, 2024](#)).

Indonesian Legal Framework for the Protection of Migrant Workers

The constitutional foundation for protecting Indonesian migrant workers is rooted in the recognition of work, equal treatment, legal certainty, personal security, and a decent livelihood as fundamental rights. Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantees the right of every citizen to work and to obtain a livelihood worthy of humanity. Article 28D further guarantees fair legal certainty, equal treatment before the law, and the right to receive fair and proper treatment in employment relations. These constitutional provisions require the state to protect citizens who seek employment abroad, since territorial distance cannot remove the state's responsibility toward its nationals. Legal protection must consequently extend beyond administrative permission and placement procedures to include the prevention of exploitation, access to remedies, and recovery following violations ([Republic of Indonesia, 1945](#)).

Indonesia strengthened its international commitment through Law No. 6 of 2012 concerning the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Ratification places the Convention within the Indonesian legal framework and requires national policies to reflect the principles of human dignity, equality, nondiscrimination, state responsibility, and access to justice. Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers later became the principal national legal instrument governing migrant worker protection. The law emphasizes that Indonesian migrant workers must be protected from human trafficking, slavery, forced labor, violence, arbitrary treatment, offenses against human dignity, and other violations of human rights. The legislation also requires an integrated protection system involving the central government, regional governments, village governments, and society ([Republic of Indonesia, 2017](#)).

Law No. 18 of 2017 represents an important shift from the placement-oriented model applied under the previous legal regime. The former approach placed considerable emphasis on administrative deployment and the role of private placement companies. The current framework positions protection as a central responsibility of the state and regulates the entire migration cycle. Protection covers activities before employment, during employment, and after employment. This approach recognizes that the vulnerability of migrant workers often begins long before departure, especially during recruitment, document preparation, training, financing, and the signing of employment agreements. However, the law's protection framework depends heavily on institutional capacity and interagency coordination, which may vary across regions and remain vulnerable to implementation failures. Protection cannot therefore begin only when workers arrive in a destination country or after a violation has occurred ([Republic of Indonesia, 2017](#)).

Protection before employment includes administrative and technical protection. Administrative protection concerns the completeness and validity of documents, certainty regarding the employer, employment agreements, placement agreements, immigration requirements, and social security participation. Technical protection includes the dissemination of employment information, improvement of vocational competence, language preparation, pre-departure orientation, health and psychological examinations, and an understanding of legal rights and complaint mechanisms. Accurate information is particularly important because many migrant workers depend on brokers or informal intermediaries who may provide misleading promises regarding wages, occupations, working hours, or destination countries. Effective pre-employment protection must ensure that prospective workers make informed decisions without coercion, deception, or excessive financial burdens ([International Labour Organization, 2022](#)).

Protection during employment focuses on monitoring working conditions, facilitating the fulfillment of workers' rights, resolving labor disputes, providing consular and legal assistance, and responding to situations involving violence, exploitation, detention, illness, death, or armed conflict. Indonesian diplomatic missions have a central role in providing assistance to migrant workers abroad, although their actions remain subject to the sovereignty and domestic laws of destination countries. Employment agreements, bilateral arrangements, and cooperation between competent authorities become essential when the legal system of the destination state provides different levels of protection. Consular assistance must include more than emergency repatriation because many cases require interpreters, legal representation, temporary shelters,

mediation, wage claims, evidence collection, and coordination with local authorities ([Saguin & Shivakoti, 2023](#)).

Protection after employment includes facilitating return, resolving outstanding rights, providing social rehabilitation, supporting economic and social reintegration, and protecting workers from further exploitation. Returned migrant workers may still face unresolved wage claims, debt, psychological trauma, family difficulties, loss of employment, or social stigma. Reintegration programs must therefore respond to legal, economic, and social needs rather than treating the worker's arrival in Indonesia as the end of state responsibility. Social security protection also follows the migration cycle and is designed to cover risks before, during, and after employment. Official implementation guidance continues to recognize these three stages as the central structure of Indonesian migrant worker protection ([Republic of Indonesia, 2017](#)).

