

The Proliferation of Undocumented Indonesian Migrant Workers in Batam: A Legal Analysis

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ABSTRACT

Indonesian Migrant Workers refer to any citizen who is currently or has engaged in employment beyond the borders of Indonesia, receiving wages or compensation. The prevalent issue at hand is the rising number of Indonesian Migrant Workers operating illegally, driven by individuals offering unofficial services with enticing proposals to the public. This study employs a normative legal research approach, utilizing secondary data that encompasses primary legal materials such as Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, secondary legal materials including articles, news, and other literature, as well as tertiary legal materials. Indonesia actively takes part in addressing the concerns of Indonesian Migrant Workers by enacting Law Number 18 of 2017 to ensure the fulfillment of their rights and legal protection, including criminal provisions against wrongdoers. Efforts to address this issue involve public awareness campaigns and legal measures against those engaging in criminal activities

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INTRODUCTION

Indonesia stands as a nation governed by a democratic system, defined as a form of government that operates based on the sovereignty of the people. In this context, Indonesia adheres to a governance system “of the people, by the people, and for the people,” prioritizing the welfare and fundamental rights of all its citizens ¹. According to the prevailing legal norms in Indonesia, every citizen has the right to obtain suitable employment and a decent standard of living, as outlined in Article 27, paragraph 2 of the 1945 Constitution. Employment is a crucial aspect for an individual's sustenance, allowing them to lead a dignified life with sufficient and reliable income. From a different perspective,

¹ Iqra Ramadhan, “Indonesia Adalah Negara Demokrasi,” 2021.

the labor force is instrumental in supporting economic growth and progress within a nation².

Unemployment is widely regarded as a significant concern for many individuals. One of the contributing factors to unemployment is the disparity between the limited job opportunities and the escalating growth of the workforce. The tight competition in the job market is exacerbated by the low quality of human resources and the mismatch between educational qualifications and job requirements. These factors drive Indonesian citizens to seek employment opportunities abroad, leading them to become migrant workers or laborers in foreign countries. The relatively higher income abroad becomes a compelling reason for Indonesian citizens to willingly work far from their homeland to meet the economic demands of their families³.

The Indonesian government has enacted legislation for Indonesian citizens aspiring to become Migrant Workers or Labor Force in other countries, namely Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. This law, born out of the pursuit of Human Rights, is designed to advocate for the fundamental rights of individuals and provide protection to every Indonesian Migrant Worker. Stipulated in the Law on the Protection of Indonesian Migrant Workers are various prerequisites, including a minimum age of 18 years, possessing the necessary competencies as an Indonesian Migrant Worker intending to work abroad, physical and mental fitness, valid social security membership, and complete documentation as a requirement for Indonesian Migrant Workers.

Indonesian Migrant Workers play a pivotal role in reducing unemployment rates in Indonesia and contribute to increasing foreign exchange reserves⁴. However, the multitude of required conditions, relatively high costs, and educational background constraints that do not meet the criteria serve as catalysts for unscrupulous individuals operating as illegal agents to offer their services to Indonesian citizens seeking employment abroad. Additionally, enticing income offers become an alluring proposition for Indonesian citizens seeking work, often without considering the associated risks. This complex scenario presents a significant challenge for Indonesia.

There are several types of Illegal Indonesian Migrant Workers, namely: 1. Illegal Stay, where an individual possesses legal immigration permission that has expired, also known as Over Stay; 2. Illegal Entry, referring to someone entering a country illegally, bypassing immigration officials without proper documentation or travel permits, using fake visas, or engaging in forgery; 3. Illegal Entry and Illegal Stay, encompassing individuals whose entry or presence is conducted unlawfully⁵.

In Article 69 of the Law on the Protection of Indonesian Migrant Workers, it is explicitly stated that individual entities are prohibited from engaging in the placement of Indonesian Migrant Workers with the aim of providing protection for the prospective Indonesian Migrant Workers themselves⁶. The legal protection objective for prospective Indonesian

² Suhandi Suhandi, Wahyu Wiguna, and Icin Quraysin, "Dinamika Permasalahan Ketenagakerjaan Dan Pengangguran Di Indonesia," *Jurnal Valuasi: Jurnal Ilmiah Ilmu Manajemen Dan Kewirausahaan* 1, no. 1 (2021): 268–83.

