

Labor Migrant Policy in ASEAN States

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ABSTRACT: Labor migration has become a major trend in Southeast Asia, with Indonesia being one of the largest sending countries. Indonesian migrant workers (*PMI*) significantly contribute to the economy through remittances, but also face numerous challenges, including human rights violations and undocumented employment. This study examines Indonesia's responsibility to protect its migrant workers, in line with national legislation and international human rights standards. This is qualitative research that uses secondary data to examine social issues and individual activities, focusing on Indonesian migrant workers' protection, using a case study approach for in-depth examination. Indonesia has implemented various regulations to protect migrant workers, including the Indonesian Migrant Worker Protection Law ratified in 2017. The new legislation transfers responsibility for IMW protection to the central government, ensuring human rights and safeguards for IMW and their families. The Protection of Indonesian Workers (IMW) is a national policy designed to safeguard IMW's rights and uphold human rights. The government also establishes a task force to address legal matters concerning migrant workers overseas.

KEYWORDS: *Indonesia migrant workers; migrant protection; security; migration.*



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I. INTRODUCTION

“The best way to bring an end to forced labor, exploitation and human trafficking is to offer a legal system of migration” – Mohamed Yahya the UNDP Nigeria

Migration has been a significant trend in recent decades^{1,2,3,4,5}, with the International Labour Organization (ILO) reporting that the number of global migrants has reached over 232 million people⁶, with about half of them being migrant workers. Southeast Asia is one of the regions with a high flow of labor migration^{7,8,9}, with an estimated 169 million migrant workers in 2019, or 4.9% of the global workforce¹⁰. The impact of globalization brings its own issues for countries in the

¹ R. Yahdi Ramadani et al., ‘The Rights to Health for All: Is Indonesia Fully Committed to Protected Refugees and Asylum Seekers?’, *Jurnal Hubungan Luar Negeri* 8, no. 2 (28 December 2023): 55–80, <https://doi.org/10.70836/jh.v8i2.11>.

² Swen Hutter and Hanspeter Kriesi, ‘Politicising Immigration in Times of Crisis’, *Journal of Ethnic and Migration Studies* 48, no. 2 (25 January 2022): 341–65, <https://doi.org/10.1080/1369183X.2020.1853902>.

³ Hein de Haas et al., ‘International Migration: Trends, Determinants, and Policy Effects’, *Population and Development Review* 45, no. 4 (8 December 2019): 885–922, <https://doi.org/10.1111/padr.12291>.

⁴ Sonja Fransen and Hein de Haas, ‘Trends and Patterns of Global Refugee Migration’, *Population and Development Review* 48, no. 1 (March 2022): 97–128, <https://doi.org/10.1111/padr.12456>.

⁵ Mathias Czaika and Hein de Haas, ‘The Globalization of Migration: Has the World Become More Migratory?’, *International Migration Review* 48, no. 2 (19 June 2014): 283–323, <https://doi.org/10.1111/imre.12095>.

⁶ Jonathan Chaloff and Philippe Hervé, ‘Trends in Labor Migration in Asia’, in *Innovative Approaches for the Management of Labor Migration in Asia*, 1st ed. (OECD, Asian Development Bank Institute, International Labour Organization, 2020).

⁷ Piriya Pholphirul, ‘South–South Labour Migration and Sustainable Development: Implications for Southeast Asian Countries’, *Sustainable Development* 27, no. 1 (24 January 2019): 1–12, <https://doi.org/10.1002/sd.1876>.

⁸ Graeme Hugo, ‘International Labour Migration and Migration Policies in Southeast Asia’, *Asian Journal of Social Science* 40, no. 4 (2012): 392–418, <https://doi.org/10.1163/15685314-12341250>.

⁹ Eric Fong, Kumiko Shibuya, and Xi Chen, ‘Migration among East and Southeast Asian Economies’, *International Migration* 58, no. 4 (19 August 2020): 69–84, <https://doi.org/10.1111/imig.12653>.

¹⁰ Kerilyn Schewel and Alix Debray, ‘Global Trends in South–South Migration’, *The Palgrave Handbook of South-South Migration and Inequality*, Londres, Palgrave Macmillan, 2024, 153–81.

Southeast Asian region, particularly concerning the issue of citizen migration¹¹. Migration occurs for various reasons, including economic¹², conflict¹³, leisure¹⁴, education¹⁵, religious purpose¹⁶, marriage^{17, 18, 19}, natural disasters^{20,21,22}, or other reasons.

In Southeast Asian countries, part of the Association of Southeast Asian Nations (ASEAN), migration is dominated by those who move for economic reasons as migrant workers^{23,24}. The presence of migrant

¹¹ Jian-Bang Deng, Hermin Indah Wahyuni, and Vissia Ita Yulianto, 'Labor Migration from Southeast Asia to Taiwan: Issues, Public Responses and Future Development', *Asian Education and Development Studies* 10, no. 1 (19 May 2020): 69–81, <https://doi.org/10.1108/AEDS-02-2019-0043>.

¹² Peter A Fischer, Reiner Martin, and Thomas Straubhaar, 'Should I Stay or Should I Go?', in *International Migration, Immobility and Development* (Routledge, 2021), 49–90.

¹³ Cristina Mesa-Vieira et al., 'Mental Health of Migrants with Pre-Migration Exposure to Armed Conflict: A Systematic Review and Meta-Analysis', *The Lancet Public Health* 7, no. 5 (May 2022): e469–81, [https://doi.org/10.1016/S2468-2667\(22\)00061-5](https://doi.org/10.1016/S2468-2667(22)00061-5).

¹⁴ Nicola De Martini Ugolotti and Jayne Caudwell, 'Leisure and Forced Migration: Lives Lived in Asylum Systems', in *Leisure and Forced Migration* (Routledge, 2021), 1–18.

¹⁵ Michael A. Clemens and Mariapia Mendola, 'Migration from Developing Countries: Selection, Income Elasticity, and Simpson's Paradox', *Journal of Development Economics* 171 (October 2024): 103359, <https://doi.org/10.1016/j.jdeveco.2024.103359>.

¹⁶ Hein De Haas, Stephen Castles, and Mark J Miller, *The Age of Migration: International Population Movements in the Modern World* (Bloomsbury Publishing, 2019).

¹⁷ Wei-Jun Jean Yeung and Zheng Mu, 'Migration and Marriage in Asian Contexts', *Journal of Ethnic and Migration Studies* 46, no. 14 (12 September 2020): 2863–79, <https://doi.org/10.1080/1369183X.2019.1585005>.

¹⁸ Katharine Charsley et al., *Marriage Migration and Integration* (Cham: Springer International Publishing, 2020), <https://doi.org/10.1007/978-3-030-40252-5>.

¹⁹ Rosemary Breger and Rosanna Hill, *Cross-Cultural Marriage: Identity and Choice* (Routledge, 2021).

²⁰ Schewel and Debray, 'Global Trends in South–South Migration'.

²¹ M Rezaul Islam and Niaz Ahmed Khan, 'Threats, Vulnerability, Resilience and Displacement among the Climate Change and Natural Disaster-Affected People in South-East Asia: An Overview', *Climate Change Mitigation and Sustainable Development*, 2020, 111–38.

²² Aktieva Tri Tjitrawati, Mohammad Tavip, and Mochamad Kevin Romadhona, 'Integrative Social-Health Security For Indonesian Migrant Workers: Does Fully Covered And Protected?', *Malaysian Journal of Medicine and Health Sciences*, 2023.

²³ Arisman Arisman and Ratnawati Kusuma Jaya, 'Labour Migration in ASEAN: Indonesian Migrant Workers in Johor Bahru, Malaysia', *Asian Education and Development Studies* 10, no. 1 (20 August 2020): 27–39, <https://doi.org/10.1108/AEDS-02-2019-0034>.

²⁴ Eric Fong and Kumiko Shibuya, 'Migration Patterns in East and Southeast Asia: Causes and Consequences', *Annual Review of Sociology* 46, no. 1 (30 July 2020): 511–31, <https://doi.org/10.1146/annurev-soc-121919-054644>.

workers in the ASEAN region plays an important role from an economic perspective^{25,26}, as it represents a form of redistribution of human resources that significantly contributes to the production of goods and services in the region^{27,28,29}. Indonesia, along with the Philippines, Vietnam, Myanmar, and Laos, plays a role as one of the sending countries. Migrant workers are present in all sectors of the economy and play an important role in economic growth both for their home country and the country where they work^{30,31, 32}. However, the increasing migration of citizens is also accompanied by various cases of violations of their human rights^{33,34,35,36}. This raises demands

²⁵ Anisa Santoso, *Migrant Workers and ASEAN* (New York : Routledge, 2017.: Routledge, 2017), <https://doi.org/10.4324/9781315512457>.

