



Sustainability of Supervision on Effective Legal Protection of Indonesian Migrant Workers in the Social Environment

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Abstract. This research aims to identify and analyze the sustainability of effective supervision of the legal protection of Indonesian migrant workers (PMI) in the context of the social environment. The background of this research is based on the increasing number of migrant workers working abroad, as well as the various challenges faced regarding the protection of their rights, both from a legal and social perspective. The sustainability of consistent supervision is needed to ensure that Indonesian migrant workers receive proper and fair protection, both in the country of origin and in the destination country. The research method used in this research is normative juridical, with a statutory approach and a philosophical approach. The results explain that the sustainability of PMI's legal protection supervision requires a comprehensive approach that includes legal, social, cultural adaptation, and work integration aspects. The main challenges are weak databases, low understanding of PMI laws, and lack of collaboration between parties. Strengthening technology-based systems and increasing PMI's legal capacity are needed. Active collaboration between the government, communities, and civil organizations is key to the effectiveness of sustainable protection.

Keywords: Indonesian migrant workers sustainable protection, social environment, supervision

1 Introduction

Indonesian migrant workers (PMI) are an important part of the national economic system, contributing greatly to the country's foreign exchange earnings. They work abroad in search of better opportunities to improve their family's economy. However, despite their huge contribution, migrant workers often face various challenges related to their rights, both in the process of departure, during work, and when returning

home.¹ One of the main issues that arise is the lack of effective legal protection, which affects their well-being, both physically and psychologically.

The legal protection of Indonesian migrant workers abroad is highly dependent on the supervisory mechanisms carried out by the state and related institutions. Although various efforts have been made, such as the establishment of laws and regulations and increased cooperation with receiving countries, supervision of the protection of migrant workers' rights in the field is often still ineffective.² This is due to various factors, including a mismatch between existing policies and the reality faced by migrant workers abroad.

Continued oversight of the legal protection of Indonesian migrant workers is a critical issue. The state is not only responsible for providing legal protection for migrant workers, but also for ensuring that oversight of the implementation of such protection is in place.³ Effective oversight will prevent abuse or violations of the rights of migrant workers who are vulnerable to violence, exploitation and discrimination.

Current oversight is often hampered by various factors, such as limited human resources, poor coordination between relevant institutions, and legal constraints in receiving countries.⁴ Therefore, it is important to reassess the effectiveness of the existing supervision system and look for a more sustainable supervision model, which is able to answer these challenges and provide optimal legal protection for migrant workers.

One aspect that needs to be considered is the integration of supervision of the social aspects of migrant workers. Supervision is not only related to the fulfillment of economic rights, but also includes social aspects, such as living conditions, cultural integration, and social relations in the work environment. The social environment of migrant workers is often a place where violations of their rights occur, caused by cultural discrimination, difficulty adapting, or inhumane treatment.

Supervision of the social aspects of migrant workers, including living conditions and social relationships, is essential to ensure comprehensive protection. This is in line with Indonesia's policy in protecting migrant workers through a single channel system (One Channel System), which is discussed in Faradila's research, Syifa

¹ Ihsan Dzuhur Hidayat, "Protection of Indonesian Migrant Workers / Indonesian Workers by the Regional Government," *Mizan: Journal of Legal Science* 10, no. 1 (2021): 71-80

² Ahmad Faizal and Arifin Ria Angin, "DESBUMI: A STUDY OF THE ROLE OF THE VILLAGE GOVERNMENT ON THE DEVELOPMENT OF INDONESIA MIGRANT WORKERS, CASE IN DUKUHEMPOK VILLAGE, JEMBER DISTRICT," *Triwikrama: Journal of Social Science* 4, no. 6 (2024): 21-30

³ Lihyani Safira Nabyla, "Indonesia-Malaysia Cooperation in Handling Transnational Crimes of Human Trafficking of Indonesian Migrant Workers in Malaysia 2018-2022 Period" (International Relations Study Program, Faculty of Social Sciences and Sciences ..., n.d.).

⁴ RICKY FIRMANSYAH, "REGULATORY RECONSTRUCTION OF LEGAL ENFORCEMENT OF ILLEGAL WORKER PLACEMENT BASED ON THE VALUE OF JUSTICE" (Sultan Agung Islamic University Semarang, 2024).

Hanisa, as well as a legal review of the protection of migrant workers based on Law No. 18 of 2017 revealed by Purwidiarso, Wahyu.

