

## EMPLOYMENT LAW POLICY AND PROTECTION OF INDONESIAN MIGRANT WORKERS

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### Abstract

One group that is susceptible to abuse and human rights breaches is migrant laborers. The purpose of this review of the literature is to look at Indonesia's migrant worker protection laws and policies. Drawing from the literature analysis, it is evident that while regulations exist to safeguard migrant workers, inadequate oversight and enforcement are impeding their effective implementation. For migrant worker protection to be effective, regulation, implementation, and monitoring must function together. The study's findings also emphasize how crucial it is for key government agencies, non-governmental organizations, and other stakeholders to work together to implement comprehensive policies for the protection of migrant workers. The issues of protecting migrant workers, like stopping unlawful recruitment techniques and safeguarding migrant workers in emergency situations, require effective collaboration. There is an opportunity for Indonesia to strengthen a more progressive legal framework to protect the basic rights of migrant workers. With a better understanding of labor law policies and the protection of migrant workers, Indonesia has the opportunity to improve the conditions and rights of migrant workers in the future. Concrete measures, such as increased supervision of recruitment agencies, providing access to justice for migrant workers, and improving the protection of the basic rights of migrant workers are needed to improve the effectiveness and sustainability of migrant worker protection in Indonesia.

**Keywords:** Policy, Labor Law, Protection, Indonesian Migrant Workers.

### Introduction

Along with economic growth and globalization, there has been a significant increase in the number of migrant workers in Indonesia. Indonesia is one of the countries that sends many migrant workers to various destination countries, such as Malaysia, Singapore, Hong Kong, Taiwan, and a number of Middle Eastern countries (Gibran & Khusairy, 2023). The demands of the global labor market and domestic

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economic factors, wherein many Indonesians look for employment possibilities overseas to improve the financial circumstances of their families, are responsible for the rise in the number of migrant workers. This is also impacted by the dearth of suitable job prospects in the nation, which makes Indonesians' primary motivation for looking for work elsewhere (WIRYAWAN, 2023).

In this case, migrant labor is a significant source of income for the Indonesian economy. The money that migrant workers send to their families in Indonesia has a significant economic impact, especially in rural areas where the majority of migrant workers come from. However, there are also challenges and risks faced by migrant workers, such as exploitation, injustice, and labor rights protection issues (Purnamasari et al., 2023).

With a growing population of migrant workers, their protection is an important focus of attention. The Indonesian government is working to improve protection and services for migrant workers through various policies and regulations (Saputera, 2022). Nevertheless, challenges in the implementation of protection and enforcement of migrant workers' rights remain a major concern, as well as the need for in-depth studies to continue to improve the conditions and protection of Indonesian migrant workers (Hutauruk et al., 2023).

The preservation of migrant workers' human rights and dignity depends greatly on their protection. In destination nations, migrant workers are frequently exposed to discrimination, mistreatment, and exploitation at work and in daily life (Kanchana, 2023). Their limited access to legal protection and law enforcement agencies can make them vulnerable to various forms of abuse, oppression and modern slavery. Therefore, adequate protection for migrant workers is needed to ensure that their rights are properly recognized, respected, and fulfilled (Fauzi et al., 2023).

In addition, protection for migrant workers is also important in supporting sustainable development and social welfare. By providing adequate protection for migrant workers, they can work in safe, decent and fair conditions (Putro, 2024). This will not only increase the productivity and welfare of migrant workers themselves, but will also have a positive impact on the economy of the country of origin and destination. Strong protection for migrant workers will also create a stable and equitable work climate, which in turn will contribute to more sustainable and inclusive economic development (Bakker & Dananjaya, 2022).

However, despite the policies that have been put in place, the implementation and effectiveness of migrant worker protection still faces various challenges. Issues such as complex work requirements, differences in treatment between migrant workers and local workers, lack of access to empowerment, and lack of coordination between the government, NGOs, and the private sector are factors that affect the protection of migrant workers (Jayaweera, 2023); (Kimani & Ng'eno, 2023).

