

## **Role and Responsibilities of The Government in Protecting Indonesian Migrant Workers Abroad Based on Legal Protection from a Human Rights Perspective**

**Reni Anggriani<sup>1</sup>, Ahmad Ramdani Chairi<sup>2</sup>, Sesi Safitri Liani<sup>3</sup>**

Fakultas Hukum Universitas Nahdlatul Wathan Mataram

---

### **Article Info**

#### **Article history:**

Received: 4 January 2025

Publish: 1 March 2025

---

#### **Keywords:**

Migrant Workers;

Protection;

Law

---

---

### **Abstract**

*The Indonesian government through Law Number 18 of 2017 has the main responsibility for providing legal protection for migrant workers, which includes the phases before, during and after work abroad. It is important for the government and law enforcement to provide education and provide information to prospective migrant workers, as well as support and assistance provided by consular services in the destination country. Despite significant efforts, challenges in implementing protection policies still need to be overcome to improve the welfare of migrant workers. The method used in this research is a normative juridical research method. Focusing and analyzing legal documents allows writers to identify and interpret relevant legal norms to analyze the impact and application of relevant laws.*

*This is an open access article under the [Lisensi Creative Commons Atribusi-BerbagiSerupa 4.0 Internasional](https://creativecommons.org/licenses/by-sa/4.0/)*



---

### **Corresponding Author:**

**Reni Anggriani**

Fakultas Hukum Universitas Nahdlatul Wathan Mataram

Email: [reni28anggriani@gmail.com](mailto:reni28anggriani@gmail.com)

---

## **1. INTRODUCTION**

The state is a place where people obtain comfort, protection and a place to find decent work. This is in contrast to the current facts; the phenomenon of many Indonesian people being interested in working abroad in the hope of earning more income than working in their own country. Data in 2024 shows as much as 67% Indonesian people want to work abroad; this is because of the job opportunities available within the country do not match the wages given.

In January to March 2024, the number of Indonesian Migrant Workers (PMI) stationed abroad reached 79,940 people with the largest number of PMIs being in Hong Kong at 34.09%. The state must be present in the welfare of its people through the role of government related to employment. So that it is not only present as a policy and regulation maker, the government must act as a supervisor, controller and provide a form of legal protection for migrant workers.

According to the International *Labor Organization* (ILO), there are other factors that make Indonesian citizens interested in looking for work in foreign countries because of the difficulty in getting work within the country. Many job sectors in Indonesia are already filled with job applicants, leaving few opportunities for the next generation. PMIs who work abroad face various kinds of risks in their work. So, to protect PMI, there needs to be protection for their rights to obtain information regarding wages and guarantees of work

safety and a sense of security.

Legal protection is a universal principle in a legal state so it must be implemented strictly by the government. A form of legal protection by the Government to prevent violations through preventive efforts, which are steps to restore damage resulting from disturbances through repressive measures. Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers together with BP2MI Regulation Number 4 of 2020. The Indonesian Migrant Worker Protection Agency, known as BP2MI, is a non-ministerial government agency tasked with implementing policies in services and protection Integrated Indonesian Migrant Workers.

The aim of Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers is to provide protection PMI from various forms of acts that violate Human Rights (HAM). This is done to provide strong legal protection and regulate various aspects related to the migration process, starting from preparations before leaving, while abroad, to returning to your homeland.

Problems regarding PMI still often occur due to working conditions which cause PMI to face difficult situations at work. The large number of PMIs who are looking for work has resulted in the establishment of many employment services companies which deliberately take advantage of the situation, because the legality of their establishment does not meet the requirements or comply with applicable laws and regulations, so that in the end the victims are Indonesian Migrant Workers.

## **2. RESEARCH METHOD**

The method used in this research is a normative juridical research method. Focusing and analyzing legal documents allows writers to identify and interpret relevant legal norms to analyze the impact and application of relevant laws. The importance of normative legal research methods can be reflected in the aspect of their contribution to a deeper understanding of law in its application.

