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### Realizing Equitable Protection For Indonesian Migrant Workers In The Draft Law On Indonesian Migrant Worker Protection

**Fithriatus Shalihah**

<sup>1</sup>Universitas Ahmad Dahlan

<sup>1</sup>E-Mail : [fithriatus.shalihah@law.uad.ac.id](mailto:fithriatus.shalihah@law.uad.ac.id)

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#### ABSTRAK

Tulisan ini mengkaji Rancangan Undang-Undang Perlindungan Pekerja Migran Indonesia (RUU PMI) sebagai upaya mewujudkan perlindungan yang progresif dan berkeadilan bagi Pekerja Migran Indonesia (PMI). Undang-Undang Nomor 18 Tahun 2017 tentang Perlindungan Pekerja Migran Indonesia telah menjadi landasan hukum utama, namun berbagai tantangan masih dihadapi dalam implementasinya, terutama terkait kasus kekerasan, eksploitasi, dan perdagangan orang. RUU PMI diharapkan dapat mengatasi kelemahan regulasi sebelumnya melalui penyesuaian kelembagaan, perluasan cakupan perlindungan, serta penguatan fungsi promosi dan jaminan sosial. Analisis ini juga membandingkan RUU PMI dengan standar internasional dan mengidentifikasi tantangan serta peluang implementasinya. RUU PMI diharapkan dapat memberikan kerangka hukum yang lebih komprehensif dan efektif untuk melindungi hak-hak pekerja migran Indonesia sejak prapenempatan hingga pascapenempatan, serta menjamin keadilan dan kesejahteraan bagi pekerja migran Indonesia dan keluarganya.

**Kata Kunci:** Hukum; Keadilan ; Migran; Perlindungan; RUU PMI.

#### ABSTRACT

*This paper analyzes the Draft Law on Indonesian Migrant Worker Protection (RUU PMI) as an effort to realize progressive and equitable protection for Indonesian Migrant Workers (PMI). Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers has served as the primary legal basis, but various challenges persist in its implementation, particularly concerning cases of violence, exploitation, and human trafficking. The RUU PMI is expected to address the weaknesses of previous regulations through institutional adjustments, expansion of protection scope, and strengthening of promotion functions and social security. This analysis also compares the RUU PMI with international standards and identifies implementation challenges and opportunities. It is hoped that the RUU PMI can provide a more comprehensive and effective legal framework to protect the rights of Indonesian migrant workers from pre-placement to post-placement, and ensure justice and welfare for them and their families.*

**Keywords;** Draft Law on PM; Equitable; Migrant, Law; protection.

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## A. PENDAHULUAN

Indonesian Migrant Workers (PMI) play a crucial role in the national economy, both through remittances sent and their contributions to bilateral relations with destination countries.<sup>1</sup> However, despite these significant contributions, PMIs often face various complex problems, ranging from non-transparent recruitment processes, exploitation in destination countries, to minimal legal protection upon returning home. Cases of violence, fraud, human trafficking, and other human rights violations continue to be dark records in the history of PMI protection.<sup>2</sup>

Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PMI) was enacted as a government effort to provide a more comprehensive legal framework compared to previous regulations.<sup>3</sup> This law aims to protect PMIs from pre-placement, during placement, until post-placement. Nevertheless, the implementation of UU PMI still faces various obstacles, including suboptimal inter-agency coordination, lack of supervision, and legal loopholes exploited by irresponsible parties.<sup>4</sup>

Recognizing the complexity of the problems and the need for more adaptive protection against the dynamics of global migration, the government and the House of Representatives (DPR) initiated the Draft Law on Indonesian Migrant Worker Protection (RUU PMI). This draft law is expected to refine existing regulations, fill legal vacuums, and strengthen protection mechanisms for PMIs to be more progressive and equitable. An analysis of the substance of the RUU PMI is very important to identify potential improvements and challenges that may arise in its future implementation.