The division of governmental responsibility is another significant feature of the national legal framework. The central government is responsible for establishing policy, regulating placement, developing protection systems, conducting international cooperation, and coordinating services. Provincial and regency or municipal governments carry responsibilities related to information services, worker registration, competency preparation, supervision, return assistance, and reintegration within their respective jurisdictions. Village governments hold a strategic position because recruitment commonly begins in the worker's place of residence. Village-level responsibilities can help prevent document falsification, illegal recruitment, and departure through non-procedural channels by ensuring that prospective workers receive verified information from the earliest stage ([Republic of Indonesia, 2017](#)).

Institutional transformation has also affected the administration of migrant worker protection. The establishment of the Ministry of Migrant Worker Protection, together with the continued operation of the Indonesian Migrant Workers Protection Board (BP2MI, *Badan Pelindungan Pekerja Migran Indonesia*), reflects an effort to strengthen policy authority and operational coordination. Current regulations continue to recognize Law No. 18 of 2017 as a principal legal basis while adjusting institutional functions following the reorganization of migrant worker protection administration. Institutional elevation may improve coordination, yet its effectiveness depends on clear authority, reliable data exchange, adequate regional services, and measurable accountability for handling complaints and preventing violations ([Republic of Indonesia, 2024](#)).

The national legal framework has formally adopted many principles contained in international law, particularly human dignity, nondiscrimination, comprehensive protection, social security, access to legal assistance, and state responsibility. A normative problem remains visible in the dependence of protection on numerous institutions with different levels of authority and capacity. Regional governments may not provide uniform services, village governments may lack sufficient knowledge, private placement companies may prioritize commercial interests, and diplomatic missions must operate within foreign legal systems. This condition shows that the quality of protection is determined not only by the completeness of legislation but also by the ability of institutions to work as one continuous system ([Sundary & Muslikhah, 2024](#)).

The Indonesian legal framework can therefore be considered comprehensive at the regulatory level because it covers the entire migration process and distributes responsibilities across several layers of government. Practical effectiveness still requires strong supervision, integrated information systems, enforceable employment agreements, accessible complaint mechanisms, consistent sanctions, and active cooperation with destination countries. Legal protection will remain fragmented when each institution performs its duties separately without shared case management and clear responsibility for outcomes. The central issue is no longer merely whether the law recognizes migrant workers' rights but whether the protection system can ensure that those rights are actually received before departure, during employment abroad, and after returning to Indonesia ([Izzati, 2019](#)).

Implementation of Legal Protection for Indonesian Migrant Workers

The implementation of legal protection for Indonesian migrant workers involves a series of preventive, administrative, diplomatic, legal, and rehabilitative measures carried out

throughout the migration process. Law No. 18 of 2017 and Government Regulation No. 59 of 2021 provide the operational basis for protection before employment, during employment, and after employment. The implementation of this framework requires coordination among the Ministry of Indonesian Migrant Workers Protection, Indonesian Migrant Workers Protection Board, Ministry of Manpower, regional governments, village governments, diplomatic missions, social security institutions, and licensed placement companies. Presidential Regulation No. 130 of 2024 further emphasizes the strengthening of governance in the placement and protection of Indonesian migrant workers ([Republic of Indonesia, 2024](#)).

Pre-employment protection is implemented through the verification of job opportunities, worker registration, document validation, competency certification, health examinations, social security registration, employment agreement verification, and pre-departure orientation. These procedures are intended to ensure that workers understand their employer, occupation, salary, working hours, rights, obligations, and destination-country conditions before leaving Indonesia. The government also provides official labor market information and procedural placement channels to reduce workers' dependence on informal brokers. Effective verification at this stage is crucial because false job offers, substituted contracts, excessive placement costs, and document manipulation often occur before workers reach the destination country ([International Labour Organization, 2022](#)).

Village and regional governments occupy an important position in the implementation of pre-employment protection. Recruitment commonly begins within villages and local communities where prospective workers receive information from relatives, brokers, or former migrant workers. Local authorities are expected to record prospective workers, provide verified information, facilitate administrative services, support vocational preparation, and prevent non-procedural departures. Unequal administrative capacity among regions produces different levels of protection. Prospective workers living in areas with limited migration services may still rely on informal intermediaries because official procedures are considered complicated, distant, or difficult to understand ([Republic of Indonesia, 2017](#)).