²⁶ Muhammad Azam, 'The Role of Migrant Workers Remittances in Fostering Economic Growth', *International Journal of Social Economics* 42, no. 8 (10 August 2015): 690–705, <https://doi.org/10.1108/IJSE-11-2013-0255>.

²⁷ Brenda S.A. Yeoh, Shirlena Huang, and Joaquin Gonzalez, 'Migrant Female Domestic Workers: Debating the Economic, Social and Political Impacts in Singapore', *International Migration Review* 33, no. 1 (1 March 1999): 114–36, <https://doi.org/10.1177/019791839903300105>.

²⁸ Kathleen Newland and Erin Patrick, 'Beyond Remittances: The Role of Diaspora in Poverty Reduction in Their Countries of Origin, a Scoping Study by the Migration Policy Institute for the Department of International Development', *Migration Policy Institute*, 2004.

²⁹ Peter Stalker, *Workers without Frontiers: The Impact of Globalization on International Migration* (International Labour Organization, 2000).

³⁰ Stephan Brunow, Peter Nijkamp, and Jacques Poot, 'The Impact of International Migration on Economic Growth in the Global Economy', 2015, 1027–75, <https://doi.org/10.1016/B978-0-444-53768-3.00019-9>.

³¹ J Edward Taylor et al., 'International Migration and National Development', *Population Index*, 1996, 181–212.

³² Stephen Castles, 'International Migration at a Crossroads', in *The Politics of Citizenship in Immigrant Democracies* (Routledge, 2017), 89–106.

³³ Stefanie Grant and Harrison Grant Solicitors, 'International Migration and Human Rights', 2005.

³⁴ Elspeth Guild, Stefanie Grant, and Cornelis A Groenendijk, *Human Rights of Migrants in the 21st Century* (Routledge, 2017).

³⁵ Isabelle Slinckx, 'Migrants' Rights in UN Human Rights Conventions', in *Migration and Human Rights: The United Nations Convention on Migrant Workers' Rights* (Cambridge University Press Cambridge, 2009), 122–49.

³⁶ Martin Ruhs, 'Migrant Rights, Immigration Policy and Human Development', *Journal of Human Development and Capabilities* 11, no. 2 (May 2010): 259–79, <https://doi.org/10.1080/19452821003677343>.

for every country to protect all its citizens, both domestically and abroad, while still upholding their human rights (HR).

The population of Indonesia grows significantly each year, which affects the growth of the workforce. However, this growth cannot be well accommodated due to limited job opportunities, leading to other issues such as the increasing unemployment rate. The limited job market within the country drives Indonesian citizens to seek employment abroad, commonly referred to as Indonesian migrant workers or PMI for short. The term Indonesian Migrant Workers (PMI) or Indonesian Migrant Labor (IMW) is not as popular as the terms Indonesian Workers (TKI) or Indonesian Female Workers (TKW). The definitions of PMI (*Pekerja Migran Indonesia*) still the same as TKI (*Tenaga Kerja Indonesia*)³⁷, but the use of the term TKI has been adjusted to PMI following Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers³⁸. Indonesian migrant workers are individuals who work or are currently working outside the country's territory³⁹. The number of officially registered Indonesian migrant workers is around 708,141, with the World Bank reporting nine million placed abroad in 2017. This increase in unregistered workers poses employment and immigration issues. In 2018, remittance inflows from Indonesian workers abroad reached US\$10.8 billion, equivalent to Rp151 trillion. In 2018, the number of Indonesian workers employed overseas reached 3.65 million.

³⁷ Irfan Wahyudi et al., 'Biosecurity Infectious Diseases of the Returning Indonesian Migrant Workers', *Global Security: Health, Science and Policy* 9, no. 1 (31 December 2024), <https://doi.org/10.1080/23779497.2024.2358756>.

³⁸ Tjitrawati, Tavip, and Romadhona, 'Integrative Social-Health Security For Indonesian Migrant Workers: Does Fully Covered And Protected?'

³⁹ Aswatini Anaf et al., 'Indonesian Migrant Workers: The Migration Process and Vulnerability to COVID-19', *Journal of Environmental and Public Health* 2022, no. 1 (15 January 2022), <https://doi.org/10.1155/2022/2563684>.

Job is a fundamental human right, as per the United Nations Declaration of Human Rights of 1948, Article 23⁴⁰, and the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966⁴¹, Article 6. The International Convention on the Protection of the Rights of All Migrant Workers and their Families of 1990 emphasizes the importance of documentation for the protection of migrant workers. This document ensures that no minors are employed as migrant workers and minimizes the occurrence of human trafficking and smuggling practices. Migration brings benefits such as opening up job opportunities and improving the economic situation of migrant families⁴², provided that the jobs they undertake align with their work contracts and are in good conditions⁴³. However, the increasing population and the number of impoverished individuals pose a challenge for the Indonesian government to provide welfare and prosperity for its people, particularly in creating job opportunities. Migration is one of the solutions to seek a better livelihood in order to survive. According to data collected by the Ministry of Foreign Affairs, there are 2.7 million Indonesian citizens (WNI) living abroad, with the total number of WNI abroad estimated to reach 4.3 million people. Indonesia is the largest sender of migrant

⁴⁰ Josephine Yam and Joshua August Skorburg, 'From Human Resources to Human Rights: Impact Assessments for Hiring Algorithms', *Ethics and Information Technology* 23, no. 4 (25 December 2021): 611–23, <https://doi.org/10.1007/s10676-021-09599-7>.

⁴¹ Eberhard Eichenhofer, 'Rights and Principles of the Economic, Social and Cultural Order', in *Writing Constitutions* (Cham: Springer International Publishing, 2024), 393–466, https://doi.org/10.1007/978-3-031-39622-9_11.

⁴² Jagannath Adhikari et al., 'Foreign Labour Migration in Nepal in Relation to COVID-19: Analysis of Migrants' Aspirations, Policy Response and Policy Gaps from Disaster Justice Perspective', *Journal of Ethnic and Migration Studies* 49, no. 20 (14 December 2023): 5219–37, <https://doi.org/10.1080/1369183X.2024.2268983>.

⁴³ Diana Suhardiman et al., 'On the Coattails of Globalization: Migration, Migrants and COVID-19 in Asia', *Journal of Ethnic and Migration Studies* 47, no. 1 (2 January 2021): 88–109, <https://doi.org/10.1080/1369183X.2020.1844561>.

workers abroad in Southeast Asia after the Philippines⁴⁴, with 275,736 people placed overseas. Remittances from Indonesian migrant workers reached 8.6 billion USD, equivalent to 119 trillion. The largest remittances come from Indonesian workers employed in Asia⁴⁵, such as Malaysia Taiwan, Hong Kong, China, Japan, and South Korea, followed by countries in the Middle East⁴⁶ like Saudi Arabia and the United Arab Emirates, and then from America, Europe⁴⁷, and Australia⁴⁸. Migrant workers generally prefer to work in neighboring countries with similar cultures and languages⁴⁹. For example, workers from Indonesia prefer to work in Malaysia due to its culturally similar country and geographical proximity^{50,51}. This research identifies and analyzes the Indonesia responsibility to protect Indonesian migrant workers. Furthermore, to what extent has Indonesia's regulatory approach fulfilled its obligations in protecting migrant workers, and what challenges remain, and the comparison policy to ASEAN Countries?

⁴⁴ Anaf et al., 'Indonesian Migrant Workers: The Migration Process and Vulnerability to COVID-19'.

⁴⁵ Jannatul Ferdous and Monojit Das, 'From Remittances to Representation: The Asian Diaspora in Development and Politics', *International Journal of Development Issues*, 27 November 2024, <https://doi.org/10.1108/IJDI-07-2024-0189>.

⁴⁶ Pam Nilan and Yekti Maunati, 'Innovative Studies of Migration and Mobility in Southeast Asia', in *Decolonising Social Science Research in Southeast Asia* (Singapore: Springer Nature Singapore, 2025), 163–88, https://doi.org/10.1007/978-981-96-4624-1_7.

⁴⁷ A. G. Volodin, 'Migrations from Southeast Asia to Western Europe: Historical and Economic Sources and Current Problems', *Herald of the Russian Academy of Sciences* 93, no. 5 (2 October 2023): 275–84, <https://doi.org/10.1134/S1019331623010070>.

⁴⁸ Kirstie Petrou and John Connell, *Pacific Islands Guestworkers in Australia* (Singapore: Springer Nature Singapore, 2023), <https://doi.org/10.1007/978-981-19-5387-3>.