## B. METODE

Penelitian ini menggunakan metode hukum normatif dengan fokus pada norma tertulis dalam peraturan, putusan, dan doktrin hukum untuk mengkaji kesesuaian regulasi Indonesia dengan prinsip restorative justice dalam penyelesaian sengketa medis berbasis digital. Pendekatan yang digunakan meliputi statute approach, dengan

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<sup>1</sup> Hartono Widodo and R Jossi Belgradoputra, "Perlindungan Pekerja Migran Indonesia," *Binamulia Hukum* 8, no. 1 (2019): 107–16, <https://doi.org/10.37893/jbh.v8i1.42>.

<sup>2</sup> Fernando Hamonangan, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia," *Jurnal Hukum Lex Generalis* 6, no. 5 (2025).

<sup>3</sup> Elviandri Elviandri and Ali Ismail Shaleh, "Perlindungan Pekerja Migran Indonesia Di Masa Adaptasi Kebiasaan Baru Di Provinsi Jawa Tengah," 2022.

<sup>4</sup> "Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia," accessed July 17, 2025, <https://www.hukumonline.com/berita/a/begini-10-substansi-revisi-uu-pelindungan-pekerja-migran-indonesia-lt679b15e9d2d41>.

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menelaah UU No. 17 Tahun 2023 tentang Kesehatan, UU No. 29 Tahun 2004 tentang Praktik Kedokteran, serta regulasi terkait, dan conceptual approach, yang mengkaji konsep restorative justice, digital justice, dan mediasi elektronik. Data penelitian berupa bahan hukum primer, sekunder, dan tersier dikumpulkan melalui studi kepustakaan, kemudian dianalisis menggunakan metode kualitatif yuridis untuk menafsirkan norma hukum serta mengidentifikasi konsistensi, kekosongan, atau ketidaksesuaian regulasi dengan prinsip restorative justice dan tuntutan digitalisasi dalam penyelesaian sengketa medis.

## **C. HASIL DAN PEMBAHASAN**

### **1. Concept Of Migrant Worker Protection**

Migrant worker protection is a complex issue involving various dimensions, ranging from human rights, labor law, to international relations. In general, migrant worker protection encompasses a series of efforts to guarantee their basic rights, prevent exploitation, and ensure welfare during the migration process. This concept is not limited to formal legal protection but also includes social, economic, and cultural protection.<sup>5</sup>

The International Organization for Migration (IOM) defines a migrant worker as an individual who migrates from one country to another or within a country for the purpose of obtaining employment. Their protection is crucial given the inherent vulnerabilities associated with migrant status, such as language barriers, cultural differences, lack of access to information, and potential discrimination.<sup>6</sup> Various international legal instruments, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, serve as a basis for countries to formulate PMI protection policies.<sup>7</sup>

### **2. Legal Framework For Indonesian Migrant Worker Protection (Law No. 18 Of 2017)**

Before the enactment of Law Number 18 of 2017, the protection of migrant workers in Indonesia was regulated by Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Workers Abroad. However, Law 39/2004 was

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<sup>5</sup> Xochitl Bada and Shannon Gleeson, *Scaling Migrant Worker Rights: How Advocates Collaborate and Contest State Power*, 1st ed. (University of California Press, 2023), <https://doi.org/10.2307/j.ctv34wmm6d>.

<sup>6</sup> "Glossary on Migration. International Migration Law, No. 34," 2019, <https://doi.org/doi>:

<sup>7</sup> "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families," 1990.

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deemed to have many weaknesses and was unable to provide optimal protection for PMIs.<sup>8</sup> Therefore, Law 18/2017 was introduced with a new spirit to comprehensively strengthen PMI protection.