Protection during employment is implemented through monitoring, consular services, complaint handling, mediation, legal assistance, temporary shelter, repatriation, and coordination with the authorities of destination countries. Indonesian diplomatic missions and labor attachés perform an essential role when workers experience unpaid wages, contract violations, violence, detention, immigration problems, illness, or criminal proceedings. Legal assistance may include providing information, facilitating communication with local authorities, appointing legal representatives, accompanying workers during examinations, gathering relevant documents, and pursuing employment-related claims. The effectiveness of consular protection depends heavily on the law of the destination country, the availability of evidence, the worker's immigration status, and the willingness of employers or local authorities to cooperate ([Tjitrawati & Romadhona, 2024](#)).

Complaint services have become a central instrument for identifying and responding to violations. Official statistics from the Ministry of Indonesian Migrant Workers Protection recorded approximately 2,800 complaints throughout 2025, representing a substantial increase in worker engagement with formal protection mechanisms. Analysis of these complaints indicates that major problems involve repatriation, which represents the largest category, followed by wage disputes, termination of employment, health-related issues, and immigration matters. Monthly records also show that 249 complaints were submitted in December 2025, representing a 15% increase from the same month of the previous year. These figures demonstrate that complaint mechanisms are functioning as an access point for workers, but the continuing scale of complaints also indicates that unresolved protection problems persist at substantial levels. The nature of the complaints indicates that post-employment issues, particularly repatriation and wage recovery, remain central to migrant workers' legal needs (Ministry of Indonesian Migrant Workers Protection, 2026).

The growing number of complaints should not automatically be interpreted as evidence of institutional failure because improved accessibility may encourage more workers and families to report cases. The data provided by the Ministry of Indonesian Migrant Workers Protection

represent documented complaints submitted through official channels and should be understood as indicators of worker needs and protection-system access points rather than complete representations of violations occurring in the migrant worker population. The quality of implementation must be evaluated through the speed of response, transparency of case progress, availability of legal assistance, recovery of workers' rights, and sustainability of remedies. A complaint cannot be considered fully resolved merely because the worker has been repatriated. Unpaid wages, compensation, criminal accountability, document recovery, medical treatment, and psychological rehabilitation may remain outstanding after repatriation. Case management therefore requires outcome-based indicators rather than administrative closure alone. The 2,800 complaints recorded during 2025 illustrate the scale of ongoing protection needs and demonstrate the importance of measuring institutional success through substantive recovery of workers' rights rather than through complaint-processing volume ([Ministry for the Protection of Indonesian Migrant Workers, 2026](#)).

The government has developed complaint channels, mediation services, advocacy mechanisms, and a twenty-four-hour protection system. Official information indicates that hundreds of complaints were handled during the first two hundred days of the new institutional administration between November 2024 and April 2025. Recent regulation also reorganizes complaint and case-handling procedures by requiring records regarding incoming complaints, referrals to relevant ministries or institutions, and completed cases. A centralized system can support accountability when every complaint receives a traceable registration number, a responsible case officer, documented intervention, and a measurable final outcome ([Ministry for the Protection of Indonesian Migrant Workers, 2025](#)).

Supervision of licensed Indonesian migrant worker placement companies constitutes another form of implementation. Government authorities may conduct direct and indirect supervision and impose administrative sanctions on companies that violate placement requirements. Supervision should cover recruitment advertisements, placement fees, worker training, contract accuracy, employer verification, document processing, accommodation, and departure procedures. Limited inspection capacity and the movement of illegal recruiters through personal networks or digital platforms remain major obstacles. Administrative sanctions against licensed companies may not reach unregistered intermediaries who recruit workers informally and transfer them through several jurisdictions ([Republic of Indonesia, 2021](#)).

Bilateral cooperation provides a practical mechanism for implementing protection in countries that have not adopted all relevant international migrant worker standards. Memoranda of understanding, bilateral agreements, standard employment contracts, joint committees, and placement systems can regulate minimum wages, rest periods, passport possession, dispute settlement, recruitment costs, social security, and repatriation responsibilities. The effectiveness of such agreements depends on the clarity of their provisions, enforceability within the destination country, periodic evaluation, and the availability of sanctions. Agreements that only express general commitments without accessible enforcement mechanisms provide limited assistance when workers face actual violations ([Aziz & Basir, 2021](#)).