⁴⁹ Vedran Omanović and Ann Langley, 'Assimilation, Integration or Inclusion? A Dialectical Perspective on the Organizational Socialization of Migrants', *Journal of Management Inquiry* 32, no. 1 (13 January 2023): 76–97, <https://doi.org/10.1177/10564926211063777>.

⁵⁰ Azlizan Mat Enh et al., 'Life Experiences and Cultural Adaptation among Migrant Workers in Malaysia', *Comparative Migration Studies* 12, no. 1 (5 January 2024): 1, <https://doi.org/10.1186/s40878-023-00360-1>.

⁵¹ Patricia Yocie Hierofani, 'Productive and Deferential Bodies: The Experiences of Indonesian Domestic Workers in Malaysia', *Gender, Place & Culture* 28, no. 12 (2 December 2021): 1738–54, <https://doi.org/10.1080/0966369X.2020.1855121>.

II. THEORETICAL FRAMEWORK

Everett Lee's significant theory of international migration, articulated in 1966, addresses the push and pull forces that motivate individuals to travel across nations. Push factors from the migrants' nation of origin include inadequate pay, restricted employment possibilities, and little social access. Concurrently, the attractive elements of the host nation include competitive salaries, minimal unemployment rates, and the propensity of people to depart from their place of origin⁵². The neoclassical economic theory evolved, articulated by Douglas S. Massey et al. (1993) from both macroeconomic and microeconomic perspectives⁵³. This macro perspective posits that the primary impetus for migration is the disparity in wages between the origin and destination nations. If pay disparities do not exist, worker migration will cease, since migrant workers would not relocate without evident differences in compensation. Moreover, international migration is shaped by labor market dynamics. This indicates that other markets, like the insurance and finance markets, have little influence on the movement of migratory labor. Moreover, the government may regulate international worker movement via labor market policies in both the origin and destination countries. The micro method is equally applicable in this theory, complementing the macro approach⁵⁴. An individual who chooses to migrate has assessed the costs and advantages, finally determining that migration yields a net income superior to that obtainable in the migrant worker's place of origin.

⁵² Everett S Lee, 'A Theory of Migration', *Demography* 3 (1966): 47–57.

⁵³ Douglas S. Massey et al., 'Theories of International Migration: A Review and Appraisal', *Population and Development Review* 19, no. 3 (September 1993): 431, <https://doi.org/10.2307/2938462>.

⁵⁴ Massey et al.

Migrant workers project that future net gains arise from the focus on their salaries and the potential amplification of their labor in the host nation. Furthermore, the policies of both the sending and receiving nations significantly affect the magnitude of labor migration. The New Economics of Migration Theory proposed by Stark and Bloom (1985) addresses the neoclassical economic theory⁵⁵. Within the context of migration studies, this theory views families, homes, and other cultural entities as units of production and consumption. Furthermore, salary disparities are not a factor in determining an individual's decision to move. Consequently, international migration will persist regardless of the lack of visible pay disparities for migrant workers.

Migration is certain if other domestic markets, such as the insurance, capital, and credit card markets, are flawed, notwithstanding their existence and inadequate accessibility. The government has the authority and capability to alter the magnitude of labor migratory flows by implementing policies aimed at enhancing other markets⁵⁶. Five The subsequent theory concerning international migration is the Segmentation of Labor Market Theory⁵⁷. This theory emphasizes the significance of institutional issues, alongside race and gender, in the stratification of the labor market. International labor migration consistently experiences significant demand, with the first step including recruiting by companies in the host countries or governmental entities. Recruiting strategies, rather than salary proposals, demonstrate the inherent link between economic requirements and the need for foreign labor. The disparity in salary

⁵⁵ Oded Stark and David E Bloom, 'The New Economics of Labor Migration', *The American Economic Review* 75, no. 2 (1985): 173–78, <http://www.jstor.org/stable/1805591>.

⁵⁶ Stark and Bloom.

⁵⁷ M J Castles and Mark Miller, *The Age Of Migration: International Population Movements In The Modern World*, 4th ed. (Geneva: Palgrave Macmillan Publisher, 2009).

offers is neither a need nor a sufficient condition for the recognition and occurrence of labor migration. The government can affect international migration, but only via significant changes in economic structure⁵⁸. Subsequently, in 2009, Castles and Miller introduced the Historical-Structural Theory. This theory asserts that international migration results from the disparate allocation of economic and political power within the global economy⁵⁹. This theory parallels the World System Theory proposed by D.S. Massey (2009). This theory posits that the capitalist economic interaction with non-capitalist or pre-capitalist cultures engenders a migratory population, hence facilitating the choice to migrate⁶⁰. The prevailing theory recognized by researchers is the Social Capital Theory articulated by Castles and Miller, which elaborates on the notion of migratory networks⁶¹. This idea posits that international migration perpetually grows, forming a vast network that facilitates ease of movement for all individuals. The evident correlation referenced is the disparity in earnings and employment prospects. Under these conditions, the government's management of migration via policy is very difficult to regulate. The network of migrant workers has established its system overseas and is not reliant on government laws⁶². Eight An illustration of this notion is the migration of the Madurese ethnic group to adjacent Malaysia⁶³. The Madurese ethnic network has considerable strength during all phases of migration.

⁵⁸ De Haas, Castles, and Miller, *The Age of Migration: International Population Movements in the Modern World*.

⁵⁹ Castles and Miller, *The Age Of Migration: International Population Movements In The Modern World*.

⁶⁰ Douglas S Massey, *The Political Economy of Migration in an Era of Globalization*, 2009.

⁶¹ Castles and Miller, *The Age Of Migration: International Population Movements In The Modern World*.

⁶² Castles and Miller.

⁶³ Bambang Sugeng Ariadi Subagyo et al., 'Can Indonesia's Laws Keep Up? Protecting Consumer Rights in Digital Transactions', *Journal of Law and Legal Reform* 5, no. 3 (31 October 2024): 869–90, <https://doi.org/10.15294/jllr.v5i3.4202>.

They disregard the prevailing restrictions while migrating. They possess strong confidence that, should challenges emerge in Malaysia, their siblings, relatives, and other family members would assist in resolving such concerns. They seek employment, calculate competitive compensation in Malaysia, and tackle legal challenges within the country. This network will persist in its movement and expansion to address the challenges encountered by its members. The similarities in race, culture, geographical location, and language between Indonesia and Malaysia, alongside the disparities in labor markets and economies, the closeness of borders, the formation of migration networks, and the accessibility of transportation and information technology, are determinants of the migration patterns of workers from Indonesia to Malaysia^{64,65}. In the Social Capital Theory articulated there are a minimum of three goals to be accomplished⁶⁶. The first objective is to elucidate and delineate modern worldwide migration. Secondly, it clarifies how the presence of migratory workers enhances ethnic diversity within society and thirdly, how this migration aligns with broader social, cultural, and political progress.

In the end, we establish a connection between two perspectives by scrutinizing the complex relationship between migration and the growth of ethnic diversity⁶⁷. This book provides a deep examination of Neoclassical and Historical-Structure Theory, which are inextricably linked, like two sides of a coin. The Neoclassical Theory

⁶⁴ Lin Mei, 'Indonesian Labor Migrants in Malaysia: A Study from China. Kuala Lumpur', ICS Working Paper (Kuala Lumpur, 2006).

⁶⁵ Sri Endah Kinasih et al., 'Human Migration, Infectious Diseases, Plague, Global Health Crisis - Historical Evidence', *Cogent Arts & Humanities* 11, no. 1 (31 December 2024), <https://doi.org/10.1080/23311983.2024.2392399>.

⁶⁶ Castles and Miller, *The Age Of Migration: International Population Movements In The Modern World*.

⁶⁷ Eni Sugiarti et al., 'Contesting Sovereignty: The State-Indigenous Relations at the Indonesia - Timor-Leste Borderlands', *JAS (Journal of ASEAN Studies)* 12, no. 2 (29 April 2024): 439–60, <https://doi.org/10.21512/jas.v12i2.11467>.

emphasizes the reasons and historical context of migration, although it is inadequate in its explanatory power. Simultaneously, historical structure excessively depends on elucidating the significance of financial profits and the function of human action. Subsequently, they examined labor migration laws, including matters pertaining to irregular immigration, as well as the implications for regional organizations like the EU (European Union) and the nexus between migration and security. The empirical procedure revealed that migration also contributes to the development of nations. Subsequently, it also examines migration resulting from compulsion. For economic advancement to occur, economic mobility is necessary, and migrant laborers play several significant roles⁶⁸. Consequently, the state's function in the first phases of migration is to influence the identity of ethnic groups. Furthermore, the optimal approach to controlling this movement is to avert marginalization and social discord by conferring full rights and lasting social integration to the migrants.