Faradila, Syifa Hanisa with the theme of Indonesia's Policy Process in Protecting PMI through the One Channel System with Malaysia 2019-2022, the results of the study explain Indonesia's policies related to the signing of the MoU "One Channel Policy" which aims to protect PMI, using a qualitative approach through document studies and in-depth interviews. Based on analysis with the Decision Making Process theory, the resulting recommendations include increasing the two countries' compliance with the single channel system, more effective regulations, and strict supervision of migrant workers in destination countries.⁵

Furthermore, Purwidiarso, Wahyu with the theme legal review of the protection of indonesia's migran workers based on the understanding - understanding number 18 year 2017 the results of the study explain The main obstacle in the protection of migrant workers is the weak database and lack of legal awareness of victims and law enforcement officials. To overcome this, collaboration between the government and the community is needed. Migrant workers must follow established procedures, maintain cooperation between destination countries, and ensure active participation to improve protection.⁶

The difference between this research and previous research lies in the focus of long-term supervision and implementation of legal protection of migrant workers at the social level, while previous research emphasizes administrative policies and legal reviews. The novelty of this research is the development of the concept of sustainability of supervision in the social context, including the role of family, community, and legal apparatus in the destination country. It also examines the impact of policies such as the MoU and One Channel System on the legal protection and social lives of migrant workers.

This research aims to explore the sustainability of supervision for effective legal protection for Indonesian migrant workers, with a focus on the social aspects that affect their welfare abroad. This research is expected to provide recommendations for strengthening a more holistic and sustainable monitoring system, so that Indonesian migrant workers can work with a sense of security, honor, and get protection in accordance with their rights as human beings.

2 Method

The research method used in this research is normative juridical, with a statutory approach and a philosophical approach. The statutory approach is used to analyze legal norms governing legal protection for Indonesian migrant workers, including related laws and policies governing their placement and protection abroad. In addition, this research uses a philosophical approach to reflect on legal norms and their implementation in the protection of Indonesian migrant workers. This approach

⁵ Syifa Hanisa Faradila, "Indonesia's Policy Process in Protecting PMI through the One Channel System with Malaysia 2019-2022" (Universitas Islam Indonesia, 2024).

⁶ WAHYU PURWIDIARSO, "LEGAL REVIEW OF THE PROTECTION OF INDONESIAN MIGRANT WORKERS BASED ON LAW NUMBER 18 OF 2017" (Sultan Agung Islamic University Semarang, 2024).

explores social justice values in regulations and analyzes the relationship between ideal legal principles and reality. Case analysis is used to assess the application of justice values in the face of social rights violations. The aim is to offer an in-depth look at the sustainability of PMI's legal oversight and social protection.

3 Result And Discussion

The sustainability of supervision of the legal protection of Indonesian migrant workers (PMI) in the social environment still faces various complex challenges. The supervision of migrant workers is not only limited to the fulfillment of their economic rights, but also includes the protection of social aspects such as living conditions, cultural integration, and social relations in the workplace.⁷ This supervision is important to ensure that migrant workers receive comprehensive protection, both in legal and social aspects, which has an impact on their quality of life in the destination country.⁸

Supervision of migrant workers so far, tends to focus on economic and physical rights, such as decent wages and work safety guarantees. However, social aspects, such as their cultural adaptation and social interaction in the work environment, are often overlooked.⁹ Many Indonesian migrant workers face major challenges in adapting to the local culture, which often leads to discrimination, marginalization, or even inhumane treatment. This suggests that more attention should be paid to the social rights of Indonesian migrant workers so that they can live a better and safer life abroad.¹⁰

The social integration of Indonesian migrant workers in destination countries is highly dependent on the extent to which they receive protection from sending and receiving countries.¹¹ In many destination countries, migrant workers often have

⁷ Hot Jungjungan Simamora BPSDM West Kalimantan Province and Jalan Gusti Johan, "Legal Implementation of Indonesian Migrant Worker Protection as an Implementation of Good Governance in Manpower Supervision," *Jurnal Widyaishwara Indonesia* 2, no. 3 (2021): 137-48..

⁸ Nisrina Muthahari, "P3MI in the Eyes of Migrant Workers: An Analysis of P3MI Services to Migrant Workers in PJTKI Monitoring Records," Yogyakarta: Migrant Worker Resource Center, 2018

⁹ Muhammad Ahsan Akbar, "STRATEGY OF THE DINAS KETENAAKOBAN AND TRANSMIGRATION IN OVERSIGHT AND PROTECTION OF MIGRANT WORKERS THROUGH THE LTSA-P3MI PROGRAM IN LOMBOK TENGGGAH DISTRICT, WEST NUSA TENGGARA PROVINCE" (IPDN, 2024).