Post-employment protection is implemented through repatriation assistance, social security claims, rehabilitation, empowerment, and economic reintegration. Returned migrant workers may require assistance in recovering unpaid wages, obtaining insurance benefits, managing trauma, restoring family relationships, or developing a sustainable source of income. Financial literacy programs and productive business assistance can reduce the possibility of repeated migration caused by financial pressure. Protection after employment should also include legal support for claims that remain active in destination countries, since physical return to Indonesia does not terminate the worker's entitlement to wages, compensation, or justice ([Maksum, 2021](#)).

Gender-responsive services are particularly necessary because a significant proportion of Indonesian migrant workers are women employed in domestic, care, and service sectors. Private households are difficult to supervise through ordinary labor inspection and may isolate workers from public assistance. Official cooperation programs have supported gender-responsive integrated services and stronger protection mechanisms for women migrant workers and their

children. Practical protection must include safe reporting channels, female officers, interpreters, shelters, health services, psychological support, and procedures that do not blame workers for the violence or exploitation they experience (Tandos et al., 2022).

The implementation of legal protection has consequently developed through wider institutional services, official placement systems, complaint mechanisms, consular assistance, supervision, and reintegration programs. Uneven regional capacity, illegal recruitment, fragmented case handling, limited cross-border enforcement, and differences in destination-country law continue to affect its effectiveness. The principal implementation gap lies between the procedural completion of protection services and the substantive recovery of workers' rights. Effective implementation must be measured by whether violations are prevented, complaints are resolved, wages and compensation are recovered, perpetrators are held accountable, and migrant workers can return safely with their dignity and legal rights restored (Palmer & Piper, 2023).

Discussion

Legal and Institutional Obstacles in Protecting Indonesian Migrant Workers

The protection of Indonesian migrant workers is supported by a relatively comprehensive legal framework, yet its implementation remains constrained by legal fragmentation, unequal institutional capacity, weak cross-border enforcement, and persistent non-procedural migration. Law No. 18 of 2017 distributes protection responsibilities among the central government, regional governments, village governments, diplomatic missions, and private placement companies. This distribution reflects the complexity of labor migration but also creates a risk of overlapping duties and unclear accountability when a case involves several institutions. A migrant worker may complete recruitment in one region, depart through another jurisdiction, work in a foreign country, and return through a different point of entry. The absence of continuous case ownership may cause protection to be divided into separate administrative stages rather than managed as a single legal process (Izzati, 2019).

Regulatory fragmentation constitutes the first legal obstacle. Migrant worker protection is governed by legislation concerning employment, immigration, human trafficking, social security, criminal law, regional government, foreign relations, and private placement companies. A conceptual model illustrating this fragmentation reveals that legal fragmentation leads to weak protection through a series of interconnected mechanisms: (1) sectoral separation, where each regulatory field operates independently without unified case management; (2) institutional multiplicity, where different agencies address different aspects of migrant worker protection without a coordinated strategy; (3) evidentiary division, where different legal fields require different types of proof and documentation; (4) remedial segmentation, where workers must pursue different claims through different institutions; and (5) accountability fragmentation, where no single institution bears responsibility for ensuring that the worker receives complete protection throughout the migration process. Each regulatory field possesses different procedures, responsible institutions, evidentiary requirements, and forms of sanction. A case involving illegal recruitment may simultaneously contain elements of administrative violation, fraud, document falsification, forced labor, and human trafficking. Law enforcement officers may apply only one legal category while neglecting the wider pattern of exploitation experienced by the worker. This sectoral approach can produce incomplete remedies because criminal prosecution, wage recovery, administrative sanctions, social rehabilitation, and compensation are handled through different mechanisms (Utami, 2024).

Legal uncertainty also arises from the relationship between Indonesian law and the law of the destination country. Indonesian legislation can regulate recruitment, placement, contracts, and institutional responsibility within Indonesian jurisdiction, but it cannot automatically compel foreign employers or authorities to comply with Indonesian standards. The enforceability of workers' rights abroad depends on the domestic legislation of the destination country, bilateral agreements, recognized employment contracts, and available judicial or administrative procedures. Destination countries that exclude domestic workers from ordinary labor legislation create a significant protection gap for Indonesian workers employed in private households. Diplomatic assistance may support the worker, yet consular officials cannot replace the authority

of local labor inspectors, prosecutors, or courts ([Tjitrawati & Romadhona, 2024](#)).