³ Endah Rantau Itasari and Ketut Awet Putra Karyawan, "Perlindungan Hukum Terhadap Tenaga Kerja Indonesia Yang Mengalami Kekerasan: Hukum Diplomatik Dan Konsuler," *Jurnal Komunikasi Hukum (JKH)* 7, no. 2 (2021): 843–50.

⁴ Nadya Zerlinda Febrianti and Wiwik Afifah, "PERLINDUNGAN HUKUM TERHADAP PEKERJA MIGRAN INDONESIA YANG MENGALAMI KEKERASAN DI LUAR NEGERI," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 3, no. 1 (2023): 191–203.

⁵ Norman Tri Waluyo, "Peranan Kantor Imigrasi Kelas I Malang Dalam Pencegahan Tenaga Kerja Indonesia Ilegal Berdasarkan Undang-Undang Nomer 6 Tahun 2011" (Brawijaya University, 2012).

⁶ ARIEF AFDALA PRATITO, "KEBIJAKAN PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PEKERJA MIGRAN ILEGAL (PMI) YANG DILAKUKAN OLEH ORANG PERSEORANGAN DI PENGADILAN NEGERI BATAM" (Universitas Islam Sultan Agung Semarang, 2023).

Migrant Workers is to ensure and uphold human rights as citizens and migrant workers, guarantee legal, social, and economic protection for Indonesian Migrant Workers and their families.

Beyond the regulations concerning Indonesian Migrant Workers, there is also the legal framework of Law Number 6 of 2011 on Immigration, which aims to enforce the sovereignty of the Republic of Indonesia to maintain national order and ensure legal certainty in dealing with various impacts, both beneficial and detrimental, on the nation and state of the Republic of Indonesia. The law emphasizes that immigration involves the movement of individuals entering or leaving the Republic of Indonesia, encompassing surveillance as a means of protecting national sovereignty. It functions as a public service in immigration matters, law enforcement, national security, and as a support for the development of community welfare and citizenship.

Batam, Riau Islands, is considered a strategically significant location for the illegal departure of prospective Indonesian Migrant Workers due to its direct proximity to Singapore and Malaysia. Batam houses an international port between countries, serving as a facility for the legitimate departure of prospective Indonesian Migrant Workers. However, it is not uncommon for illegal departures to occur through unofficial ports. Given these challenges, the law plays a crucial role in protecting individuals who find themselves ensnared by promises and offers from illegal agents, effectively serving as victims seeking restitution for the losses they have endured ⁷.

The issues at hand give rise to several inquiries regarding the circumstances surrounding the illegal presence of Indonesian Migrant Workers in Batam. Questions emerge concerning the appropriate procedures for Indonesian Migrant Workers, the legal protection afforded to victims, the punitive measures against offenders, and the preventive and mitigative efforts to address the escalating cases of illegal Indonesian Migrant Workers. This discussion aims to elucidate the proper procedures for prospective Indonesian Migrant Workers and to shed light on strategies for preventing and addressing the issues associated with illegal Indonesian Migrant Workers.

METHOD

This research employs the Normative Legal Research method, which involves an examination based on existing literature and written regulations ⁸. This type of research constitutes a scientific inquiry aimed at uncovering a certain truth⁹. Secondary data is utilized in this study, obtained indirectly or from pre-existing research, where legal materials consist of Primary Legal Materials derived from the applicable laws—specifically, the Indonesian Migrant Worker Protection Law. Primary Legal Materials are legal sources binding on society ¹⁰. Secondary Legal Materials encompass materials obtained from journals, court decisions, articles, news, books, or other literature. Additionally, tertiary legal materials, such as English language dictionaries, KBBI (Indonesian Dictionary), and legal dictionaries, are employed to elaborate on primary and secondary legal materials.

⁷ Sultan Bayu Anggara, Lu Sudirman, and Ampuan Situmeang, "PERMASALAHAN HUKUM DALAM PELAKSANAAN PENUNTUTAN TINDAK PIDANA PERDAGANGAN ORANG DI KEJAKSAAN NEGERI KOTA BATAM," *UNES Law Review* 5, no. 4 (2023): 2775–87.