## **3. RESULTS AND DISCUSSION**

Legal arrangements for migrant workers in Indonesia are clearly regulated in several laws, such as the Immigration Law, Employment Law, Smuggling Law, as well as various articles in the Criminal Code. International legal arrangements also have an important role in protecting migrant workers.

Several United Nations (UN) conventions, especially those issued by the International Labor Organization (ILO), form the basis for multilateral, unilateral and bilateral rules in the field of migrant protection between countries. One important aspect is the responsibility of the country of origin towards its citizens who migrate abroad. Violations of conventions or national laws of a country can cause a level of crime that is classified as a transnational crime.

The transnational crime in question is human trafficking or smuggling which is often carried out by irresponsible people in a neat and serious manner involving several countries as sending countries, transit (stopover) countries, and final destination countries.

The following are two procedures for placing Indonesian workers in international areas, namely:

- a) The government carrying out the placement is based on a written agreement between the Indonesian government and the destination country
- b) Private Indonesian Workforce Distribution Company (P3TKIS) which carries out the placement.

Protection of Indonesian Migrant Workers (PMI) is a responsibility that is regulated in the national legal framework. There are two main laws that form the basis of protection, namely Law Number 13 of 2003 concerning Employment and Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers. Both complement each other in an effort to provide comprehensive protection for Indonesian workers abroad.

It should be noted that the implementation of the Employment Law for migrant workers requires bilateral and multilateral cooperation between Indonesia and the country of placement. Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers more specifically regulates the protection of PMI, which complements the protection provided by the Employment Law. The state should play a crucial role in protecting the rights of overseas workers, and cover the stages before, during and after work placement. There are 3 (three) stages of protection carried out by the government, namely:

1) Before Work

Administrative protection relates to the completeness of placement documents and technical protection in the form of providing information, the quality of which is improved through education and job training, social security, and finally guidance and supervision of workers.

2) During Work

Fulfillment of rights and resolution of cases experienced by workers.

3) After Work

Protection is provided through facilitating the return of PMI if someone dies, the need for rehabilitation and social reintegration, as well as resolving the rights of migrant workers who have not yet been fulfilled, such as providing salaries that have not been paid by their previous employer. This final protection is carried out by the central government together with regional governments.

The government's legal basis for protecting PMI is as follows:

- a) 1945 Constitution Article 27 paragraph 2
- b) Law Number 6 of 2012 about agreement of International Convention on the Protection of Rights of All Migrant Workers and Members of Their Families
- c) Law Number 13 of 2003 concerning Employment
- d) Law Number 18 of 2017 concerning Protection of Indonesian Migrant Workers
- e) Law Number 39 of 2004 concerning Placement and Protection of Indonesian Workers (TKI) Abroad
- f) Government Regulation Number 59 of 2021 concerning Implementation of Protection for Indonesian Migrant Workers
- g) Presidential Regulation Number 90 of 2019 concerning the Indonesian Migrant Worker Protection Agency

To increase protection for Indonesian Migrant Workers, every authorized agency is expected to be maximal in carrying out its main duties and functions. Protection of Indonesian Migrant Workers is a very crucial issue because PMI are very vulnerable to human rights violations and actions that degrade their honor and dignity, making them vulnerable to becoming victims of the Crime of Human Trafficking (TPPO). As a result of the large number of Indonesian Migrant Workers who have become victims of the Crime of Human Trafficking (TPPO), many parties are concerned about this, not only the Indonesian government, but also the world. So, there is a need for synergy of cooperation between relevant Ministries and Institutions in implementing forms of protection for Indonesian Migrant Workers. The cooperation in question can be carried out between the Indonesian Migrant Worker Protection Agency, the Ministry of Manpower, the Directorate

General of Immigration, the Ministry of Law and Human Rights, the Indonesian National Police, and other authorized institutions.

