

Strengthening the Indonesian Migrant Worker Protection System through a Strategic Approach to Migration Policy

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Abstract

This study aims to analyze the regulation and implementation of the Indonesian Migrant Worker (PMI) protection system and evaluate its effectiveness and fairness in addressing vulnerabilities across the migration cycle. This research employs a qualitative socio-legal approach through in-depth interviews with the Director of SARI Solo and former migrant workers in Bojasari Village, supported by analysis of relevant laws and policy documents. The findings indicate that although Law Number 18 of 2017 provides comprehensive protection covering pre-placement, placement, and post-placement stages, its implementation remains constrained by weak preventive protection, limited access to complaint mechanisms, and inadequate social and economic reintegration programs. The study also finds that community-based approaches through the empowerment of migrant workers and their families significantly strengthen legal protection effectiveness by improving legal awareness, social resilience, and access to social protection. Therefore, strengthening the migrant worker protection system requires the integration of national legal frameworks with community-based empowerment mechanisms to ensure more effective, equitable, and sustainable protection.

Keywords: Community-Based Approach; Indonesian Migrant Workers; Protection System

1. INTRODUCTION

Indonesian migrant workers (PMI) occupy a strategic position in both national and global development dynamics.¹ Cross-border labor migration has evolved into a structural phenomenon driven by employment inequality, wage disparities, and uneven economic opportunities in migrants' regions of origin. For Indonesia, labor migration is not merely an employment issue but intersects with legal protection, human rights, social welfare, and sustainable development. While remittances significantly contribute to household resilience and regional economies, persistent vulnerabilities indicate that the migrant worker protection system has not fully functioned as an integrated governance framework.²

Sociologically, migration is frequently shaped by structural pressures such as poverty, informal labor markets, and limited access to education and legal literacy.³ As a result, many prospective migrant workers enter transnational labor relations without adequate institutional safeguards, exposing them to non-procedural recruitment, exploitation, and unequal bargaining positions. These vulnerabilities extend across the entire migration cycle. Pre-placement risks include misinformation and broker domination; during placement, workers may experience labor rights violations and violence; post-placement, reintegration

¹ Harini, Setyasih. "Indonesia's Policy Response to Indonesian Migrant Worker Trafficking in Southeast Asia." *Journal of Governance and Public Policy* 12.3 (2025): 345-362. <https://doi.org/10.18196/jgpp.v12i3.27218>.

² Widyawati, Retno Febriyastuti, and Andi Lopa Ginting. "Measuring Influencing Remittance Sending by Indonesian Migrant Workers." *Jurnal Ilmu Keuangan Dan Perbankan (JIKA)* 14.2 (2025). <https://doi.org/10.34010/jika.v14i2.15888>

³ Harsono, Iwan, Himawan Sutanto, and Ridwan Sya'rani. "Migration Patterns and Social Change in Kalimantan Region: A Quantitative Study of the Impact of Migration in Changing Social and Economic Structures." *Sciences Du Nord Humanities and Social Sciences* 1.01 (2024): 14-24. <https://doi.org/10.58812/snhss.v1i1.4>

mechanisms often fail to address psychosocial recovery and sustainable livelihoods.⁴ Such patterns reveal systemic weaknesses in cross-border protection arrangements rather than isolated implementation failures.

From a legal perspective, the state bears a constitutional obligation to guarantee preventive and repressive protection mechanisms. Law No. 18 of 2017 formally adopts a rights-based framework covering pre-placement, placement, and post-placement stages. However, empirical realities demonstrate fragmentation in institutional coordination, uneven regional capacity, and reactive enforcement. Consequently, normative guarantees do not automatically translate into effective protection. This gap highlights the need to examine migrant worker protection as a policy system operating across multiple governance layers rather than solely as regulatory compliance.⁵

An additional dimension often overlooked is the social impact of migration on migrant families, particularly children left behind. Limited access to education, health services, and social protection illustrates that migrant protection must be conceptualized as a family-centered system embedded in broader social welfare structures.⁶ Furthermore, emerging environmental pressures introduce climate-induced migration as a new vulnerability driver. Environmental degradation and declining rural productivity increasingly push communities toward overseas labor migration, yet existing protection frameworks remain insufficiently adaptive to these structural transformations. Conceptually linking climate migration with worker protection expands the analytical scope from individual risk management to systemic resilience.