⁸ Rina Shahriyani Shahrullah et al., "Analisis Yuridis Pengaturan Abortus Provokatus Terhadap Korban Pemerkosaan Di Indonesia," *Jurnal Hukum Samudra Keadilan* 15, no. 2 (2020): 251–63, doi:10.33059/jhsk.v15i2.2613.

⁹ Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, no. 2 (November 30, 2022): 289.

¹⁰ Cynthia Putri Guswandi et al., "Pengaruh Revolusi Industri 4.0 Terhadap Perlindungan Hukum Hak Cipta Di Indonesia," *CoMBInES - Conference on Management, Business, Innovation, Education and Social Sciences* 1, no. 1 (2021): 277–83.

RESULT AND DISCUSSIONS

Illegal Indonesian Migrant Workers in Batam and Official Procedures for Prospective Indonesian Migrant Workers

In accordance with the Labor Protection Act, the definition of Indonesian Migrant Worker candidates encompasses all Indonesian laborers intending to work abroad, having met the qualifications as job seekers for overseas employment and duly registered with the government agency responsible for labor affairs. Meanwhile, Indonesian Migrant Workers are defined as any citizen who is either currently working or has undertaken employment outside the Indonesian territory, receiving remuneration. Therefore, a Migrant Worker is an individual who migrates from one region or country to another, engaging in long-term work with the potential of settlement ¹¹.

Batam, situated in proximity to Malaysia and Singapore, serves as an illegal departure point for Indonesian Migrant Worker candidates. Beyond its geographical location, Batam boasts an international port where individuals can travel abroad, provided they meet the necessary requirements, including personal identification such as a passport and a ship ticket for tourist purposes. Various types of Indonesian Migrant Workers exist, including those who are illegal, lacking complete documentation, often departing through informal ports located in Bintan, Teluk Mata Ikan, Nongsa, Pulau Galang, Teluk Sebongm Sungai Kecil, and other clandestine ports ¹². Furthermore, there are illegal Indonesian Migrant Workers facilitated by agencies, where prospective workers are sent through official channels but with unauthorized or unofficial agencies. Additionally, there are self-departing Migrant Workers, typically accompanied by their own families, seeking employment abroad. Lastly, there are seasonal Migrant Workers who hold permits to stay or reside for a period of 20 (twenty) days to work in a particular country.

The limited job opportunities have driven Indonesian citizens to seek employment abroad to fulfill their needs. Additionally, insufficient education backgrounds and limited skills hinder individuals from working as Migrant Workers (PMI). This circumstance creates an opportunity for unscrupulous individuals or illegal agencies to offer overseas employment to those in need. These actions are expressly prohibited by the Indonesian Law on the Protection of Indonesian Migrant Workers, as outlined in Article 69, which prohibits any individual from placing Indonesian Migrant Workers. Furthermore, Article 70(1) specifies the prohibition of any individual from dispatching Indonesian Migrant Workers without complete and valid documents. Lastly, Article 71(b) stipulates that individuals are not allowed to place Migrant Workers in positions unsuitable for their abilities, skills, and expertise.

Despite these legal provisions, numerous individuals and unofficial agencies in Indonesia disregard the prevailing laws. The District Court of Batam is currently grappling with numerous cases related to the Criminal Act of Human Trafficking. An illustrative example is Case No. 741/Pid.Sus/2023/PN Btm, categorized under the Prevention of Human Trafficking, wherein the Defendant and accomplices were charged for unlawfully sending Indonesian workers abroad on May 31, 2023. The victims, six in total, lacked proper documentation and hailed from various regions, such as East Java (2 individuals), West Nusa Tenggara, Bengkulu, South Sulawesi, and West Java.

¹¹ PRATITO, "KEBIJAKAN PENEGAKAN HUKUM TERHADAP TINDAK PIDANA PEKERJA MIGRAN ILEGAL (PMI) YANG DILAKUKAN OLEH ORANG PERSEORANGAN DI PENGADILAN NEGERI BATAM."

¹² Aditya Surya Dinata, Muhammad Hafiz, and others, "Trafficking in Persons as a Violation of Human Rights in Batam City," *Indonesian Journal of Contemporary Multidisciplinary Research* 2, no. 2 (2023): 121–30.