Limited ratification of international migrant worker instruments by destination countries further weakens the uniformity of protection. Indonesia has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but the Convention does not produce identical obligations in states that are not parties. International Labour Organization conventions concerning migrant workers and domestic workers have also not been universally ratified. Bilateral agreements become important instruments for addressing this gap, although their effectiveness varies according to the precision of their provisions, monitoring arrangements, complaint procedures, and legal enforceability. General diplomatic commitments provide limited protection when they do not establish clear consequences for employers, recruiters, or agencies that violate employment standards ([United Nations, 1990](#)).

Non-procedural recruitment remains one of the most serious practical obstacles. Informal brokers can operate through family relationships, community networks, personal recommendations, and digital communication platforms. Prospective workers may accept informal recruitment because it appears faster, easier, or less expensive than official procedures. Information asymmetry allows recruiters to conceal placement fees, alter job descriptions, promise unrealistic wages, or arrange departures using inappropriate visas. International Labour Organization findings indicate that unfair recruitment practices, excessive fees, deceptive intermediaries, and worker indebtedness continue to affect migrant workers despite regulations intended to establish fair or zero-cost recruitment ([International Labour Organization, 2024](#)).

Recruitment through illegal channels places workers outside several formal protection mechanisms. Employment agreements may not be registered, employers may not be verified, social security coverage may be absent, and worker data may not appear in official placement systems. Diplomatic missions may experience difficulty locating or identifying workers whose employment and residence are undocumented. Irregular status can also make workers reluctant to report abuse because they fear detention, deportation, or punishment for immigration violations. Human rights protection should remain available regardless of migration status, but the practical vulnerability of irregular workers is substantially higher because of their limited bargaining position and restricted access to public institutions ([Suyanto et al., 2020](#)).

Weak supervision of private placement companies and informal intermediaries forms another obstacle. Administrative licensing does not by itself guarantee compliance with recruitment standards. Effective supervision requires inspection of recruitment practices, financing arrangements, training centers, employment contracts, employer verification, worker accommodation, and complaint history. Recent enforcement actions against placement companies demonstrate that violations still include placements to restricted destinations, discrepancies between the promised and actual jobs, inadequate pre-departure preparation, failures in social protection, and unresolved cases involving workers already placed abroad. These actions show the importance of sanctions while also revealing continuing weaknesses in preventive oversight ([Izzati, 2019](#)).

Institutional coordination remains uneven across central, regional, and village levels. The establishment of a dedicated ministry has strengthened the formal position of migrant worker protection within the government structure. Coordination problems arise not primarily from resource limitations but from structural and procedural disconnections among institutions with overlapping but uncoordinated responsibilities. The Ministry of Indonesian Migrant Workers Protection coordinates policy and national strategy, but operational authority remains distributed among the Ministry of Foreign Affairs (diplomatic protection), the Ministry of Manpower (labor standards and workplace monitoring), Indonesian immigration authorities (border and immigration-status issues), regional governments (local services), village governments (recruitment oversight), and diplomatic missions abroad (consular assistance). Institutional elevation does not automatically remove coordination problems involving these diverse institutions. Government initiatives concerning institutional strengthening, regulatory harmonization, integrated complaint services, and interagency coordination indicate that these areas still require improvement ([Republic of Indonesia, 2024](#)).

Regional disparities also affect the quality of implementation. Some regional governments

possess dedicated service units, experienced personnel, training facilities, and established cooperation with migrant worker protection institutions. Other regions provide only limited information and administrative assistance. Village governments may lack adequate knowledge of official recruitment procedures, indicators of human trafficking, or the legal duties assigned under national law. Unequal local capacity creates different levels of protection for citizens depending on their place of origin. A national legal guarantee becomes less effective when the availability and quality of services vary widely among regions ([Republic of Indonesia, 2017](#)).

Data fragmentation presents a further institutional challenge. Worker information may be held separately by placement companies, regional governments, immigration authorities, social security institutions, diplomatic missions, and migrant worker protection agencies. Inconsistent names, identification numbers, employment contracts, employer details, and departure records may delay verification when a complaint is submitted. Integrated digital systems can improve traceability, but technological development must be accompanied by consistent data entry, institutional access, personal data protection, and clear responsibility for updating case information. The planned development of complaint applications with ticket numbers and traceable case status represents progress toward more accountable services, although effectiveness depends on implementation and accessibility for workers abroad ([Ibrahim et al., 2025](#)).