Law Number 18 of 2017<sup>9</sup> introduced several significant changes, including: (1) the change in nomenclature from Indonesian Workers (TKI) to Indonesian Migrant Workers (PMI) to eliminate negative stigma; (2) strengthening the role of local governments in the placement and protection process; (3) emphasis on the zero-cost principle for PMIs; and (4) the establishment of the Indonesian Migrant Worker Protection Agency (BP2MI) as the institution fully responsible for PMI protection<sup>10</sup> Nevertheless, the implementation of Law 18/2017 still faces various challenges, such as non-procedural placement practices, illegal levies, and lack of supervision in the field.<sup>11</sup>

### **3. Urgency Of Revising The Indonesian Migrant Worker Protection Law**

Along with the dynamics of global migration and the emergence of various modes of transnational crime, Law 18/2017 is deemed necessary to be revised. Some of the urgencies for revising the RUU PMI include: (1) institutional/nomenclature adjustment from an agency to a ministry to strengthen coordination and effectiveness of protection; (2) expansion of migrant worker coverage, including migrant fishing vessel crew, migrant merchant vessel crew, and interns; (3) strengthening protection before, during, and after work; and (4) strengthening social security participation for PMIs.<sup>12</sup>

This revision is expected to close existing legal loopholes, increase the effectiveness of law enforcement, and provide more adaptive protection against various forms of vulnerability faced by PMIs. In addition, this revision is also expected to integrate international protection standards into the national legal framework, so that PMIs can work safely, with dignity, and equitably in destination countries.<sup>13</sup>

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<sup>8</sup> Fatkhul Muin, “Perlindungan Hukum Terhadap Tenaga Kerja Indonesia (Tinjauan Terhadap UU Nomor 39 Tahun 2004 Tentang Penempatan Dan Perlindungan Tenaga Kerja Indonesia),” *Jurnal Cita Hukum* 3, no. 1 (2015).

<sup>9</sup> Pemerintah Indonesia, “Undang-Undang Republik Indonesia NO. 18 2017 Perlindungan Pekerja Migran Indonesia,” *Pemerintah Indonesia*, 2017.

<sup>10</sup> A Santoso, *Migrant Workers and ASEAN: A Two Level State and Regional Analysis*, Routledge Contemporary Southeast Asia Series (Taylor & Francis, 2017), <https://books.google.co.id/books?id=AJq8DgAAQBAJ>.

<sup>11</sup> Rizqy Aulia Fitri and Arinto Nugroho, “Pengawasan Dinas Tenaga Kerja Terkait Pemenuhan Persyaratan Dokumen Calon Pekerja Migran Indonesia Di Kabupaten Ponorogo,” *NOVUM: JURNAL HUKUM* 4, no. 4 (2017): 38–45.

<sup>12</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

<sup>13</sup> United Arab Emirates, “Extending Social Protection to Migrant Workers : Exploratory Research and Policy Dialogue in the Gulf Cooperation Council Countries,” 2024, 1–101.

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#### **4. Substance Of The Ruu Pmi Revision**

The Draft Law on Indonesian Migrant Worker Protection (RUU PMI) is a strategic initiative to refine the existing legal framework for PMI protection. Based on gathered information, there are at least ten main substances that are the focus of this revision, which are expected to address various problems faced by PMIs from pre-placement to post-placement.<sup>14</sup>

##### **a. Institutional/Nomenclature Adjustment**

One of the crucial substances in the RUU PMI is the institutional or nomenclature adjustment from an Agency to a Ministry. This change aims to strengthen the coordination and effectiveness of PMI protection. With the status of a Ministry, it is hoped that the institution responsible for PMIs will have greater authority, more adequate budget, and a stronger position in cross-sectoral policy-making. This is also expected to cut bureaucracy and accelerate the process of handling complex PMI cases.<sup>15</sup>

##### **b. Addition of Promotion Function and Utilization of Job Opportunities**

The RUU PMI proposes the addition of regulations related to the promotion function and utilization of job opportunities, especially those related to marketing. This function is important to ensure that PMIs have access to accurate and transparent information regarding job opportunities abroad. With targeted promotion, PMIs can choose jobs that match their skills and interests, and avoid fraudulent practices or non-procedural placements. The utilization of job opportunities also includes efforts to open new labor markets and diversify employment sectors for PMIs.<sup>16</sup>