These victims were charged exorbitant fees ranging from Rp7,000,000 to Rp8,500,000 per person. The perpetrators promised them decent jobs with high salaries, yet investigations revealed that no employment contracts were provided, no training was imparted for work in Malaysia, and they were not insured or registered as Migrant Workers in Indonesian Labor Institutions. Moreover, the Defendants, being private individuals without authorization, were found guilty under Article 4, Article 10, and Article 48(1) of Law No. 21 of 2007 concerning the Eradication of Human Trafficking in conjunction with Article 55(1) of the Indonesian Criminal Code. They were sentenced to four years in prison and fined Rp200,000,000, with an additional three months' imprisonment if the fine is not paid, and obligated to pay restitution to the victims.

The case at hand reflects a blatant disregard for the prevailing regulations in Indonesia. It is imperative to investigate not only the perpetrators in Batam but also individuals or illicit agencies from the victims' respective regions who actively sought and offered their unofficial services to these victims. The prevalence of illegal placement agencies has become a focal point in Batam, Kepulauan Riau. The scrutiny extends beyond those involved in dispatching individuals; individuals involved in fetching victims, transporting them to the port, providing temporary accommodations, and even those purchasing tickets for the victims will also face apprehension. A notable example is found in case number 922/Pid.Sus/2023/PN Btm, where the Defendant undertook the retrieval of prospective Migrant Workers both from Hang Nadim Airport and Batam International Port. The victims were temporarily housed in a shop unit at Bintang Raya Complex Block B No. 05 Pasir Putih, Batam Center. The Defendant's actions are charged by the Public Prosecutor under Article 81 of the Indonesian Migrant Worker Protection Act, which stipulates that anyone contravening the prohibitions outlined in Article 69 – specifically, arranging placements for Indonesian Migrant Workers – is liable to imprisonment for up to 10 years and/or a fine of up to IDR 500,000,000,000 (five hundred billion rupiah).

The Indonesian Migrant Worker process, in accordance with the required procedures, is essential to safeguard the welfare and fundamental rights of Indonesian Migrant Workers (PMI). In this regard, the government provides services in accordance with Law Number 25 of 2009 concerning Public Services and Government Regulation Number 96 of 2012 regarding the implementation of the Law on public services concerning integrated one-stop services in managing documents and administrative requirements for placement and protection of Prospective PMI and/or PMI. In collaboration with the government, the recruitment and preparation of administrative requirements are carried out ¹³. The Indonesian Migrant Worker Protection Law stipulates that several requirements must be met, including being at least 18 (eighteen) years old, possessing the competence as an Indonesian Migrant Worker intending to work abroad, being physically and mentally healthy, having a registered social security membership number, and having complete documents as prerequisites for Indonesian Migrant Workers.

In addition to the central government, there are private companies, recognized as legal entities with official permits from the government, assisting in the placement process of PMI working abroad. The purpose is to aid prospective Indonesian Migrant Workers in adhering to the proper procedures and complying with the regulations in force, referred to as Private Indonesian Labor Placement Implementing Agencies (PPTKIS) ¹⁴. Presently, these private companies have been rebranded as the Indonesian Migrant Worker Placement Company (P3MI) ¹⁵. This private legal entity collaborates with the government, as registration with the

¹³ Zaeni Asyhadie, Rahmawati Kusuma, and Lalu Hadi Adha, "Prosedur Bekerja Di Luar Negeri Yang Sesuai Hukum," *Private Law 2*, no. 3 (2022): 772–82.

¹⁴ LATIFATUZ ZAHRO, "Prosedur Pelayanan Calon Pekerja Migran Indonesia (CPMI) Pada PT. Bahana Mega Prestasi Cabang Blitar," 2023.

¹⁵ Dewi Asri Puanandini, "Penegakan Hukum Tindak Pidana Perdagangan Orang Pekerja Migran Indonesia," *Dalam Adliya: Jurnal Hukum Dan Kemanusiaan* 14 (2020).

local Manpower Office is a prerequisite for becoming a legal entity, aiming to assist in the placement of PMI working abroad.