In this context, community-based protection initiatives have become critical complements to formal state mechanisms. Empowerment-oriented approaches inspired by participatory social theory emphasize that migrant workers and their communities must be positioned as active agents capable of building local protection ecosystems. Empirical evidence shows that psychosocial support, cooperative-based economic empowerment, and village-level institutional strengthening can mitigate reintegration risks and prevent exploitative recruitment cycles. These practices illustrate that migrant protection is most effective when legal frameworks interact dynamically with community governance structures.⁷

⁴ De Haas, Hein. "A theory of migration: the aspirations-capabilities framework." *Comparative migration studies* 9.1 (2021): 8. <https://doi.org/10.1186/s40878-020-00210-4>.

⁵ Minan, Ahsanul, and Kartini Laras Makmur. "Pembentukan Kementerian Pelindungan Pekerja Migran Indonesia dan Masa Depan Perlindungan Pekerja Migran Indonesia." *Al Wasath Jurnal Ilmu Hukum* 6.2 (2025): 67-82. <https://doi.org/10.47776/alwasath.v6i2>.

⁶ Roni AS, Permadi I. "Urgency of Regulating Legal Protection for Forest and Land Fire Victims in the Form of Restitution Based on the Social Justice Principle in Indonesia." *Editorial Board* (2022): 285. <https://doi.org/10.47743/jopaf1-2022-23-25>

⁷ Annisa, Arini Nur, et al. "Urgensi Peraturan Kebijakan Dalam Pelayanan Migrasi Kerja Pada Penempatan Dan Perlindungan Pekerja Migran Indonesia." *Proceeding APHTN-HAN 2.1* (2024): 37-70. <https://doi.org/10.55292/3efwen66>.

Legally, the state has a constitutional obligation to protect all its citizens, including migrant workers, as mandated in the 1945 Constitution of the Republic of Indonesia.⁸ Article 27 paragraph (2) of the 1945 Constitution affirms the right of every citizen to work and a decent livelihood, while Article 28D paragraph (1) guarantees recognition, security, protection, and fair legal certainty. In the context of Indonesian migrant workers, this obligation is further elaborated in Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers, which normatively regulates protection from pre-placement, during placement, to post-placement and places the state as the main actor in the protection system.⁹

Although the national legal framework has been updated, the implementation of PMI protection still faces various obstacles. Normatively, Law No. 18 of 2017 brings a new paradigm by emphasizing a rights-based approach and strengthening the role of the state in the placement and protection of PMI.¹⁰ However, in practice, there is still overlapping authority between institutions, weak coordination between the central and regional governments, and limited human resource capacity to carry out the protection mandate. The gap between legal norms and reality shows that the expected comprehensive legal protection has not been fully realized.¹¹

Existing scholarship provides important foundations but remains conceptually fragmented. Harini primarily addresses trafficking risks within a state-centric policy lens, offering limited integration across migration stages.¹² Minan focuses on institutional fragmentation without extending analysis to socio-economic reintegration or emerging structural vulnerabilities.¹³ Kunarti highlights multi-actor collaboration but stops short of framing migrant protection as a coherent policy cycle linking legal norms with community practices. Collectively, these studies emphasize institutional and normative dimensions but do not comprehensively examine migrant worker protection as an integrated strategic migration governance system capable of responding to evolving risks.¹⁴

This gap reveals three unresolved dimensions: the absence of a migration-cycle-based strategic policy framework, limited integration between national legal protection and

⁸ Prabowo, Y., W. Setiadi, and A. A. Thohari. "The Fulfillment of Citizenship Rights for the Children of Indonesian Migrant Workers Who Are Working Illegally in Malaysia." *Journal of Social Science* 3.4 (2024). <https://doi.org/10.57185/joss.v3i4.301>

⁹ izqian, D. R. "Pemberdayaan masyarakat dalam perspektif teori tindakan komunikatif Jürgen Habermas." *Jurnal El-Hamra: Kependidikan Dan Kemasyarakatan* 8.2 (2023): 71–86. <https://doi.org/10.62630/elhamra.v8i2.121>.