##### **c. Adjustment of Labor Attaché Nomenclature**

The nomenclature of Labor Attaché (Atnaker) is proposed to be adjusted to the Indonesian Migrant Worker Protection Office. This change is not merely a name change, but a reflection of the strengthening of the role of Indonesian representatives abroad in providing direct protection to PMIs. The Indonesian Migrant Worker Protection Office is expected to be at the forefront in providing legal assistance, advocacy, and consular services for PMIs facing problems in destination countries. This also aims to increase the responsiveness and effectiveness of case handling in the field.<sup>17</sup>

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<sup>14</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

<sup>15</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

<sup>16</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

<sup>17</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

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**d. Expansion of Indonesian Migrant Worker Coverage**

The coverage of Indonesian migrant workers in the RUU PMI is proposed to be expanded by adding interns, migrant fishing vessel crew, and migrant merchant vessel crew. This expansion is highly relevant given the increasing diversity of job types and sectors sought by Indonesian citizens abroad. By including these groups in the definition of PMI, they will receive the same legal protection as PMIs in general, thereby minimizing potential exploitation and discrimination that may have occurred previously.<sup>18</sup>

**e. Distribution of Overseas Job Opportunity Information**

The PMI Bill emphasizes the importance of distributing information on overseas job opportunities by Indonesian migrant worker placement companies (P3MI) in collaboration with the Ministry, LTSA (One-Stop Integrated Service), UPT (Technical Implementation Unit), local governments, and village governments. Availability of accurate information and

Accessibility is key to preventing migrant workers from becoming victims of fraud or illegal practices. By involving various parties, it is hoped that information can be spread evenly to the village level, so that prospective migrant workers have a comprehensive understanding before deciding to work abroad.<sup>19</sup>

**f. Strengthening Protection Before Work**

Strengthening protection before work is one of the main focuses of the RUU PMI. This includes various aspects, such as transparent recruitment processes, adequate training, comprehensive health examinations, and the provision of complete and legitimate documents. The purpose of this strengthening is to ensure that prospective PMIs are well-prepared and protected from various risks from the beginning of the migration process. Thus, PMIs are expected to depart with sufficient provisions and avoid problems later on.

**g. Strengthening Protection During Work**

Protection during work is a crucial aspect of the RUU PMI. This substance includes guaranteeing the basic rights of PMIs in destination countries, such as the right to decent wages, reasonable working hours, safe and healthy working conditions, and access to justice. The RUU PMI is expected to strengthen supervision mechanisms for employers and placement agencies, and provide effective complaint channels for PMIs who experience problems. In addition, this strengthening also includes efforts to

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<sup>18</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

<sup>19</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

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prevent and handle cases of violence, harassment, and exploitation that may occur during employment.<sup>20</sup>

**h. Strengthening Protection After Work**

The RUU PMI also pays serious attention to strengthening protection after work. This includes facilitating the return of PMIs to their home country, social and economic reintegration, and empowerment for returning PMIs. Many PMIs face problems after returning to Indonesia, such as difficulty finding employment, health problems, or psychological trauma. The RUU PMI is expected to provide comprehensive programs to help returning PMIs adapt back to the social and economic environment in Indonesia, and utilize the skills they acquired abroad.<sup>21</sup>

**i. Strengthening Social Security Participation**

Strengthening social security participation for PMIs is an important substance in the RUU PMI. Social security includes various forms of protection, such as health insurance, work accident insurance, old age insurance, and death insurance. With comprehensive social security, PMIs and their families will have adequate financial protection if risks occur during or after employment. The RUU PMI is expected to ensure that PMIs have easy and affordable access to social security programs, both those organized by the government and private parties.<sup>22</sup>