Therefore, an in-depth literature review is needed to analyze labor law policies and the protection of migrant workers in Indonesia. This research aims to understand the current conditions, evaluate existing policies, identify factors that affect policy implementation, and find solutions and recommendations to improve the protection of migrant workers.

### **Research Methods**

This research used the literature research approach for its examination. The process of gathering, assessing, and synthesizing data from numerous literature sources pertinent to the study question is known as the literature research method. By using the literature research approach, scholars can obtain a thorough understanding of the subject matter and bolster their claims and conclusions using credible and pertinent literature sources. (Hidayat, 2009); (Setyowati, 2014); (Afiyanti, 2008).

### **Results and Discussion**

#### **History and Policy Context of Migrant Worker Protection in Indonesia**

The history of migrant worker protection policy in Indonesia has undergone significant development in line with the increasing number of migrant workers leaving abroad (Bakker & Dananjaya, 2022). Initially, the protection of migrant workers was not a major focus for the Indonesian government. However, with the increasingly complex demands of the global labor market and cases of abuse of migrant workers, the Indonesian government began to pay attention to their protection. The protection of migrant workers' rights is expressed in a number of rules and policies, including Law No. 18/2017 on the Protection of Indonesian Migrant Workers. (Shalihah & Alviah, 2023).

Bilateral collaboration with the primary destination nations for Indonesian migrant workers, like Malaysia and Timor Leste, has an impact on the framework of migrant worker protection laws as well. (Renta & Paksi, 2023). The Indonesian government hopes to fortify law enforcement against instances of migrant workers' rights violations and enhance the welfare and protection of migrant workers through this cooperation. Furthermore, the presence of non-governmental organizations and non-governmental organizations that actively monitor and advocate for the conditions of migrant workers also contributes to the framework of Indonesia's regulations protecting migrant workers. (Suryaningsih et al., 2023).

By understanding the history and context of migrant worker protection policies in Indonesia, it is hoped that the government can continue to improve efforts to protect the rights of migrant workers and create a safer and fairer working environment for them (Emir, 2022). The preservation of migrant workers' human rights and dignity depends greatly on their protection. In destination nations, migrant workers are frequently exposed to discrimination, mistreatment, and exploitation at work and in daily life. (Sitamala, 2023).

Additionally, it is necessary to reinforce the crucial role that government agencies like the Ministry of Manpower and the Ministry of Foreign Affairs play in fortifying the systems that safeguard and uphold the rights of migrant workers. To guarantee that migrant workers' rights are upheld while they are employed overseas, enhance the migrant worker registration process, and offer assistance and defense to migrant workers who are victims of human rights abuses, decisive action is required. (Anom & Jumena, 2022); (Ahmadi & Sholakhuddin, 2023).

Thus, the history and policy context of migrant worker protection in Indonesia shows a growing concern for the protection and welfare of migrant workers, but there are still challenges that need to be overcome. Through cooperation between the government, international institutions, non-governmental organizations, and other relevant parties, it is hoped that the protection of migrant workers can continue to be improved in order to create a safer, fairer, and more humane working environment for them. Thus, migrant workers can work with dignity and get proper protection in accordance with human rights.

### **Analysis of Labor Policies Affecting Migrant Workers**

The Indonesian Labor Law is a body of legislation that governs the duties and rights of employers and employees in work-related relationships. Law Number 13 of 2003 regulating Manpower is one of the labor laws (Shalihah & Alviah, 2023). This law establishes a framework for governing key areas of employment, including as social security, workers' rights, employer-employee collaboration, and the resolution of employment disputes (Berg & Farbenblum, 2023).

In addition, Law No. 18/2017 on the Protection of Indonesian Migrant Workers is also an important labor-related law. This law is specifically designed to protect the rights of Indonesian migrant workers who work abroad (H. V. Ali & Sari, 2024). The law regulates the registration mechanism, safety and health protection, wages, placement of migrant workers, and law enforcement in cases of violation of migrant workers' rights. The law aims to ensure migrant workers receive better legal protection and a safer and fairer working environment for them (Ryan, 2023).

The role of the Labor Law is to provide protection and guarantee of rights for workers, both domestically and for migrant workers working abroad. With this regulation, it is expected that workers have strong legal protection and can safeguard their interests and welfare while working (Moratilla, 2023).