Moreover, the globalization of modern migration control highlights how governments externalize border policing to evade direct accountability for asylum applicants⁶⁹. The study includes methods such as offshore processing, visa limitations, carrier penalties, and collaboration with foreign nations to intercept or dissuade migrants before their arrival at a state's borders. Contends that these extraterritorial measures undermine the fundamental tenets of the 1951 Refugee Convention, including the right to seek refuge and the ban on refoulement (the return to a place where one is at risk of

⁶⁸ Douglas S Massey, 'Economic Development and International Migration in Comparative Perspective', in *Determinants of Emigration from Mexico, Central America, and the Caribbean* (Routledge, 2019), 13–47.

⁶⁹ Thomas Gammeltoft-Hansen, *Access to Asylum: International Refugee Law and the Globalisation of Migration Control*, vol. 77 (Cambridge University Press, 2011).

persecution)⁷⁰. Although nations officially adhere to international refugee law, they have, in reality, devised intricate legal and political techniques to evade their commitments. Gammeltoft-Hansen illustrates the erosion of conventional concepts of geographical jurisdiction by examining these trends from a legal and political perspective. Asserts that international refugee law must adapt to these changes in power and duty, ensuring that protection mechanisms remain significant in a globalized migratory context. In relation to state responsibilities and international migration, Shaffer's (2020) Transnational Legal Orders (TLOs) framework explains that migration law isn't just limited to one country⁷¹, it develops from the ongoing interaction of global standards, regional customs, and national laws. The state serves not just as a law enforcer but also as a pivotal participant in upholding or subverting the international legal framework. The state's obligation is paramount in safeguarding the rights of migrants within an evolving international legal framework.

III. METHODS

This study employs qualitative comparative analysis based on policy documents, government reports, and international assessments. The countries are grouped into sending and receiving categories, and their policies are analyzed using a set of indicators, including legal framework, institutional structures, worker protection, and challenges in implementation. Meanwhile, the approach used is a case study, which focuses on a specific object, allowing for intensive, and detailed. Using policy papers, legal texts, and datasets as research data. Thus, the research focuses on identifying how the state is

⁷⁰ R Yahdi Ramadani, Aktieva Tri Tjitrawati, and Mochamad Kevin Romadhona, 'Humanitarian Commitment: Indonesia's Policy on Refugees' Rights to Health', *Healthcare in Low-Resource Settings* 12, no. s2 (29 January 2025), <https://doi.org/10.4081/hls.2024.12603>.

⁷¹ Gregory Shaffer and Ely Aaronson, *Transnational Legal Ordering of Criminal Justice* (Cambridge University Press, 2020).

responsible for providing full protection to its Indonesia migrant workers.

IV. RESULT

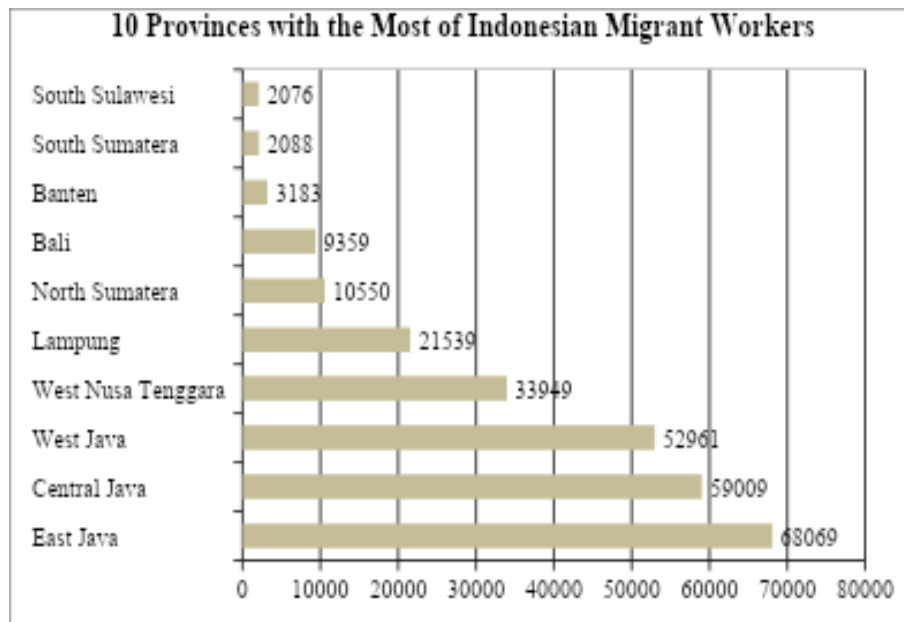


Figure 1. The Data of Most Indonesia Migrant Workers Origins

The Indonesian Migrant Workers Protection Boards (*BP2MI*) reported that the number of Indonesian migrant workers (IMW) was 274.965 people throughout 2023 of this total, IMWs from East Java dominated, totaling 68.069 people or 24.75% of the total IMWs last year. Next, IMWs from Central Java ranked second with a total of 59.009 people, followed by IMWs from West Java and West Nusa Tenggara with 52.961 people and 33.949 people respectively. Meanwhile, North Maluku was the province of origin for the fewest IMWs throughout the past year, with only a total of 12 people. It was followed by IMWs from West Papua and Gorontalo with 15 people and 20 people respectively. Throughout 2023, the majority of IMWs were placed in Taiwan, totaling 83.216 people. This number is equivalent to 30.26% of the total population of Indonesian migrant workers in the previous year. The next largest destination country for

IMWs is Malaysia, which accommodates 72.260 IMWs, followed by Hong Kong with 65.916 people and South Korea with 12.580 people. The majority, or 66.362 IMWs, worked as domestic helpers throughout the past year, followed by IMWs working as caregivers, totaling 54.665 people, and plantation workers, totaling 25.163 people. Meanwhile, in the previous year, which was 2022, the Indonesian Migrant Worker Protection Boards (*BP2MI*) recorded that the placement of Indonesian migrant workers reached 24.088 people in October 2022. This figure grew by 10.8% compared to the previous month (month-on-month/mom). In October 2022, the majority of IMWs were placed in Malaysia, totaling 7.094 people or 29% of the total Indonesian migrant worker population for that month. The next largest destination country is Hong Kong, which accommodated 6.448 IMWs, followed by Taiwan with 6.055 people, and South Korea with 1.806 people (See Figure 1).



Figure 2. Most Receiving Countries of Indonesia Migrant Workers

According to the report from the Indonesian Migrant Workers Protection Boards (*BP2MI*), the placement of Indonesian migrant workers (IMWs) reached 274.965 people throughout 2023. This

achievement grew by 36.96% compared to the previous year's period, which 200.761 people. Throughout 2023, the majority of IMWs were placed in Taiwan, totaling 83.216 people. This number is equivalent to 30.26% of the total population of Indonesian migrant workers in the previous year. The largest destination country for IMWs after Taiwan is Malaysia, accommodating 72.260 IMWs. Following Malaysia are Hong Kong with 65.916 people and South Korea with 12.580 people. Meanwhile, the destination countries with the fewest Indonesian migrant workers throughout 2023 were Austria with 15 IMWs. Then, there were Dominica and Cambodia, each accommodating 45 and 49 IMWs respectively throughout the last year. In terms of professions, IMWs were predominantly employed as domestic helpers throughout the past year, totaling 66.362 people. This is followed by caregiver professions with 54.665 people and plantation workers with 25.163 people (See Figure 2).