**5. Comparison Of Ruu Pmi With International Regulations**

Migrant worker protection has become a global concern, and various international legal instruments have been formulated to guarantee their rights. One of the most comprehensive instruments is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 (ICRMW). This Convention sets minimum standards of protection for migrant workers, including the right to equal treatment with citizens, the right to fair wages, and the right to association.<sup>23</sup>

The RUU PMI demonstrates Indonesia's efforts to align national regulations with international standards. Some of the substances in the RUU PMI, such as strengthening protection before, during, and after work, as well as expanding the coverage of migrant workers, are in line with the principles regulated in the ICRMW. For example, the emphasis on transparent recruitment processes and the prevention of

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<sup>20</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

<sup>21</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

<sup>22</sup> “Begini 10 Substansi Revisi UU Pelindungan Pekerja Migran Indonesia.”

<sup>23</sup> “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.”

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fraudulent practices reflect efforts to fulfill Articles 8 and 9 of the ICRMW which prohibit illegal migration and exploitation.<sup>24</sup>

However, challenges remain in ensuring effective implementation. Although the RUU PMI strives to adopt international principles, differences in legal systems, institutional capacity, and socio-economic realities in Indonesia can affect the extent to which these standards can be fully applied. Comparison with best practices in other countries that have long experience in managing labor migration, such as the Philippines or Sri Lanka, can provide valuable lessons for Indonesia in refining the RUU PMI and its implementation.<sup>25</sup>

## **6. Challenges And Opportunities For Ruu Pmi Implementation**

The implementation of the RUU PMI will face various challenges, but it also opens up great opportunities for improvement. One of the main challenges is inter-agency coordination. Although the RUU PMI proposes institutional adjustments, the synchronization of policies and programs between relevant Ministries/Agencies, local governments, and representatives abroad remains a major task. Without strong coordination, overlapping authorities or even gaps in protection can occur.<sup>26</sup>

Another challenge is law enforcement. Although the RUU PMI seeks to strengthen sanctions for violators, non-procedural placement practices and exploitation are still rampant. Strong commitment from law enforcement officials, as well as active participation from civil society, is needed to ensure that the law is enforced fairly and transparently.<sup>27</sup> In addition, the socialization of the RUU PMI to all stakeholders, including PMIs themselves, is also a challenge so that they understand their rights and obligations.

On the other hand, the RUU PMI offers great opportunities to realize more holistic PMI protection. With expanded coverage and strengthened social security, PMIs will have better access to health services, education, and other social protection. The addition of promotion functions and utilization of job opportunities can also help PMIs get better jobs and in accordance with their qualifications.<sup>28</sup> In addition, the RUU

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<sup>24</sup> “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.”

<sup>25</sup> Bada and Gleeson, *Scaling Migrant Worker Rights: How Advocates Collaborate and Contest State Power*.

<sup>26</sup> Santoso, *Migrant Workers and ASEAN: A Two Level State and Regional Analysis*.

<sup>27</sup> Hari Sutra Disemadi, Mochammad Abizar Yusro, and Ali Ismail Shaleh, “Perlindungan Hukum Keputusan Bisnis Direksi BUMN Melalui Business Judgement Rule Doctrine,” *Jurnal Jurisprudence* 10, no. 1 (2020): 127–45.

<sup>28</sup> Solechan Solechan; Tri Rahayu Utami; Muhamad Azhar, “Upaya Meningkatkan Jaminan Perlindungan Pekerja Migran Indonesia,” *Administrative Law and Governance Journal*, no. Vol 3, No

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PMI can be a momentum to strengthen PMI protection diplomacy at bilateral and multilateral levels, so that Indonesia can be more effective in fighting for the rights of its citizens abroad.<sup>29</sup>

## **7. Realizing Equitable Pmi Protection**

Realizing progressive and equitable protection for Indonesian Migrant Workers (PMI) is not solely the government's task, but requires synergy from various parties. A holistic approach involving the government, community, private sector, and international organizations is key to achieving this goal. Progressive protection means protection that is adaptive to changing times and global challenges, while equitable protection means ensuring every PMI receives their rights without discrimination.<sup>30</sup>