Access to justice remains constrained by procedural, financial, linguistic, and evidentiary barriers. Migrant workers may not understand the legal system of the destination country or may lack the resources to hire a lawyer. Employers may control passports, communication devices, accommodation, and transportation, making it difficult for workers to reach authorities. Wage violations and abuse frequently occur without witnesses or written evidence, especially in private households. Workers who return to Indonesia may lose the opportunity to attend hearings or present claims abroad. International research on cross-border labor justice confirms that mobility, immigration status, recruitment arrangements, and differences between legal systems complicate litigation and recovery of unpaid wages or compensation ([International Labour Organization, 2023](#)).

Complaint resolution is also affected by an administrative understanding of case completion. Repatriation may be recorded as a successful intervention even when unpaid wages, compensation, criminal proceedings, insurance claims, or psychological recovery remain unresolved. Institutional performance should not be measured only through the number of complaints received and closed. Substantive indicators must include the recovery of wages, return of documents, payment of compensation, provision of medical and psychological services, prosecution of perpetrators, and prevention of repeated violations. The 2,800 complaints recorded during 2025 illustrate the continuing need for strong monitoring, coordinated case handling, and outcome-based evaluation ([Ministry for the Protection of Indonesian Migrant Workers, 2026](#)).

Gender and occupational characteristics create additional institutional obstacles. Women migrant workers employed in domestic and care work often perform their duties inside private homes that are difficult to reach through ordinary labor inspection. Isolation from public spaces increases dependence on employers and reduces access to complaint channels. Migrant fishers experience different risks because their workplaces move across national waters and may involve complex chains of vessel ownership, recruitment, and employment responsibility. Sector-neutral regulations may fail to address these distinct conditions. Gender-responsive recruitment, risk-based inspection, and occupation-specific protection mechanisms are therefore necessary to respond to the actual settings in which violations occur ([International Labour Organization, 2024](#)).

The principal legal and institutional obstacle lies in the absence of a fully integrated accountability system capable of connecting prevention, placement, monitoring, complaint handling, legal remedies, repatriation, and reintegration. Existing institutions often perform important duties within their respective mandates, yet migrant workers experience protection as a continuous need rather than a collection of separate government functions. Clear division of authority must therefore be accompanied by shared case management, interoperable data,

minimum regional service standards, enforceable bilateral arrangements, and measurable responsibility for the final recovery of workers' rights. Legal protection will remain procedural when institutions are evaluated by completed activities rather than by the safety, justice, compensation, and restored dignity obtained by migrant workers (Sundry & Muslikhah, 2024).

Strengthening the Protection of Indonesian Migrant Workers through International and National Legal Integration

The protection of Indonesian migrant workers requires more than the simultaneous existence of international instruments and national regulations. Effective protection depends on the ability of both legal systems to operate as one connected framework. International law provides universal standards concerning human dignity, equality, fair working conditions, freedom from forced labor, access to justice, and state responsibility. National law translates those standards into administrative procedures, institutional duties, sanctions, services, and remedies. Weak integration between the two levels creates a situation in which international commitments remain normative while domestic implementation remains fragmented. Legal strengthening must therefore begin with the harmonization of international obligations, national legislation, implementing regulations, bilateral arrangements, and institutional practices (Sundry & Muslikhah, 2024).

Normative harmonization should ensure that every stage of migration reflects the rights recognized under international law. Recruitment rules must be aligned with the principles of informed consent, fair recruitment, nondiscrimination, and freedom from excessive placement costs. Employment agreements must contain enforceable provisions concerning wages, working hours, rest periods, occupational safety, passport possession, social security, dispute settlement, and repatriation. Complaint procedures must guarantee confidentiality, interpretation services, legal assistance, and protection from retaliation. Reintegration policies must acknowledge that state responsibility continues when legal claims, compensation, or social recovery remain unresolved after the worker returns to Indonesia. This approach would transform international standards into measurable domestic obligations (International Labour Organization, 2019).

Ratification of international instruments should be followed by a structured review of national legislation and institutional procedures. Indonesia has ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but the effectiveness of ratification depends on its use within legislation, administrative decisions, judicial reasoning, bilateral negotiations, and protection services. Relevant International Labour Organization principles should also guide the regulation of recruitment agencies, employment contracts, domestic work, forced labor, social security, and occupational safety. National legal reform should not merely reproduce the wording of international instruments. The reform must identify concrete duties, responsible institutions, implementation deadlines, reporting mechanisms, and sanctions for noncompliance (Republic of Indonesia, 2012; United Nations, 1990).