In addition, through the Labor Law, the government also plays a role in providing policies that support the improvement of workers' welfare, increase productivity, and create a safe and healthy work environment (Prianto et al., 2023). Thus, the Labor Law has an important role in creating a fair and balanced working relationship between workers and employers, and supporting the realization of quality employment in Indonesia.

A rule that describes the steps and methods for putting the law on the protection of migrant workers' rights into practice is called the Implementing rule on the Protection of Migrant Workers. The protection of migrant workers is governed by this regulation in a number of ways, including registration, placement, pay, social security, rights to occupational safety and health, and dispute resolution (Husarov, 2023). It is anticipated that the Implementing Regulations will enable the protection of migrant workers to be implemented efficiently and in compliance with relevant laws and regulations (Nasrullah et al., 2023).

The Implementing Regulations for the Protection of Migrant Workers also serve as guidelines for various related parties, including placement agencies, companies, and other related institutions, in carrying out activities related to migrant workers. In addition, this regulation can also be an instrument for law enforcement against cases of violations that occur against migrant workers (Nurhayati, 2022). Thus, the Regulation on the Implementation of Migrant Worker Protection is an important instrument that supports maintaining the rights and welfare of migrant workers at the national and international levels (Paksi & Renta, 2023).

An evaluation of the protection of migrant workers in Indonesian legal policy shows several aspects that need attention. Despite the existence of Law No. 18/2017 on the Protection of Indonesian Migrant Workers, the implementation of this protection still requires improvement (Rosalinda et al., 2024). There are challenges in law enforcement against cases of violations of migrant workers' rights, including in terms of prosecuting rogue placement agencies and protecting migrant workers who are abroad. To guarantee that migrant workers are effectively protected, cooperation between the several authorities concerned in their protection must also be improved. (Yuvanti, 2021).

On the other hand, there are positive steps taken by the Indonesian government in protecting migrant workers, such as increasing cooperation with migration destination countries, implementing a moratorium on placements in several countries that are considered high risk, and increasing efforts in counseling and socializing the rights of migrant workers (Suhartini et al., 2023). However, evaluations of migrant worker protection highlight the need for further efforts to improve the implementation of existing legal policies to ensure more effective protection for Indonesian migrant workers (Kirilenko et al., 2022).

In conclusion, the Indonesian government must give careful consideration to the protection of migrant laborers. An essential legal framework for defending migrant workers' rights is Law No. 18/2017 on the Protection of Indonesian Migrant Workers and its Implementing Regulations. To ensure that migrant workers have adequate protection, more work must be done in putting this legal policy into practice. As a result, effective collaboration between the organizations that safeguard migrant workers is required, as is greater public awareness of migrant workers' rights in Indonesia. It is

envisaged that in this way, migrant worker protection in Indonesia can function more effectively and promote the creation of high-quality jobs.

### **Factors Affecting the Implementation of Migrant Worker Protection Policies**

Legal and regulatory issues related to the protection of migrant workers in Indonesia involve various aspects that need to be considered. One of the main issues is related to law enforcement against rogue placement agencies that do not comply with applicable regulations. More serious efforts are needed to crack down on placement agencies that engage in illegal practices, including fraud and exploitation of migrant workers (Kirilenko et al., 2022). There are issues with coordination between various relevant institutions, such as the Ministry of Foreign Affairs, the Ministry of Manpower, and the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), in order to guarantee that protection for migrant workers is implemented in accordance with statutory provisions. Strengthening these coordination issues is necessary (Himmati & Rani, 2024).

Regulations related to the placement and protection of migrant workers also still require evaluation to adjust to changes in the dynamics in the realm of labor and migration. In addition, the socialization of these regulations to the public and migrant workers is also important to be improved to ensure that the rights of migrant workers are truly conveyed and respected (Deinert, 2023). Therefore, legal and regulatory issues related to the protection of migrant workers in Indonesia demand serious attention from the government and various related parties to ensure effective protection for migrant workers (Simanjuntak et al., 2023).