### **a. Role of Government and Related Institutions**

The government plays a central role in formulating policies, overseeing implementation, and enforcing laws related to PMI protection. With the RUU PMI proposing institutional adjustments to a Ministry, it is hoped that inter-agency coordination can be more effective. The Ministry responsible for PMIs must be able to act as the main coordinator for other related ministries/agencies, such as the Ministry of Foreign Affairs, Ministry of Manpower, Police, and the National Agency for the Placement and Protection of Indonesian Workers (BNP2TKI) or BP2MI. This synergy is important to create an integrated protection system from upstream to downstream.<sup>31</sup>

In addition, the government also needs to strengthen the capacity of diplomatic representatives in destination countries. Labor Attachés or Indonesian Migrant Worker Protection Offices must be equipped with adequate resources, including trained personnel and sufficient budget, to provide legal assistance, mediation, and consular services quickly and effectively. Training and socialization programs for PMIs before departure must also be improved, including provisions on their rights, complaint procedures, and the culture of the destination country.<sup>32</sup>

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1 (2020): Administrative Law & Governance Journal (2020): 153–61, <https://ejournal2.undip.ac.id/index.php/alj/article/view/8035/4177>.

<sup>29</sup> Gede Dendi Teguh Wahyudi, Dewa Gede Sudika Mangku, and Ni Putu Rai Yuliantini, “Perlindungan Hukum Tenaga Kerja Indonesia Ditinjau Dari Perspektif Hukum Internasional (Studi Kasus Penganiayaan Adelina TKW Asal NTT Di Malaysia),” *Jurnal Komunitas Yustisia* 2, no. 1 (2019): 55–65.

<sup>30</sup> *PROTECTING MIGRANT WORKERS IN INDO-PACIFIC SUPPLY CHAINS: A GOOD PRACTICE GUIDE FOR BUSINESSES AND BALI PROCESS*, n.d.

<sup>31</sup> Ali Ismail Shaleh, Dwika Ananda Agustina Pertiwi, and Fitriatus Shalihah, “The Role of BP2MI and The Department of Manpower & Transmigration in The Protection of Indonesian Migrant Workers (PMI) in The Era of Covid 19 InCentral Java Province,” 2020.

<sup>32</sup> Iin Karita Sakharina, “Perlindungan Negara Bagi Pengungsi Pada Masa Pandemi Global COVID-19: Kajian Hukum Internasional,” *Al-Azhar Islamic Law Review* 2, no. 2 (2020): 66–77.

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**b. Role of Society and Non-Governmental Organizations**

Civil society and non-governmental organizations (NGOs) play an equally important role in PMI protection efforts. Organizations such as Migrant CARE, the Migrant Workers Network (JBM), and various other non-governmental organizations have long been at the forefront in providing advocacy, legal assistance, and rehabilitation for PMIs in trouble. Their role includes monitoring policy implementation, identifying cases of violations, and providing direct services to PMIs in need.<sup>33</sup>

Collaboration between the government and civil society must be strengthened. The government needs to open wider participation opportunities for NGOs in policy formulation, supervision, and evaluation of PMI protection programs. In addition, financial and technical support for NGOs working in PMI protection also needs to be increased so that they can reach more PMIs in need of assistance. Public education on migration issues and PMI protection is also important to build collective awareness and reduce negative stigma against PMIs.<sup>34</sup>

**c. Policy Recommendations**

Based on the analysis of the RUU PMI and the dynamics of PMI protection, several policy recommendations can be proposed:

- **Acceleration of RUU PMI Ratification and Socialization**

The government and DPR need to prioritize the ratification of the RUU PMI into law. Once ratified, massive and comprehensive socialization must be immediately carried out to all stakeholders, including PMIs, PMI families, placement agencies, and the general public, so that the substance and benefits of this law can be widely understood.