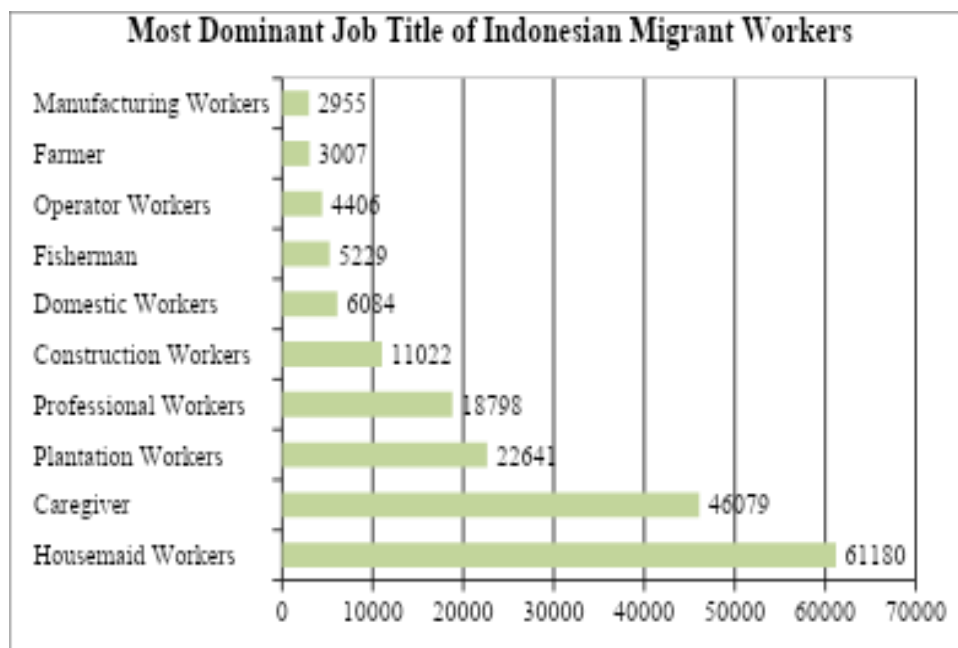


Figure 3. The Highest Number of Job Position of Indonesian Migrant Workers
According to statistics compiled by the Indonesian Migrant Workers Protection Boards (*BP2MI*), the deployment of Indonesian migrant

workers (IMWs) soared to 237.992 individuals between January and October 2023. This figure was dominated by female IMWs, comprising a substantial 146.785 workers, while the remaining 91.207 were male IMWs. The primary occupation among IMWs was in domestic service, with a staggering 61,180 individuals engaged in this line of work, constituting approximately 25.70% of the total IMW workforce during the specified period. Following closely behind was the role of caregiver, with 46.079 individuals, accounting for 19.36% of the total IMWs during this timeframe. In addition to these roles, there were IMWs employed in various other sectors. Notably, 22.641 people found employment as plantation workers, with an additional 18.798 people working in general labor positions. Conversely, certain occupations were less prevalent among IMWs. For instance, the role of furniture upholsterer attracted only 173 people, while the occupation of restaurant server employed 181 people. Similarly, the agricultural sector saw minimal IMW participation, with just 203 people engaged in farming-related work. Overall, these statistics shed light on the diverse range of employment opportunities pursued by Indonesian migrant workers, showcasing both the prevalence of certain occupations and the relative scarcity of others within this demographic (See Figure 3).

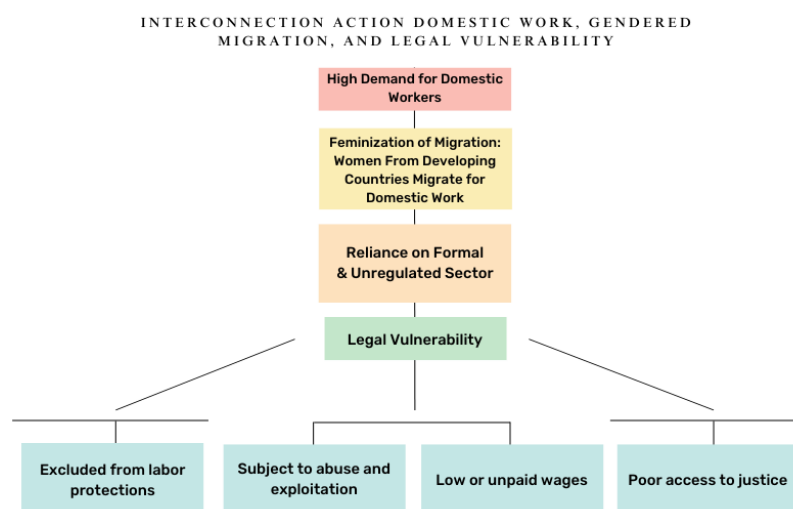


Figure 4. Interconnection Between Domestic Work, Gendered Migration, and Legal Vulnerability

Domestic labor has emerged as a vital sector in the global economy, particularly in affluent nations and metropolitan areas (Dicken, 2003). The increasing need for caregiving and domestic services has attracted a significant influx of laborers from underdeveloped countries^{72,73}. A majority of these workers are women moving autonomously in pursuit of employment a phenomenon referred to as the feminization of migration⁷⁴. This movement provides economic opportunity but also subjects women to considerable hazards. Often, domestic workers engage in informal work without contracts and are not subject to national labor regulations. Numerous individuals endure extended working hours, unpaid salaries, and limited access to legal assistance or rights. The *kafala* system in several Middle Eastern nations intensifies reliance and vulnerability by limiting movement and work rights^{75,76}. The ubiquity of domestic labor, female migration, and legal vulnerability create an interrelated cycle that sustains exploitation. Altering this cycle requires legislative changes, equitable migration systems, and comprehensive acknowledgment of domestic workers' rights and their contributions to the global economy.

⁷² Shahra Razavi and Silke Staab, 'Underpaid and Overworked: A Cross-national Perspective on Care Workers', *International Labour Review* 149, no. 4 (2010): 407–22.

⁷³ Mochamad Kevin Romadhona et al., 'Palestine Under Attack: Humanitarian Principles in Case of Armed Conflict', *Journal of Law and Legal Reform* 6, no. 2 (30 April 2025): 193–258, <https://doi.org/10.15294/jllr.v6i2.19692>.

⁷⁴ Annie Phizacklea, 'Migration and Globalization: A Feminist Perspective', in *The New Migration in Europe* (London: Palgrave Macmillan UK, 1998), 21–38, https://doi.org/10.1007/978-1-349-26258-8_2.

⁷⁵ Amir Abdul Reda, Nicholas AR Fraser, and Ahmed Khattab, 'Does Social Mobility Matter? The *Kafala* System and Anti-Immigrant Sentiment', *Political Studies Review* 21, no. 4 (7 November 2023): 801–24, <https://doi.org/10.1177/14789299221130901>.

⁷⁶ A Sujatmiko, M K Romadhona, and Y R Saraswati, 'Patents at the Crossroads: Legal Pathways for Advancing Technology Transfer in Indonesia', *Law Reform: Jurnal Pembaharuan Hukum* 21, no. 1 (2025): 94–119, <https://doi.org/10.14710/lr.v21i1.64666>.

V. INDONESIA COMMITTED TO PROTECT INDONESIAN MIGRANT WORKERS

Efforts to protect migrant workers have also been adopted in several regulations as a form of government concern to optimize legal protection to guarantee the rights of migrant workers^{77,78}. The national legislation related to the protection of migrant workers includes:

Tabel 1. The Regulations and Policies for IMWs Protection Based on Stages

Stage	Regulation/Policy
Departure	1945 Constitution, Article 27 Paragraph (2): Right to employment and a decent livelihood
	Law No. 6 of 2012: Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
	Government Regulation (GR) No. 38 of 2007: Division of government affairs between central, provincial, and district/city levels
	GR No. 4 of 2013: Procedures for the placement of IMWs
	GR No. 5 of 2013: Procedures for evaluating and determining business/individual cooperation
	Ministerial regulations related to organic rules on PMI placement and protection
	Ministry of Foreign Affairs Regulation No. 2 of 2016: Organizational structure and work procedures of the Ministry

⁷⁷ Aktieva Tri Tjitrawati et al., 'The Palu Disaster and Indonesia's Obligation to Ensure the Right of Adequate Housing and Land Rights: Mission Accomplished?', in *The Asian Yearbook of Human Rights and Humanitarian Law* (Brill | Nijhoff, 2024), 311–51, https://doi.org/10.1163/9789004706477_011.

⁷⁸ M G Wiratama, B S A Subagyo, and M K Romadhona, 'Implementation of Legal Efforts Consumer Protection and Dispute Settlement of Social – Health Insurance Participants for Indonesian Migrant Workers', *Malaysian Journal of Medicine and Health Sciences* 19 (2023): 9–17, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85159210143&partnerID=40&md5=5471bf31a0b81aa64c08aa60e61555c5>.