State responsibility must be organized through a clear and continuous division of authority. The central government should establish national standards, negotiate international cooperation, supervise placement systems, and ensure the availability of legal assistance abroad. Regional governments should provide accessible services for registration, competency preparation, document verification, family information, and reintegration. Village governments should function as the earliest protection point by identifying illegal recruitment, verifying prospective workers, and directing communities toward official procedures. Diplomatic missions should manage protection during employment through monitoring, complaint response, legal support, shelters, and coordination with destination-country authorities. Each institution must remain connected through a shared case-management system rather than treating protection as a sequence of unrelated administrative tasks (Republic of Indonesia, 2024).

Integrated data systems form an essential part of legal and institutional strengthening. A single worker record should contain verified information regarding identity, recruitment, placement company, employer, destination, employment agreement, social security, departure, complaints, legal assistance, repatriation, and reintegration. Authorized institutions should be

able to access and update relevant information according to their responsibilities. Migrant workers and their families should receive a traceable case number when submitting a complaint and should be able to monitor case progress through accessible channels. Personal data safeguards must remain strong because worker records may contain sensitive legal, health, financial, and family information. Data integration should serve protection and accountability rather than merely administrative efficiency ([Ibrahim et al., 2025](#)).

Bilateral and regional cooperation must complement the limitations of unilateral national law. Indonesia cannot independently enforce its labor standards against foreign employers operating under another state's jurisdiction. Bilateral agreements should therefore contain detailed and enforceable provisions rather than broad diplomatic commitments. Minimum standards should regulate recruitment costs, contract authentication, wages, working hours, rest days, freedom of communication, possession of travel documents, social security, inspection, complaint procedures, legal assistance, compensation, and repatriation. Joint committees should review implementation regularly, examine recurring violations, and recommend corrective action. Suspension of placement may remain necessary when a destination country cannot guarantee minimum protection or refuses to address systematic abuse ([Tjitrawati & Romadhona, 2024](#)).

Standard employment contracts should function as binding protection instruments across jurisdictions. Contracts must be available in a language understood by the worker and should receive verification before departure. Contract substitution must be treated as a serious violation because it removes the worker's ability to give informed consent to employment conditions. Employers and placement companies should bear joint responsibility when workers are placed under conditions different from those agreed upon. Dispute resolution clauses should identify the competent authority, applicable law, complaint channel, and mechanism for recovering unpaid wages or compensation. A contract-based approach becomes effective only when workers can enforce the agreement without facing prohibitive costs or immigration-related retaliation ([International Labour Organization, 2019](#)).

Fair recruitment must become a central preventive strategy. Prospective workers should not bear recruitment costs that create debt dependency or increase vulnerability to forced labor. Licensed placement companies must be subject to risk-based inspection, periodic compliance audits, transparent fee structures, and publication of sanction records. Digital recruitment advertisements should be verified and traceable to legally responsible entities. Informal intermediaries who recruit without authorization should face proportionate administrative and criminal consequences when their actions involve fraud, document falsification, trafficking, or exploitation. Community education should also explain official procedures, realistic employment conditions, warning signs of illegal recruitment, and available complaint channels ([International Labour Organization, 2022](#)).

Cross-border access to justice requires stronger procedural arrangements. Migrant workers should be able to submit complaints from the workplace, shelters, diplomatic missions, or after returning to Indonesia. Legal claims should not automatically end because a worker has been repatriated. Evidence collection should begin as soon as a complaint is received and may include employment contracts, wage records, medical reports, photographs, digital communication, witness statements, and immigration documents. Indonesian institutions should coordinate with foreign lawyers, trade unions, civil society organizations, and destination-country authorities when a claim must continue abroad. Remote hearings and digital submission of evidence may help workers participate in proceedings without returning to the destination country ([Saguin & Shivakoti, 2023](#)).