#### 4. CONCLUSION

Protection of migrant workers is a shared responsibility between the Government, society and the country of migration destination. Through strong regulations, international cooperation, and strict law enforcement, governments can ensure that migrant workers receive the legal protection they need and deserve. However, there are still many challenges and security risks that they can encounter at any time, so that with good cooperation between all parties they must be faced together to ensure the welfare of migrant workers throughout the world. So that in the future they will no longer be discriminated against, exploited and subjected to violence in other countries.

#### 5. BIBLIOGRAPHY

- [1] Adnan Hamid, "Menuju Kebijakan yang Adil Bagi Pekerja Migran," *FHUP Press. Jakarta, 2018, hlm. 4.*
- [2] A. A. I. Dhini Auliaillah, "Perlindungan Tenaga Kerja Migran Dari Kejahatan Lintas Negara Dalam Upaya Penegakan Hak Asasi Manusia," *J. Media Huk. Indones. Vol. 2(3), 2024.*
- [3] G. A. Wibowo, "Survei : 67% Warga RI ingin Kerja di Luar Negeri, Jepang Jadi Tempat Favorit," *Diakses melalui <https://ekonomi.espos.id/survei-67-warga-ri-ingin-kerja-di-luar-negeri-jepang-jadi-favorit-1935270>. pukul. 22.10 WITA, 01 Desember 2024..*
- [4] Hartono Widodo R. & Jossi Belgradoputra, "Perlindungan Pekerja Migran Indonesia," *J. Bina Mulia Hukum, Vol. 8(1), 2019..*
- [5] L. R. A. et Al, "Perlindungan Hukum Sebagai Tanggung Jawab Negara Kepada Para Migran Indonesia di Malaysia dalam Perspektif Ham," *J. Leg. Reason. Vol. 7(1), 2024..*
- [6] M. J. & Khikmah, "Perlindungan Hukum Dan Penempatan Pekerja Migran Indonesia Di Luar Negeri," *J. USM Law Rev. Vol. 7(1), 2024..*
- [7] R. N. S. dan L. A. K. D. Muhammad Azzam Alfarizi, "Tinjauan Yuridis Terhadap Peran Kerja sama Imigrasi dalam Perlindungan Hukum Pekerja Migran Indonesia," *J. Syntax Transform. Vol. 2(4), 2021..*
- [8] "Satu Data Kemnaker, Penempatan PMI Periode Januari-Maret 2024," *Diakses melalui <https://satudata.kemnaker.go.id/data/kumpulan-data/1802> pukul. 22.30 WITA, 01 Desember 2024..*
- [9] I. A. T. & S. O. V. Amanda Graysela Mawikere, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia Berdasarkan Undang-Undang Nomor 18 tahun 2017," *J. Lex Priv. Vol. 14(1), 2024.*
- [10] Any Suryani H, *Perlindungan Pekerja Migran Indonesia*, Cet. 1, Sanabil Publishing, Mataram, 2020, hlm. 13.
- [11] Dhini Auliaillah, Andi Aina Ilmih, *Perlindungan Tenaga Kerja Migran Dari Kejahatan Lintas Negara Dalam Upaya Penegakan Hak Asasi Manusia, Jurnal Media Hukum Indonesia, Volume 2(3), 2024*
- [12] Luh Rina Apriani et al, *Perlindungan Hukum Sebagai Tanggung Jawab Negara Kepada Para Migran Indonesia di Malaysia dalam Perspektif Ham, Jurnal Legal Reasoning, Volume 7(1), 2024.*
- [13] Retno Wulandari & Lilis Komala Dewi, *Perlindungan Pekerja Migran di*

*Indonesia Menurut Perspektif Hukum dan HAM*, Jurnal Pendidikan Tambusai, Volume 7(3),m 2023.

[14] Ditinjau Dari Perspektif Hak Asasi Manusia, Universitas Mataram.