	Memorandum of Understanding (MoU) No.11/KaMoU/XII/2020 and M.HH 09.HH.05.05/2020: Cooperation on the protection of PMI
	Cooperation Agreement between Civil Registry & Immigration Directorate General: Utilization of population data for immigration services
Placement	Law No. 18 of 2017: Protection of PMI, including the One-Stop Integrated Service (LTSA) system (Article 38)
	GR No. 3 of 2013: Protection of PMI abroad
	Presidential Regulation (PR) No. 81 of 2006: Establishment of BNP2TKI (National Agency for the Placement and Protection of Indonesian Workers)
	PR No. 90 of 2019: Establishment of BP2MI (Agency for the Protection of Indonesian Migrant Workers), replacing BNP2TKI
	PR No. 18 of 2015: Role of the Ministry of Manpower, including PMI protection
	Cooperation Agreement between BP2MI and Directorate General of Immigration (PKS No. PKS.05/SU/XII/2020 and IMI-UM.01.01-6508)
	PKS BP2MI–Immigration: Protection and Handling of PMI
	LTSA Program: One-Stop Integrated Service as stipulated in Law No. 18 of 2017, Article 38
Returned	GR No. 45 of 2013: Coordination of PMI repatriation
	Presidential Decree No. 15 of 2011: Integrated Team for the Protection of PMI Abroad
	GR No. 3 of 2013: (also covers post-contract protection)

Sources: Primary data, 2024 (Edited)

A job has substantial significance in human existence, as it enables individuals to lead a respectable life and provide for themselves and their families⁷⁹. Article 27, paragraph (2) of the Amendment to the 1945 Constitution affirms that every person has the right to work and to a dignified livelihood. The government is obligated to meet the desire for employment by offering job opportunities. The scarcity of job opportunities in Indonesia has led to many Indonesian

⁷⁹ Joanne B Ciulla, *The Working Life: The Promise and Betrayal of Modern Work* (Crown Currency, 2011).

individuals seeking employment overseas (Indonesian workers/TKI)^{80,81,82,83,84,85}. The government has not provided enough protection for migrant workers, given the many instances of harsh treatment they have faced in the nation⁸⁶. Recognizing the significance of safeguarding migrant workers who have contributed remittance to the nation, the Indonesia House of Representative (DPR) ratified the Indonesia Migrant Worker Protection Law on October 25, 2017^{87,88}. This legislation defines Indonesian migrant workers as any Indonesian citizen who intends to return to or has previously engaged in employment and earned remuneration outside the Republic of Indonesia.

The protection of Indonesian migrant workers (IMW) encompasses all endeavors to safeguard the interests of prospective IMW and their

⁸⁰ Chris Manning, 'Labour Market Adjustment to Indonesia's Economic Crisis: Context, Trends and Implications', *Bulletin of Indonesian Economic Studies* 36, no. 1 (April 2000): 105–36, <https://doi.org/10.1080/00074910012331337803>.

⁸¹ Chia Siow Yue, 'Demographic Change and International Labour Mobility in Southeast Asia – Issues, Policies and Implications for Cooperation', in *Labour Mobility in the Asia-Pacific Region* (ISEAS Publishing, 2008), 93–130, <https://doi.org/10.1355/9789812308955-009>.

⁸² Johan Lindquist, 'Labour Recruitment, Circuits of Capital and Gendered Mobility: Reconceptualizing the Indonesian Migration Industry', *Pacific Affairs* 83, no. 1 (2010): 115–32.

⁸³ Amarjit Kaur, 'Labour Migration Trends and Policy Challenges in Southeast Asia', *Policy and Society* 29, no. 4 (1 November 2010): 385–97, <https://doi.org/10.1016/j.polsoc.2010.09.001>.

⁸⁴ Paulus Rudolf Yuniarto, 'Indonesian Migration Industry in Taiwan: Some Socio-Economic Implications and Improvement Challenges', *Jurnal Kajian Wilayah* 6, no. 1 (2016): 17–33.

⁸⁵ Aktieva Tri Tjitrawati and Mochamad Kevin Romadhona, 'Living beyond Borders: The International Legal Framework to Protecting Rights to Health of Indonesian Illegal Migrant Workers in Malaysia', *International Journal of Migration, Health and Social Care* 20, no. 2 (17 May 2024): 227–45, <https://doi.org/10.1108/IJMHSC-04-2023-0038>.

⁸⁶ D Sunyowati et al., 'Can Big Data Achieve Environmental Justice? (Preliminary Research On The Performance Of Indonesian Agricultural Application)', *Indonesian Journal of International Law* 19, no. 3 (2022): 485–508, <https://doi.org/10.17304/ijil.vol19.3.6>.

⁸⁷ Tanti Kirana Utami, 'Regulation of Legal Sanctions against Perpetrators of Non-Procedural Placement of Indonesian Migrant Workers: A Human Trafficking Perspective', *Cogent Social Sciences* 10, no. 1 (31 December 2024), <https://doi.org/10.1080/23311886.2024.2421347>.

⁸⁸ Dina Sunyowati et al., 'Indonesia-Timor Leste Maritime Boundaries on Exclusive Economic Zone: Equitable Principle', *Lex Scientia Law Review* 7, no. 1 (31 May 2023), <https://doi.org/10.15294/lesrev.v7i1.66126>.

families⁸⁹, ensuring the realization of their rights throughout the entirety of activities before, during, and after employment⁹⁰, legal, economic, and social dimensions. Simultaneously, the preceding legislation, specifically Law No. 39 of 2004 regarding the Placement and Protection of Indonesian Workers Abroad, underscored the safeguarding of citizens exercising their right to seek employment, particularly overseas, ensuring they receive prompt and accessible labor placement services while prioritizing the safety of workers in terms of physical, moral, and dignitary aspects. The new legislation ensures that protection for migrant workers is instituted from an early stage before, during, and after employment, unlike the previous law, which provided protection just at the time of placement of TKI.

The recent paradigm regarding the nation's role in safeguarding migrant workers is articulated in Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers, which prioritizes an enhanced governmental role and diminishes the private sector's involvement in the placement and protection of Indonesian migrant workers. This legislation transfers the responsibility for IMW protection to the central government, including the phases before, during, and after employment. The private sector is solely assigned the role of executing IMW placement. The objective of safeguarding potential IMWs is as follows:

1. Ensure the realization and preservation of human rights for citizens of the nation and IMW; and;

⁸⁹ Wayne Palmer and Nicola Piper, 'Regulatory (Mal)Integration: Its Implications for Migrant Workers' Ability to Access Employment Rights in Indonesia', *Journal of Immigrant & Refugee Studies* 21, no. 2 (3 April 2023): 203–16, <https://doi.org/10.1080/15562948.2022.2142349>.

⁹⁰ Erna Setijaningrum et al., 'Going Back with Glee: A Case Study of Indonesian Migrant Workers Engaging in Circular Migration', *JAS (Journal of ASEAN Studies)* 11, no. 1 (20 June 2023): 219–43, <https://doi.org/10.21512/jas.v11i1.8610>.

2. Provide legal, economic, and social safeguards for IMW and their families.

Enhancing the nation's favorable standing in the center and regions demonstrates its dedication to safeguarding IMW and upholding human rights⁹¹. A substantial governmental presence will mitigate exploitative practices formerly adopted by the private sector to maximize profits. The prevailing influence of the private sector in overseeing migrant labor has rendered IMW susceptible to human rights infringements. The previous legislation (Law No. 39 of 2004 regarding the Protection of Indonesian Workers Abroad) exhibits significant dominance of the private sector, encompassing data sharing, data collection, document processing, educational organization, pre-departure arrangements, accommodation, medical examinations, dispatching, and problem resolution until repatriation. The new legislation stipulates that the private sector may only deploy IMWs that have been authenticated and deemed prepared by the one-stop integrated agency (LTSA), which also informs them of their return and addresses any issues.

Indonesia has a legal framework for migrant workers, which includes the 1945 Constitution, Law Number 39 of 1999, Republic of Indonesia Law Number 13 of 2003 concerning employment, Republic of Indonesia Law Number 39 of 2004 concerning the placement and protection of Indonesian workers abroad, and Law Number 6 of 2012 regarding the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. These laws and regulations ensure that migrant workers are subject to basic principles such as non-discrimination,

⁹¹ Andi Luhur Prianto, Aqmal Reza Amri, and Mohd Na'eim Ajis, 'Governance and Protection of Indonesian Migrant Workers in Malaysia', *Journal of Southeast Asian Human Rights* 7, no. 2 (31 December 2023): 214, <https://doi.org/10.19184/jseahr.v7i2.44185>.

anti-slavery, anti-trafficking, and anti-human trafficking, equal treatment before the law, and universality.

Indonesia Law Number 13 of 2003 concerning manpower inadequately addresses the protection and rights of migrant workers employed inside the nation. However, certain provisions from the 1990 International Convention are included into this legislation, ensuring that the protections and rights of migrant workers are equivalent to those of Indonesian citizen workers. These rights include entitlement to work hours and rest, safeguarding of occupational safety and health, adherence to moral and ethical standards, conduct consistent with human dignity and religious values, earning a livelihood sufficient for a decent standard of living, labor-related social security, the right to establish and join trade or labor unions, the right to engage in religious worship, and the right to receive protection for occupational safety.