The procedures for Indonesian migrant workers involve several stages, namely: 1. Registration and Selection. Migrant workers typically need to register through officially registered placement agencies or related institutions. They then undergo a selection process to meet the job requirements in the destination country; 2. Training and Certification. Certain jobs may require specific training or certification. Migrant workers need to undergo training to ensure they possess the necessary skills. In accordance with the prevailing laws on the Protection of Indonesian Migrant Workers, individuals must place Indonesian migrant workers according to their expertise, abilities, and skills. The government provides facilities to enhance the quality of prospective migrant workers through education and training, facilitated by the Job Training Center (Balai Latihan Kerja or BLK), aiming to improve the competence of prospective migrant workers to be ready for positions needed¹⁶; 3. Document Management. This process includes document verification, work visas, and other travel documents required for entry and work in the destination country. Clear and complete documents are essential requirements for becoming an Indonesian migrant worker; 4. Legal Protection. Migrant workers need information about their rights in the destination country and how to protect themselves from exploitation or abuse. One form of protection for migrant workers is through social security¹⁷; 5. Monitoring and Assistance. Some countries have monitoring and assistance systems to ensure the well-being of migrant workers while working abroad.

It is also crucial to always refer to relevant government agencies or official placement agencies for more accurate and up-to-date information regarding Indonesian migrant worker procedures. Referring to point number three, which mentions complete documents, the Indonesian Migrant Worker Protection Law specifies the required documents in Article 13: 1) Completing a marriage status certificate and, for those who are married, attaching a photocopy of the marriage certificate; 2) Obtaining permission letters from the spouse or parents, or guardian's permission known by the village head or neighborhood chief as permission for prospective migrant workers to work abroad; 3) Possessing a competency work certificate proving that the prospective migrant worker has undergone training as a requirement to work abroad; 4) A health certificate based on health and psychological examinations; 5) A passport issued by the local immigration office that is still valid; 6) Work Visa; 7) Indonesian Migrant Worker Placement Agreement; and 8) Employment Agreement.

The aforementioned key points serve as a guide for prospective Indonesian Migrant Workers to differentiate between placement and departure procedures that adhere to proper protocols and those that are non-procedural. In addition to attractive offers from unauthorized individuals or illegal agencies, prospective migrant workers must also consider the risks of departing as an Indonesian Migrant Worker illegally or without official government permission.

Legal Protection for Indonesian Migrant Workers and Penalties for Perpetrators of Human Trafficking Crimes

The legal protection theory aligns seamlessly with the focus of this study, as it delves into an examination of subjects or objects of law deserving legal safeguarding. The essence of this theory lies in scrutinizing legal entities warranting protection, with the overarching

¹⁶ Hery Sudarmanto, "PERAN PEMERINTAH DAERAH DALAM PENINGKATAN KOMPETENSI PEKERJA MIGRAN INDONESIA (PMI)," *JOEL: Journal of Educational and Language Research* 2, no. 2 (2022): 301–12.

¹⁷ Yunita Ratna Sari, "Analisis Kebijakan Manfaat Jaminan Sosial Pekerja Migran Indonesia," *Jurnal Jamsostek* 1, no. 2 (2023): 179–97.

goal of ensuring a guarantee of protection for the entities themselves¹⁸. In the context of this research, the Indonesian Migrant Workers (PMI) emerge as legal subjects entitled to legal protection, a measure essential for safeguarding their fundamental rights and interests in economic, social, and legal spheres¹⁹.

The government facilitates Indonesian Migrant Workers through various institutions designed to address the challenges faced by this demographic. Key among these institutions are the Ministry of Manpower and Transmigration, responsible for policymaking, and the National Agency for Placement and Protection of Indonesian Migrant Workers (BNP2TKI), now transformed into the Indonesian Migrant Workers Protection Agency (BP2MI). The latter serves as the implementing body for these policies, constituting its primary mandate²⁰. The multifaceted functions of BP2MI include policy implementation for the placement and protection of PMI, provision of services and protection, issuance and revocation of PMI recruitment permits, placement services, supervision of social security implementation, assurance of PMI rights fulfillment, document verification, assurance of PMI placement based on agreements between the central government and destination countries, proposal of permit revocations or extensions for PMI placement agencies, implementation of worker protection in coordination with the Republic of Indonesia Representatives in the destination country, provision of facilities, rehabilitation, and post-placement reintegration support for former PMIs. Furthermore, BP2MI coordinates tasks, provides guidance, and offers administrative support to all organizational units within its purview, ensuring substantive support and conducting internal oversight of its mandate execution.