Program implementation and migrant worker self-reliance are important aspects in efforts to improve the protection and welfare of Indonesian migrant workers. Training and mentoring programs prior to return and upon return are necessary to provide skills and knowledge that can assist migrant workers in finding better jobs or starting independent businesses (Marsden, 2023). Economic empowerment through entrepreneurship training can also provide sustainable alternatives for migrant workers after returning to Indonesia. In addition, it is important to strengthen the empowerment of women migrant workers, given that most migrant workers from Indonesia are women, by providing better access to education, skills training, and support to start independent businesses (Arista et al., 2022).

Currently, several government agencies and non-governmental organizations have launched programs aimed at empowering migrant workers, but further efforts are needed to improve the accessibility and reach of these programs (Rideng, 2023). Engagement and cooperation between the government, non-governmental organizations, and the private sector are also important in ensuring the sustainability and effectiveness of empowerment programs for migrant workers. With proper program implementation and the independence of migrant workers supported by

various related parties, it is expected that migrant workers can have more choices and get better protection in facing challenges in the workplace abroad and after returning to Indonesia (Nuraeny, 2023).

The role of the government and other stakeholders is very important in efforts to protect migrant workers, both before, during and after the migration process. The government has the primary responsibility for designing policies, regulations and programs to protect migrant workers and providing appropriate services to ensure the welfare and rights of migrant workers are protected (Muhsin, 2021). In addition, other stakeholders such as non-governmental organizations, non-governmental organizations, companies, and international institutions also have an important role in providing support, advocacy, and monitoring of the conditions and protection of migrant workers. Cooperation between the government and other stakeholders needs to be strengthened so that the implementation of migrant worker protection policies can run effectively and sustainably (Noor & Noor, 2023).

The government also needs to cooperate with migration destination countries to seek protection for Indonesian migrant workers abroad. This cooperation includes law enforcement, providing access to health services and justice, and handling cases of violations of migrant workers' rights (Permana, 2023). Other stakeholders such as recruitment companies, international non-governmental organizations, and mass media can also play a role in building awareness and advocacy for the interests of migrant workers. With synergy between the government and other stakeholders, it is hoped that the protection of migrant workers can be improved and their rights can be better guaranteed (Syamsudin, 2022).

To effectively address the diverse obstacles and hazards encountered by migratory laborers, it is imperative to enhance collaboration among governmental bodies, relevant parties, and the countries of destination. This includes comprehensive policy implementation, strict law enforcement against rogue placement agencies, and empowerment of migrant workers through skills training programs and support for independent businesses (Herman & Wijaya, 2023). In addition, widespread socialization of migrant workers' rights and protection mechanisms as well as stricter supervision of the parties involved in the migration process are needed to help migrant workers get proper protection (Zein et al., 2022).

It is hoped that migrant workers' rights would be given more priority and that the government will engage closely with other stakeholders, especially the countries where they will be migrating. To sum up, in order to guarantee that migrant workers can work with dignity and receive appropriate protection in line with their human rights, coordination, teamwork, and a strong commitment from all relevant parties are required for the protection of migrant workers (Ma'ruf, 2023).

## **Challenges and Opportunities in Improving Migrant Worker Protection**

Challenges in the implementation of migrant worker protection policies can come from various aspects, such as global economic conditions, immigration policies in migration destination countries, and social and cultural factors that influence perceptions of migrant workers. Unstable global economic conditions can affect the demand for migrant labor, thus impacting the protection and welfare of migrant workers (Khalid & Savirah, 2022). In addition, strict and frequently changing immigration policies in destination countries can also be an obstacle for migrant workers in gaining fair access to their rights (Hidayah et al., 2022).

In addition, other challenges arise from social and cultural factors, such as stigma against migrant workers, legal uncertainty, and lack of understanding of migrant workers' rights. This can hinder the protection and protection process for migrant workers (Matompo, 2022). Therefore, greater efforts are needed to raise awareness of migrant workers' rights, strengthen international cooperation, and address the legal and administrative barriers that migrant workers often face in both countries of origin and destination. By identifying and addressing these challenges, it is hoped that the implementation of migrant worker protection policies can be more effective and have a positive impact on the welfare of migrant workers (Hartono & Samsuria, 2021).