- **Strengthening Coordination and Synergy Among Institutions**

The establishment of a Ministry responsible for PMIs must be followed by the establishment of clear and effective coordination mechanisms among related ministries/agencies, both at the central and regional levels. There needs to be a clear division of tasks and responsibilities to avoid overlap and ensure rapid case handling.

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<sup>33</sup> Siti Kunarti, Ulil Afwa, and Sri Hartini, “Strengthening Migrant CARE: A Comprehensive Approach to Ensure Worker Protection and Safeguard the Rights of Indonesian Migrants,” *Journal of Law and Sustainable Development* 11, no. 12 SE-Articles (December 21, 2023): e1454, <https://doi.org/10.55908/sdgs.v11i12.1454>.

<sup>34</sup> Noraini M Noor and Muhamad Nabil Shaker, “Perceived Workplace Discrimination, Coping and Psychological Distress among Unskilled Indonesian Migrant Workers in Malaysia,” *International Journal of Intercultural Relations* 57 (2017): 19–29.

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- **Improvement of Supervision and Law Enforcement**

Law enforcement officials must be more proactive in cracking down on non-procedural placement practices, human trafficking, and exploitation of PMIs. Strict sanctions and deterrent effects must be applied to perpetrators of migration crimes. Supervision of placement agencies also needs to be tightened to ensure compliance with regulations.

- **Empowerment of PMIs and Families**

Economic and social empowerment programs for returning PMIs and their families must be enhanced. This includes skills training, access to capital, and business assistance. The goal is for returning PMIs to be economically independent and contribute to the development of their home regions.<sup>35</sup>

- **Aggressive Protection Diplomacy**

The government needs to continuously improve PMI protection diplomacy with destination countries. This includes negotiating stronger bilateral agreements, establishing easily accessible complaint mechanisms in destination countries, and increasing cooperation in handling PMI cases.<sup>36</sup>

#### **D. PENUTUP**

The protection of Indonesian Migrant Workers (PMI) is a complex issue that requires serious attention. Law No. 18 of 2017 serves as an important foundation, but global dynamics and field challenges demand improvements. The Draft Law on PMI Protection (RUU PMI) responds to this need with key provisions, including institutional adjustments, promotion and utilization of job opportunities, revised nomenclature for overseas representatives, expanded PMI coverage, dissemination of job information, strengthened protection at every migration stage, and enhanced social security.

Effective PMI protection requires synergy among the government, civil society, and other stakeholders. The government plays a role in policymaking and law enforcement, while civil society focuses on advocacy and assistance. The RUU PMI is expected to

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<sup>35</sup> Anis Hidayah, “Restoring the Rights of Indonesian Migrant Workers through the Village of Care (Desbumi) Program,” in *Indonesia in the New World: Globalisation, Nationalism and Sovereignty*, ed. Arianto A Patunru, Mari Pangestu, and M Chatib Basri, Books and Monographs (ISEAS–Yusof Ishak Institute, 2018), 225–42, <https://www.cambridge.org/core/product/9B76E6C42C2498A99E24E6E1D9740697>.

<sup>36</sup> Astrid Athina Indradewi and Yuni Priskila Ginting, “Legal Protection for Indonesian Migrant Workers in International Human Trafficking Syndicates,” *UNES Law Review* 6, no. 4 (2024): 9968–76.

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become an effective legal instrument ensuring PMIs' rights to work safely, with dignity and fairness.

The government and parliament should promptly finalize the RUU PMI by involving PMIs and civil society, prepare clear implementing regulations, and strengthen institutions and human resources responsible for PMI protection. Civil society also plays a crucial role in monitoring implementation, providing advocacy, assisting PMIs facing problems, and supporting reintegration and empowerment programs for returning PMIs.