The Protection of Indonesian Workers (IMWs) is a national policy designed to safeguard the rights of prospective migrant workers and their families in compliance with legal laws, prior to, during, and after employment. Law Number 39 of 2004 on the Placement and Protection of Indonesian Workers Abroad fails to provide full protection, as it is limited to national applicability and lacks adherence to international law standards. Statutory laws provide the safeguarding of migrant workers' rights, despite the absence of national legislation protecting foreign people employed in Indonesia. The enactment of Law of the Republic of Indonesia (*UURI*) Number 6 of 2012, which ratifies the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, mandates that law enforcement officials must authenticate the identities of migrant workers and their family members in accordance with established legal procedures. They

should not be subjected to arbitrary arrest or imprisonment, and they must be notified of the grounds for their arrest in a comprehensible language to the greatest extent practicable.

The Indonesian government has enacted Minister of Manpower Regulation No. 18 of 2018 concerning Social Security for Indonesian Migrant Workers, replacing Ministerial Regulation No. 7 of 2017 regarding the Social Security Program for Indonesian Workers. This regulation serves as the first implementing regulation enacted as a mandate of Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers. The transition of this authority indicates that the government no longer wishes to involve the private sector in the administration of social security for Indonesian migrant workers, placing all social security management for migrant workers under government control. The current social security program applicable to Indonesian migrant workers, especially while they are abroad, does not focus solely on risks arising from workplace accidents but also on other risks tailored to the characteristics of Indonesian migrant workers themselves. The Social Security Insurance program only regulates the provision of benefits if migrant workers experience disabilities due to work accidents, while there are no regulations regarding the provision of benefits if migrant workers fall ill, requiring hospitalization, or related to health maintenance while abroad.

The special social security during the placement period, whether it is IMWs Insurance or social security according to the Minister of Manpower Regulation Number 7 of 2017, provides a form of guarantee in the form of cash benefits only, without any health services. To receive these monetary benefits, migrant workers must be registered as Indonesian migrant workers and pay the premium or contribution for the insurance. In both IMWs Insurance and social

security according to the Minister of Manpower Regulation Number 7, the self-risk coverage provides a maximum period of 24 months from the occurrence of the risk. The Indonesian government has increased the benefits of social security for migrant workers (IMWs) through the Minister of Manpower Regulation (*Permenaker*) No. 18/2018 concerning Social Security for Indonesian Migrant Workers (IMWs). IMWs registered in the Employment Insurance program receive protection against work-related accidents and death that occur while preparing or training, during their time in the host country, and until they return to Indonesia after their work period ends. The new benefit scheme in the Minister of Manpower Regulation Number 18 of 2018 addresses many aspirations of migrant workers who have directly experienced the benefits of social security protection.

VI. GOVERNMENT POLICY REGARDING THE PROTECTION OF THE RIGHTS OF INDONESIAN MIGRANT WORKERS

The Government of the Republic of Indonesia's policy to protect migrant workers, as stipulated by Law Number 39 of 2004 regarding the Placement and Protection of Indonesian Workers Abroad, involves the strategic establishment of a task force (*Satgas*) to address legal matters concerning migrant workers overseas. This pertains to the issuing of Presidential Decree Number 17 of 2011 by the Republic of Indonesia, which establishes the Task Force for Addressing Cases of Indonesian Citizens and Workers Abroad Facing the Death Penalty, dated July 7, 2011. This task force is assigned the following responsibilities:⁹²

⁹² Agoes Djatmiko and Elisabeth Pudyastiwi, 'The Role Of Indonesian Labor Placement And Protection Board (BNP2TKI) On Indonesian Labor (TKI)', *Ganesha Law Review* 1, no. 2 (4 November 2019): 1–17, <https://doi.org/10.23887/glr.v1i2.51>.

1. Assessing issues and cases involving Indonesian citizens or workers abroad facing the death penalty;
2. Providing advocacy and legal support for Indonesian citizens and workers abroad undergoing legal proceedings, particularly those at risk of the death penalty;
3. Assessing the management of legal disputes concerning Indonesian nationals and workers, particularly those adverse to Indonesian workers in host countries;
4. Offer suggestions to the President about measures to address and manage legal matters involving Indonesian nationals or workers in the host country.

The flaw of this presidential decision is that the task team is only ad hoc or provisional. Indonesian diplomatic missions in countries with migrant workers will need the establishment of a permanent task force in the future. This duty was necessitated by the amount of migrant workers in the host nation.

VII. COMPARATIVE POLICY ANALYSIS IN ASEAN COUNTRIES

Tabel 2. Migration Policy Comparative in ASEAN Countries

Country	Role	Main Regulation & Institutions	Policy Focus	Challenge
Indonesia	Sending	Law No.18/2017, BP2MI	Protection of migrant workers from recruitment to return	Irregular migration, weak protection abroad

Philippines	Sending	POEA, OWWA	Migrant welfare, protection, and reintegration	Economic dependence on remittances
Vietnam	Sending & minor receiving	MoLISA (Ministry of Labor)	Overseas employment promotion, limited protection	Exploitation, weak legal protection
Myanmar	Sending	MoLIP (Labor & Immigration Ministry)	Deployment to Thailand & Malaysia, worker registration	Human trafficking, undocumented migration
Cambodia	Sending	National Committee for Counter Trafficking	Legal migration, bilateral agreements with Thailand	Trafficking, use of fake documents
Laos	Sending	MoLSW (Labor Ministry)	Worker registration and training for Thailand migration	Minimal protection, many undocumented migrants
Malaysia	Receiving	Immigration DepMinistry of Home Affairs	Legal migrant labor via temporary work permit (PLKS)	Undocumented workers, exploitation, immigration raids
Thailand	Receiving & Sending	Ministry of Labour	Migrant regularization, bilateral MOUs	Irregular migration, poor enforcement, policy volatility
Singapore	Receiving	MOM (Ministry of Manpower)	Strict work permit control, sector-specific permits	Limited rights for domestic workers, high placement costs

Brunei	Receiving	Labor Department Immigration	Migrant intake in construction & domestic sectors	Worker isolation, limited
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Sources: Personal Data Edited

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was adopted on 13 January 2007 during the 12th ASEAN Summit in Cebu, Philippines^{93,94,95}. The declaration aims to protect the fundamental rights of migrant workers, promote their welfare and dignity, strengthen regional cooperation, balance rights and responsibilities between sending and receiving countries, and prevent exploitation, abuse, and trafficking of migrant workers^{96,97}. Key principles include recognizing migrant workers' contributions to both host and sending countries' development, protecting their human rights and fundamental freedoms, promoting fair working conditions, social protection, and fair treatment, promoting fair recruitment and deployment practices, ensuring non-discrimination based on nationality, gender, race, or religion, safeguarding the rights of families, accessing legal support and justice mechanisms in the host country, and encouraging regional cooperation through information sharing, capacity

⁹³ Ruji Auethavornpipat, 'Assessing Regional Cooperation: ASEAN States, Migrant Worker Rights and Norm Socialization in Southeast Asia', *Global Change, Peace & Security* 29, no. 2 (4 May 2017): 129–43, <https://doi.org/10.1080/14781158.2017.1293021>.

⁹⁴ Motoko Shuto, 'ASEAN's Governance of Labor Migration: Progress of Institutionalization and Challenges', in *100 Years of World Wars and Post-War Regional Collaboration* (Singapore: Springer Nature Singapore, 2022), 345–56, https://doi.org/10.1007/978-981-16-9970-2_26.

⁹⁵ Sylvia Yazid and Iyan Septiyana, 'The Prospect of ASEAN Migration Governance', *Journal of Indonesian Social Sciences and Humanities* 9, no. 2 (2019): 95–111.

⁹⁶ Attilio Pisanò, 'Towards an ASEAN Human Rights Mechanism: The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children', *The International Journal of Human Rights* 20, no. 3 (2 April 2016): 321–42, <https://doi.org/10.1080/13642987.2015.1079019>.

⁹⁷ Aktieva Tri Tjitrawati and Mochamad Kevin Romadhona, 'Affliction in the Post Palu Disaster: State Failure to Implement Human Rights Standard on Disaster Management', *Cogent Social Sciences* 9, no. 1 (31 December 2023), <https://doi.org/10.1080/23311886.2023.2233255>.

building, and bilateral/multilateral agreements. The declaration also emphasizes the importance of non-discrimination, family protection, access to justice, and regional cooperation among ASEAN countries. By addressing these issues, ASEAN aims to ensure the well-being of migrant workers and promote their rights and welfare.