To improve the protection of migrant workers, concrete steps are needed that can be taken by the government, stakeholders, and the community together. One of the recommended solutions is to increase cooperation between governments of countries of origin, destination countries, and international organizations in developing effective and integrated protection mechanisms for migrant workers. This includes information exchange, cross-border law enforcement, and the establishment of dispute resolution mechanisms that can provide quick and fair access for migrant workers who experience problems or rights violations (Bakir & Syahputra, 2023).

In addition, preventive measures such as increasing understanding of migrant workers' rights, providing skills training before returning, and strengthening social networks and psychosocial support also need to be improved. Increased surveillance and monitoring of fraudulent recruitment practices and companies that do not provide proper protection for migrant workers should also be prioritized (Andriani & Phahlevy, 2022). By implementing these solutions in a comprehensive and sustainable manner, it is hoped that the protection of migrant workers can be improved and their rights can be better guaranteed in the migration process (S. S. Ali, 2023).

Opportunities for collaboration between countries for the protection of migrant workers are great, as challenges related to labor migration often involve more than one country. This cooperation can include information exchange, policy coordination, and joint action in protecting the rights of migrant workers at various phases, from recruitment to return to the country of origin (Nugraheni & Muttaqin, 2022). Destination countries can collaborate with migrant workers' home countries in strengthening protection mechanisms, including supervision of placement agencies and companies



where migrant workers work, improved skills training for prospective migrant workers, and assistance and support for migrant workers facing problems in destination countries (Iberahim & Abadi, 2022).

In addition, collaboration can also include bilateral or multilateral agreements that support the protection of migrant workers, including agreements on the protection of migrant workers' rights, dispute resolution mechanisms, and access to social services in destination countries. With strong collaboration between countries, it is expected that the protection of migrant workers can become more effective and comprehensive, and provide better protection for migrant workers in various parts of the world (Ryan, 2023); (Kanchana, 2023).

In conclusion, the protection of migrant workers is a complex challenge that requires collaborative efforts between countries. These challenges can stem from global economic conditions, immigration policies, and social and cultural factors. However, with the right solutions and close collaboration between governments, stakeholders, and communities, the protection of migrant workers can be improved.

The proposed recommendations include increasing international cooperation, cross-border law enforcement, establishing dispute resolution mechanisms, increasing understanding of migrant workers' rights, skills training, and strengthening social networks (Ramadhan et al., 2021). In this case, collaboration between countries has an important role in developing effective and integrated protection mechanisms, as well as strengthening the implementation of migrant worker protection from the recruitment phase to return (Aswindo et al., 2021).

By using this collaboration as a foundation, it is hoped that the protection of migrant workers can become more extensive, effective and sustainable. Each country has a responsibility to protect the rights of migrant workers and become partners in addressing the protection challenges faced by migrant workers. Thus, the protection of migrant workers can be better, and migrant workers can work and live with dignity and justice in their destination countries (Fahrenzky & Herlina, 2022).

## **Conclusion**

There is still opportunity for improvement in the protection of migrant workers' rights, according to an assessment of the literature on labor law policy and migrant worker protection in Indonesia. Despite the fact that this subject is governed by a number of laws and regulations, there are still obstacles to their execution, such as deficiencies in law enforcement and monitoring. To guarantee that migrant workers are effectively protected, coordination between appropriate regulation, implementation, and monitoring is required.

In addition, the literature review also highlighted the importance of increased collaboration between the government, relevant agencies, and non-governmental organizations in developing comprehensive and sustainable migrant worker protection

policies. Good coordination between stakeholders is needed in addressing issues related to labor migration, such as efforts to prevent illegal recruitment practices and protect migrant workers who are in vulnerable or crisis situations.

This literature review also shows that there is room for Indonesia to strengthen a more progressive legal framework to protect migrant workers, including in efforts to supervise recruitment agencies, provide access to justice for migrant workers who experience problems, and increase protection of the basic rights of migrant workers. With a better understanding and implementation of labor law and migrant worker protection policies, Indonesia has the potential to improve the conditions and rights of migrant workers in the future.

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