PMIs and prospective PMIs must be proactive in seeking accurate information regarding placement procedures, their rights, and potential risks, and utilize available complaint channels if they experience problems. The RUU PMI, with its substantive changes, is expected to have significant implications for PMI protection in various sectors, both formal and informal. In the formal sector, such as domestic workers or factory workers, this RUU has the potential to strengthen the bargaining position of PMIs through clearer employment contracts, minimum wage guarantees, and access to effective dispute resolution mechanisms. Strengthening social security participation will also provide financial security for PMIs and their families, reducing the economic burden in the event of work accidents or illness.<sup>37</sup>

In the informal sector, which is often more vulnerable to exploitation, the RUU PMI is expected to provide a stronger protection framework. The expansion of PMI coverage to include migrant fishing vessel crew and interns is an important step forward. The fisheries sector, for example, is known to have a high risk of forced labor and human trafficking. With clear legal protection, it is hoped that PMIs in this sector can work more safely and with dignity.<sup>38</sup>

In addition, the RUU PMI also has the potential to improve the quality of PMI placement. With a more structured promotion function and utilization of job opportunities, PMIs can be placed in jobs that match their skills, thereby reducing the risk of fraud and inappropriate placement. This will also encourage P3MIs to operate more professionally and responsibly, due to stricter supervision from the government and community participation.<sup>39</sup>

However, the successful implementation of the RUU PMI greatly depends on the commitment of all parties. Challenges in overseeing the broad and diverse informal

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<sup>37</sup> Wouter Van Ginneken, "Social Protection for Migrant Workers: National and International Policy Challenges," *European Journal of Social Security* 15, no. 2 (2013): 209–21.

<sup>38</sup> Diogo Andreola Serraglio and Stephen Adaawen, "International Organization for Migration (IOM)," 2023.

<sup>39</sup> Santoso, *Migrant Workers and ASEAN: A Two Level State and Regional Analysis*.

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sector, and ensuring employer compliance in destination countries, will remain a concern. Therefore, an adaptive implementation strategy involving various stakeholders, including trade unions, civil society organizations, and diplomatic representatives abroad, is needed.<sup>40</sup>

Information technology developments offer great opportunities to strengthen PMI protection. The RUU PMI can integrate the use of technology in various aspects, from pre-placement to post-placement. For example, the use of digital platforms for registration and verification of PMI documents can minimize forgery and illegal levies. Mobile applications can be developed to provide accurate information on job opportunities, PMI rights, and complaint procedures, so that PMIs can access this information easily and quickly.<sup>41</sup>

In addition, technology can also be utilized to improve supervision and law enforcement. Digital tracking systems can be used to monitor PMI movements and ensure they do not become victims of human trafficking. Data analytics can help the government identify patterns of exploitation and take more effective preventive measures. Technology-based complaint mechanisms, such as hotlines or instant messaging applications, can make it easier for PMIs to report problems they face, so that responses can be provided more quickly.<sup>42</sup>

However, the use of technology also has its own challenges, such as data privacy issues, digital divide, and the risk of cyberattacks. Therefore, the RUU PMI needs to clearly regulate the protection of PMI personal data, and ensure that access to technology is equitable for all PMIs, including those in remote areas or with limited internet access. Collaboration with technology companies and cybersecurity experts is also important to develop safe and effective solutions.<sup>43</sup>

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<sup>40</sup> Christina Lowe et al., “Extending Social Protection to Migrant Workers in the Region of the Cooperation Council for the Arab States of the Gulf (GCC): An Analysis of Enablers and Barriers,” *International Social Security Review* 76, no. 4 (2023): 89–110.

<sup>41</sup> Alan Desmond, “A New Dawn for the Human Rights of International Migrants? Protection of Migrants’ Rights in Light of the UN’s SDGs and Global Compact for Migration,” *International Journal of Law in Context* 16, no. 3 (2020): 222–38, <https://doi.org/DOI: 10.1017/S1744552320000282>.

<sup>42</sup> Disemadi, Yusro, and Shaleh, “Perlindungan Hukum Keputusan Bisnis Direksi BUMN Melalui Business Judgement Rule Doctrine.”

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