Consular protection should be strengthened through minimum service standards and outcome-based performance indicators. Diplomatic missions need trained labor officers, interpreters, legal aid networks, emergency shelters, psychological support, and sufficient protection budgets. Case resolution should be assessed through the recovery of rights rather than the completion of administrative activities. Indicators should include unpaid wages recovered, compensation obtained, documents returned, workers safely relocated, criminal cases pursued, social security claims paid, and repeated violations prevented. Repatriation alone should not be

considered complete protection when legal and financial losses remain unresolved ([Saguin & Shivakoti, 2023](#)).

Gender-responsive and occupation-specific protection must also form part of legal integration. Women employed in domestic and care work require confidential complaint mechanisms, safe shelters, reproductive health services, female officers, and protection against gender-based violence. Migrant fishers require rules addressing vessel ownership, recruitment chains, work at sea, communication access, and jurisdiction across national waters. Workers in construction, plantations, factories, and service sectors face different occupational risks and require sector-based monitoring. A uniform legal approach may provide general rights but cannot respond adequately to the specific environments in which abuse occurs ([International Labour Organization, 2024](#)).

Economic and social reintegration must be connected with legal recovery. Returned workers may need vocational assistance, business development support, financial literacy, counseling, family mediation, and recognition of skills acquired abroad. Reintegration programs should not replace the responsibility to resolve unpaid wages, compensation claims, or criminal cases. Economic empowerment becomes meaningful when workers return with restored rights rather than carrying unresolved losses and debt. Local governments should maintain follow-up records to identify repeated migration caused by exploitation, financial pressure, or failed reintegration ([Maksum, 2021](#)).

An integrated protection framework can be structured around five connected elements. The first element is preventive protection through verified recruitment, fair costs, competency preparation, and valid employment agreements. The second element is continuous monitoring through integrated worker data, diplomatic services, and employer supervision. The third element is accessible cross-border justice through complaints, legal assistance, evidence preservation, and enforceable remedies. The fourth element is coordinated accountability involving government institutions, placement companies, recruiters, employers, and destination-country authorities. The fifth element is rights-based recovery through repatriation, compensation, rehabilitation, and sustainable reintegration ([Hartono & Samsuria, 2021](#)).

The proposed framework constitutes the main novelty of this research because it places international legal standards and national implementation within one continuous accountability system. Previous approaches often separate international obligations, national regulation, recruitment supervision, consular protection, and reintegration into distinct areas of analysis. The integrated model treats these elements as mutually dependent parts of the same legal protection process. International standards become operational benchmarks, national law determines institutional duties, bilateral cooperation enables cross-border enforcement, and case management measures the actual recovery of workers' rights ([Ibrahim et al., 2025](#)).

Legal integration will be effective only when protection is assessed from the perspective of the migrant worker. A complete regulatory structure has limited value when workers cannot understand their contracts, report violations, obtain legal assistance, recover wages, or return safely. Strong protection must therefore produce legal certainty, physical security, fair treatment, effective remedies, and restored dignity throughout the migration cycle. The integration of international and national law provides the basis for transforming migrant worker protection from a collection of administrative services into a continuous and enforceable system of state responsibility that safeguards the rights and dignity of migrant workers ([Sundary & Muslikhah, 2024](#)).

CONCLUSION

This research demonstrates that legal protection for Indonesian migrant workers has obtained a strong normative foundation through international human rights instruments, international labor standards, and Indonesian legislation, particularly Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers. However, practical implementation has not fully reflected these legal guarantees due to non-procedural recruitment, fragmented institutional authority, unequal regional capacity, limited cross-border enforcement, weak supervision, and restricted access to effective legal remedies.

This research proposes an integrated legal protection framework that connects international standards, national regulations, bilateral cooperation, institutional coordination, integrated data systems, consular assistance, and cross-border access to justice throughout the migration cycle. Beyond its theoretical contribution, this framework offers practical guidance for strengthening state responsibility by ensuring that protection is continuously provided before employment, during employment abroad, and after migrant workers return to Indonesia. The novelty of this research lies in recognizing legal protection not as a collection of administrative services but as a continuous and enforceable system of state responsibility that safeguards both the rights and dignity of migrant workers.

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AUTHOR CONTRIBUTION STATEMENT

Deswita Rosra, Dwi Astuti Palupi, and Febrina Annisa contributed to the conceptualization of the study, analysis of international and national legal frameworks concerning the protection of Indonesian migrant workers, interpretation of the findings, and preparation of the manuscript. All authors contributed to the development of the research and approved the final version of the manuscript.

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