¹⁰ Muhammad Ahsan Akbar, "STRATEGY OF THE DINAS KETENAAKOBAN AND TRANSMIGRATION IN OVERSIGHT AND PROTECTION OF MIGRANT WORKERS THROUGH THE LTSA-P3MI PROGRAM IN LOMBOK TENGGGAH DISTRICT, WEST NUSA TENGGARA PROVINCE" (IPDN, 2024).

¹¹ Sanggera Juliska, Djonet Santoso, and Yorry Hardayani, "IMPLEMENTATION OF ADMINISTRATIVE AND TECHNICAL PROTECTION OF INDONESIAN MIGRANT WORKERS OVERSEAS (Study at the Bengkulu City Manpower

difficulty adapting to different social environments, leading to social isolation and difficulties in interacting with the surrounding community. Some migrant workers even experience violations of their social rights, such as unfair access to public facilities and the right to organize. Therefore, there is a need for a monitoring system that involves various parties to ensure that the social integration of migrant workers goes well.¹²

One of the main challenges faced in monitoring the legal protection of Indonesian migrant workers is the weak existing database on migrant workers.¹³ A poorly structured database makes it difficult to monitor the overall condition of migrant workers, both from a legal and social perspective. The Indonesian government, together with representatives of destination countries, needs to improve a more effective recording and monitoring system to minimize information gaps that can hinder the protection of migrant workers.

This research also shows the importance of collaboration between the Indonesian government and destination countries in monitoring the protection of migrant workers. The Indonesian government needs to continue to update and improve existing regulations, while receiving countries are also expected to be more proactive in providing social protection to migrant workers. In addition, the protection of migrant workers is not only the responsibility of the government, but also involves the role of the community and families of migrant workers in ensuring the welfare of migrant workers, both at home and abroad.

Legal awareness among migrant workers and law enforcement officials is an important factor in improving the effectiveness of protection oversight. Many migrant workers do not understand their rights, so they cannot fight for their rights when they experience violations. Therefore, there is a need to increase the capacity of legal knowledge for migrant workers through more intensive education and training before they leave abroad. In addition, law enforcement officials in receiving countries must also be empowered to recognize violations of the social and legal rights of migrant workers.

The recommendation from this research is the need to strengthen cooperation between the Indonesian government and the destination countries of migrant workers in terms of social protection supervision. One of them is to improve technology-based supervision mechanisms that facilitate recording and monitoring the conditions of migrant workers abroad. In addition, the establishment of better communication networks between the government, state representatives, and civil society

Office),” *Mimbar: Journal of Social and Political Research* 13, no. 1 (2024).

¹² Apri Tri Longgarini, Aulia Nurul Shaafiyah, and Bella Mega Rahmaningtias, “Handling Non-Procedural Indonesian Migrant Workers in the Perspective of Immigration Law,” *Jambi Batanghari University Scientific Journal* 23, no. 2 (2023): 1474-84.

¹³ Evita Permatasari and Arinto Nugroho, “ANALYSIS OF THE ROLE OF THE BALAI PELAYANAN PELINDUNGAN PEKKA MIGRAN INDONESIA IN SUPPLYING THE SOCIAL GUARANTEE OF EMPLOYMENT FOR INDONESIA MIGRAN WORKERS IN EAST JAWA,” *NOVUM: A JOURNAL OF LAW*, 2023, 122-34.

organizations is also very important to create a more effective and sustainable protection system.

Finally, this study concludes that the sustainability of oversight of effective legal protection for Indonesian migrant workers in the social environment requires a comprehensive and collaborative approach. This oversight does not only cover legal aspects that are administrative in nature, but also includes social aspects that can affect the overall welfare of migrant workers. Therefore, it requires active involvement from various parties to ensure comprehensive protection for Indonesian migrant workers, which not only focuses on economic aspects, but also on their social and cultural integration in the destination country.

4 Conclusion

Sustainable oversight of the legal protection of Indonesian migrant workers (PMI) requires a comprehensive approach that covers both legal and social aspects. In addition to ensuring the fulfillment of economic rights, oversight must include protection of cultural adaptation, social integration, and interactions in the work environment. Key challenges include weak databases, lack of legal understanding among migrant workers, and less than optimal collaboration between the Indonesian government and destination countries. Therefore, strengthening technology-based surveillance systems, increasing the legal capacity of migrant workers, and active collaboration between the government, communities, and civil organizations are needed to create more effective and sustainable protection.

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