Indonesia actively plays a crucial role in safeguarding the human rights of workers, particularly those regulated by Law Number 6 of 2013, which ratifies the International Convention to protect Migrant Workers (PMI) and their families, thereby influencing the legal treatment accorded to these workers²¹. The enactment of the Indonesian Migrant Worker Protection Law is a testament to the nation's proactive stance in safeguarding Indonesian Migrant Workers, as articulated in Article 6, enumerating the rights of Indonesian Migrant Workers. These rights encompass the freedom to choose employment based on competence, access to health and education, accurate information, quality and professional services, the practice of religious beliefs, fair wages aligned with regional standards, legal protection and assistance, clarification of rights and obligations as outlined in employment agreements, communication access, travel documents, the right to associate and assemble in the host country, assurance of protection, safety, and security during work, as well as documentation of employment agreements. Furthermore, the legislation outlines provisions for social security for PMIs and their families.

The Indonesian Migrant Worker Protection Law delineates three facets of legal protection: before, during, and after employment. Pre-employment protection includes the dissemination of information, socialization, facilities for improving the quality of prospective PMIs, and education and training for job preparation. Protection during employment encompasses checks on the fulfillment of PMI rights, monitoring and evaluating employers, providing legal assistance, and facilitating the resolution of labor-related cases. Post-employment protection includes ensuring unfulfilled rights of former PMIs, providing

¹⁸ Mochamad Ali Fajar Mochamad, "PERLINDUNGAN HUKUM TERHADAP INVESTOR YANG DIRUGIKAN AKIBAT ADANYA PENYALAHGUNAAN DANA OLEH DIREKSI DARI PERUSAHAAN SEKURITAS DI PASAR MODAL (Studi Putusan Nomor. 72/PDT/2012/PT. DKI)," *Dinamika* 29, no. 1 (2023): 6751–65.

¹⁹ Istiqomah Istiqomah et al., "Analisis Yuridis Perlindungan Hukum Terhadap Pekerja Migran Indonesia Di Luar Negeri," *Action Research Literate* 7, no. 10 (2023): 47–51.

²⁰ Ribka Lydia Atedjadi, "Peran Dan Tanggung Jawab Lembaga Pelayanan Penempatan Dan Perlindungan Pekerja Migran Di Indonesia," *Veritas et Justitia* 1, no. 2 (2015).

²¹ Retno Wulandari and Lilis Komala Dewi, "Perlindungan Pekerja Migran Di Indonesia Menurut Perspektif Hukum Dan HAM," *Jurnal Pendidikan Tambusai* 7, no. 3 (2023): 26719–24.

facilities for those returning to their hometowns, and organizing arrangements for deceased or ill PMIs ²².

Therefore, the rights and guarantees that should be ensured by the Government and obtained for Migrant Workers (PMI) include the following: 1. Human Rights: Migrant workers have fundamental rights such as the right to life, freedom, and protection from degrading treatment; 2. Wages and Working Conditions: Migrant workers have the right to receive fair wages and safe working conditions in accordance with the standards of the destination country; 3. Legal Protection: They are entitled to legal protection, including access to legal representation in case of employment contracts, disputes, or other legal issues; 4. Welfare and Health: The right to adequate health facilities and welfare services while working abroad; 5. Freedom of Association: Migrant workers have the right to join labor unions or organizations that protect their rights; 6. Freedom of Communication: The right to communicate with family and access consular services from their home country; 7. Fulfillment of Contractual Rights: The right to receive benefits and other rights guaranteed in their employment contracts.