The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017) is a regional agreement signed by ASEAN member states in Manila, Philippines, on 13 November 2017^{98,99,100}. It aims to strengthen regional cooperation in ensuring the protection and fair treatment of migrant workers and their families. Key principles include non-discrimination against migrant workers, access to legal and judicial protection, access to health and social services, protection from exploitation, abuse, and human trafficking, and the right to communicate with families and support organizations. The scope of protection covers documented migrant workers and their families, acknowledging the need to address the situation of undocumented workers, though protections for them are more limited and subject to national policies. The Consensus is non-legally binding, meaning it serves as a political and moral commitment, and implementation depends heavily on national laws and bilateral agreements between sending and receiving countries. There is no enforcement mechanism, making actual protection inconsistent across the region. The 2017 ASEAN Consensus is a

⁹⁸ Yuyun Wahyuningrum, 'A Decade of Institutionalizing Human Rights in ASEAN: Progress and Challenges', *Journal of Human Rights* 20, no. 2 (15 March 2021): 158–75, <https://doi.org/10.1080/14754835.2021.1875811>.

⁹⁹ Stefan Rother, 'The 'Gold Standard' for Labour Export? The Role of Civil Society in Shaping Multi-Level Philippine Migration Policies', in *Migration Politics across the World* (Routledge, 2023), 93–112.

¹⁰⁰ Sandra Lavenex and Nicola Piper, 'Regions and Global Migration Governance: Perspectives "from above", "from below" and "from Beyond"', *Journal of Ethnic and Migration Studies* 48, no. 12 (10 September 2022): 2837–54, <https://doi.org/10.1080/1369183X.2021.1972564>.

milestone in regional efforts to protect migrant workers' rights and lays the groundwork for more humane, just, and cooperative labor migration policies in Southeast Asia.

Indonesia's migrant labor policy, regulated by Law No. 18/2017, prioritizes extensive protection from pre-departure to reintegration. Nonetheless, obstacles include illegal migration and insufficient enforcement in host nations. The Philippines maintains a sophisticated labor export system, bolstered by the POEA and OWWA, however, it contends with societal difficulties and reliance on labor migration. The Ministry of Labor of Vietnam promotes foreign labor migration; nevertheless, post-deployment safeguards are sometimes inadequate, particularly in informal industries. Myanmar, Cambodia, and Laos rely on bilateral agreements with Thailand and Malaysia to facilitate labor movement; however, significant irregular migration and trafficking persist due to inadequate enforcement and institutional capacity. Malaysia employs the PLKS system to oversee migrant labor in essential industries; yet, unauthorized labor persists. Thailand accommodates migrants mostly from adjacent nations via Memoranda of Understanding and regularization initiatives, but political instability and erratic policy implementation impede advancement. Singapore has a meticulously controlled migration framework overseen by the Ministry of Manpower; nonetheless, its regulations exclude domestic workers from conventional labor rights, and challenges such as exorbitant placement fees and insufficient social assistance persist. Brunei exercises stringent regulation over the influx of foreign labor, allowing employment only in certain industries. The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017) is a significant accord, yet its non-binding character constrains its efficacy. Comparative research indicates that

countries of origin emphasize remittances and legal migration pathways, while host nations concentrate on labor market demands but often neglect the protection of rights. Regional harmonization is inadequate, characterized by considerable policy fragmentation.

VIII. EVALUATION REPORT: OVERSIGHT SHIFT OF
INDONESIAN MIGRANT WORKERS (IMW)

Tabel 3. Evaluation Report: Oversight Shift of Indonesian Migrant Workers (IMW)

Aspect	Previous Condition (Private / PPTKIS)	Current Condition (State / BP2MI)	Case Study / Data	Analysis
Recruitment and Placement	Dominated by private agencies, prone to brokers and high costs	Conducted by the government via official systems (SISKOP2MI)	BP2MI NTB (2023): 40% increase in formal placements after reforms.	The government improved transparency and reduced costs, but illegal migration remains high in border areas.
Legal and Social Protection	Inconsistent, dependent on agency practices and access to info	Provided by the state through bilateral MoUs and social security (BPJS)	Migrant CARE (2023): Access to BPJS employment insurance increased by 60%, especially in formal sectors.	Legal protections improved, but informal workers remain vulnerable due to limited host country enforcement.

Human Trafficking Prevention	Rampant fraud and covert trafficking	Digitized verification and tighter screening	IOM Indonesia (2022): Human trafficking cases via formal migration routes decreased by 25% since 2018.	Digital systems help prevent document forgery, but illegal recruitment networks are still active.
Complaint and Case Handling	Limited and slow, reliant on agencies or third parties	BP2MI hotline, shelters, and legal aid available	Case: Migrant from East Java rescued in UAE (2022) through BP2MI and embassy cooperation.	Government responses are more structured, but shelter space and consular staffing remain inadequate in some host countries.
Community Role	Not systematically involved	Community-based programs (Desmigratif) for education and empowerment	BP2MI (2023): 400 Migrant Worker Productive Villages active in 11 provinces.	Expansion of community-based programs effectively raises awareness and prevents irregular migration at the grassroots level.
Migration Literacy & Outreach	Poor outreach, migrants rely on brokers for info	Public campaigns by BP2MI, labor	Migrant CARE Survey (2022): 64%	Official information is not yet reaching

		offices, and NGOs	of prospective migrants are still unclear about official procedures.	remote areas effectively; rural and isolated communities remain heavily reliant on informal networks.
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Sources: BP2MI Annual Report, IOM Indonesia, Migrant CARE (Edited)

Law No. 18/2017 introduced a new system for the recruitment and placement of migrant workers (*PMI*), which was previously dominated by private agencies. The government, through BP2MI, introduced SISKOP2MI, a transparent, centralized digital system that increased formal placements by 40% in West Nusa Tenggara. This state-managed system has led to more structured legal and social protection, with the government ensuring migrant workers' rights through bilateral agreements and providing access to social security schemes. However, informal sectors remain vulnerable due to lack of legal enforcement in many destination countries. Digitalization has also contributed to the prevention of human trafficking, with stricter verification systems reducing document forgery and illegal recruitment. Human trafficking cases via formal migration channels have declined by 25% since 2018, but underground recruitment networks continue to operate in border areas and communities with low migration literacy. BP2MI has established a hotline, shelter facilities, and legal aid for migrant workers, but shelter capacity and consular staffing are still inadequate to fully meet the needs of all distressed *PMIs*. One innovation in state-led oversight is the introduction of Desmigratif (Productive Migrant Villages), which aims to empower local populations by offering migration education, entrepreneurship training, and reintegration support. As of 2023,

there are over 400 active Desmigratif villages in 11 provinces. However, a major challenge remains: the limited reach of official information campaigns. Surveys show that 64% of prospective migrant workers are still unclear about official migration procedures, leading many to rely on brokers, especially in remote and underdeveloped regions known as 3T (Disadvantaged, Frontier, and Outermost areas).

IX. CONCLUSION

Indonesia has implemented various regulations to protect migrant workers, including the Constitution of 1945, Presidential Regulations, and the Protection Agency for Indonesian Migrant Workers (*BP2MI*). These regulations aim to optimize legal protection and ensure the rights of migrant workers. The Indonesian Migrant Worker Protection Law was ratified in 2017, defining Indonesian migrant workers as those who intend to return to or have previously engaged in employment outside the country. The legislation ensures protection for migrant workers from an early stage, before, during, and after employment, prioritizing their rights in legal, economic, and social dimensions. The new legislation prioritizes a heightened governmental role, transferring responsibility for IMW protection to the central government. It aims to ensure human rights for citizens and IMW, provide legal, economic, and social safeguards, and mitigate exploitative practices. Indonesia has ratified core ILO conventions, including Convention No. 29 on forced labor, Convention No. 98 on equal remuneration, Convention No. 87 on freedom of association, Convention No. 105 on abolition of forced labor, Convention No. 111 on discrimination in employment, and Convention No. 108 concerning the minimum age to work. The Protection of Indonesian Workers (*TKI*) is a national policy aimed at safeguarding the rights of migrant workers and their families in accordance with the law. However, it lacks full protection due to its

limited applicability and lack of adherence to international law standards. The Indonesian government is obligated to safeguard the rights of migrant workers overseas, as mandated by Law No. 6/2012, which ratifies the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Ministry of Manpower Regulation No. 18/2018 replaces this authority, transferring social security management to BPJS Employment. The current social security program only provides cash benefits during placement periods, without health services. The Indonesian government has enhanced social security benefits for migrant workers through the Minister of Manpower Regulation (*Permenaker*) No. 18/2018 concerning Social Security for Indonesian Migrant Workers (*PMI*). The social security program for Indonesian migrant workers abroad focuses on workplace accidents and other risks tailored to their characteristics. The *JKK* program only provides benefits if migrant workers experience disabilities due to work accidents, while there are no regulations for benefits if they fall ill or require hospitalization. Special social security during placement periods provides cash benefits without health services. The Indonesian government has increased the benefits of social security for migrant workers through the Minister of Manpower Regulation No. 18/2018 concerning Social Security for Indonesian Migrant Workers (*PMI*).

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COMPETING INTEREST

None

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