It is crucial to understand and document these rights before working abroad and seek further information from reliable sources such as embassies or official placement agencies. Legal consequences for individuals or entities offering illegal or unofficial services to potential migrant workers are outlined in the Indonesian Migrant Worker Protection Law in Chapter XI criminal provisions, starting from Article 79 to Article 86, which state the following: 1. Article 79: Punishable by imprisonment for a maximum of 2 (two) years and/or a fine of up to IDR 200,000,000 (two hundred million rupiahs) for intentionally providing false or incorrect information; 2. Article 80: Subject to imprisonment for a maximum of 3 (three) years and a maximum fine of IDR 500,000,000 (five hundred million rupiahs) for placing migrant workers without meeting age requirements; 3. Article 81: Subject to imprisonment for a maximum of 10 (ten) years and a fine of up to IDR 15,000,000,000 (fifteen billion rupiahs) for individuals placing migrant workers; 4. Article 82: Subject to imprisonment for a maximum of 10 (ten) years and a fine of up to IDR 15,000,000,000 (fifteen billion rupiahs) for placing migrant workers not in accordance with the employment agreement or in violation of applicable regulations; 5. Article 83: Subject to imprisonment for a maximum of 10 (ten) years and a fine of up to IDR 15,000,000,000 (fifteen billion rupiahs) for individuals placing migrant workers without meeting requirements; 6. Article 84: Subject to imprisonment for a maximum of 5 (five) years and a fine of up to IDR 1,000,000,000 (one billion rupiahs) for officials dispatching migrant workers without meeting document requirements and withholding their departure; 7. Article 85: Subject to imprisonment for a maximum of 5 (five) years and a fine of up to IDR 1,000,000,000 (one billion rupiahs) for individuals placing migrant workers not in accordance with the employment agreement, placing them without matching skills and abilities, or transferring SIP3MI to another party; 8. Article 86: Subject to imprisonment for a maximum of 5 (five) years and a fine of up to IDR 15,000,000,000 (fifteen billion rupiahs) for individuals imposing placement fees, placing migrant workers in closed countries, or placing them without SIP2MI.

The resolution of cases related to Human Trafficking Offenses is akin to the resolution of other cases, involving the stages of investigation, subsequent referral to the Public Prosecutor for trial proceedings in the District Court, followed by prosecution and the pronouncement of verdict in accordance with the committed criminal acts. Two overarching measures can be employed in this context, namely preventive measures and repressive measures, also known as preventive and repressive efforts. Preventive efforts involve the dissemination of information to the public, aiming to enable them to differentiate between

²² Rifda Adwitiya Sudarwin and Sabrina Al Azizah, "Perlindungan Korban Kekerasan Terhadap Pekerja Migran Indonesia Dalam Perspektif Hukum Dan HAM," *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 8 (2023).

the procedural and non-procedural placement of Indonesian Migrant Workers (PMI). This entails introducing the placement procedures, whether initiated by the central government or private enterprises, through relevant institutions such as the police or BP2MI ²³. In the digital age, legal awareness campaigns and education have become more accessible through social media, playing a pivotal role in contemporary lifestyles. Therefore, legal awareness campaigns can be conducted by widely sharing legal education content regarding Indonesian Migrant Workers and the risks associated with their illegal deployment. On the other hand, repressive measures involve addressing issues related to Indonesian Migrant Workers by punishing wrongdoers through judicial proceedings, prosecuting them based on the committed criminal acts, and imposing appropriate penalties.

CONCLUSION

Indonesian Migrant Workers are citizens employed abroad through established procedures. The educational background, skills, and limited job opportunities in their own country drive Indonesian citizens to seek employment overseas. Additionally, the imperative need to meet their financial requirements and the allure of higher wages in neighboring countries serve as strong motivations for Indonesian Migrant Workers (PMI) to seek employment abroad. The existence of various requirements and conditions that prospective Indonesian Migrant Workers must fulfill underscores the backdrop against which both individuals and illegal agencies exploit the situation. These entities offer enticing opportunities requiring only a passport and relatively affordable fees. The coercion faced by prospective PMIs compels them to accept such offers without considering the associated risks, such as the non-fulfillment of their rights as migrant workers due to unauthorized departures or lack of registration with relevant authorities. Perpetrators of such illegal activities can face diverse legal consequences in accordance with the committed offenses, ranging from imprisonment for 2 to 10 years and fines up to IDR 15,000,000,000 (fifteen billion Indonesian Rupiah). To address these issues, a combination of preventive and punitive measures is essential. Preventive efforts involve raising awareness in society about the dangers of illegal migration status for prospective PMIs. Simultaneously, punitive actions aim to punish those involved in such criminal activities, serving as a deterrent against the exploitation of vulnerable individuals in the realm of migrant work.

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²³ Areani Hardianti Banurea and Lenny Husna, "Peran Kepolisian Resor Kota Barelang Dalam Menanggulangi Tindak Pidana Penyedia Pekerja Imigran Ilegal Di Kota Batam.(Studi Pada Kepolisian Resort Kota Barelang)," *Innovative: Journal Of Social Science Research* 3, no. 3 (2023): 9469–83.

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