¹⁰ Sinambela, Sagita Br, et al. "Perlindungan Hukum Pekerja Migran Indonesia: Tantangan dan Upaya Penegakan Hak Ketenagakerjaan." *Jurnal Ilmiah Nusantara* 2.5 (2025): 87–103. <https://doi.org/10.61722/jinu.v2i5.5220>.

¹¹ Fitria, Eko Nuriyatman, Latifah Amir, and Sitta Saraya. "Administrative Law and the Efficiency of Local Government Budgeting." *As-Siyasi: Journal of Constitutional Law* 5.1 (2025): 147–161. <https://doi.org/10.24042/as-siyasi.v5i1.27598>

¹² Harini, Setyasih. "Indonesia's Policy Response to Indonesian Migrant Worker Trafficking in Southeast Asia." *Journal of Governance and Public Policy* 12.3 (2025): 345–362. <https://doi.org/10.18196/jgpp.v12i3.27218>

¹³ Minan, Ahsanul, and Kartini Laras Makmur. "Pembentukan Kementerian Pelindungan Pekerja Migran Indonesia dan Masa Depan Perlindungan Pekerja Migran Indonesia." *AL WASATH Jurnal Ilmu Hukum* 6.2 (2025): 67–82. <https://doi.org/10.47776/alwasath.v6i2>.

¹⁴ Kunarti, Siti, 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* 11.12 (2023): e1454. <https://doi.org/10.55908/sdgs.v11i12.1454>

community-based practices, and insufficient engagement with emerging issues such as climate-driven migration. Consequently, the research gap lies in the need for a holistic analytical model that situates migrant worker protection within a strategic governance perspective combining legal protection theory, policy coherence, and empowerment-based community intervention.

This study addresses that gap by positioning migrant worker protection within a strategic migration policy framework that evaluates regulatory design and field implementation across the full migration cycle. It introduces an integrative analysis structured around seven strategic issues: lifecycle protection mechanisms; handling of non-procedural migration and violence; fulfillment of migrant children's rights; health and social protection access; economic reintegration; trafficking prevention; and climate-influenced migration dynamics. By connecting national legal frameworks with community-based protection practices, this research advances beyond institutional fragmentation debates toward a systemic understanding of sustainable migrant protection.

Accordingly, the objectives of this study are twofold. First, to analyze the regulation and implementation of the Indonesian migrant worker protection system across pre-placement, placement, and post-placement stages within a strategic policy framework. Second, to evaluate the effectiveness and fairness of this system in addressing multidimensional vulnerabilities, including violence, trafficking, social protection gaps, family welfare, economic reintegration, and climate-related migration pressures. Through this integrated approach, the study seeks to contribute to the development of a coherent, rights-based, and sustainable migrant worker protection model.

2. METHOD

This study adopts a qualitative approach using a socio-legal research design grounded in an epistemological understanding that law operates not only as a normative system but also as a lived social institution. The socio-legal perspective is employed to bridge doctrinal legal analysis with empirical realities, enabling an examination of how formal regulatory frameworks governing Indonesian migrant worker protection interact with social practices, institutional dynamics, and community-level protection mechanisms. This epistemological stance recognizes that legal effectiveness cannot be assessed solely through statutory interpretation but must be understood through its implementation context, actors, and lived experiences.

The research is positioned as a strategic single-case socio-legal study with embedded units of analysis. The case focuses on the interaction between national migrant worker protection policy and community-based protection practices. Within this framework, two interconnected empirical sites were selected: the Social Analysis and Research Institute (SARI) Solo as an institutional actor, and Bojasari Village, Wonosobo Regency, as a community-level setting. These sites were chosen through purposive strategic sampling rather than representational sampling. SARI Solo was selected because it functions as an established civil society organization actively implementing migrant protection,

empowerment, and reintegration programs that directly address policy gaps. Bojasari Village was selected as an embedded field site due to its status as a migrant-sending community where former migrant workers participate in organized empowerment and reintegration initiatives. Together, these sites provide analytically rich contexts for examining the interaction between legal norms and grassroots practices.

Primary data were collected from multiple informant categories using purposive sampling to ensure analytical relevance. Key informants included one institutional expert (the Director of SARI Solo) selected based on professional expertise and organizational leadership in migrant protection, as well as a group of former migrant workers in Bojasari Village who met the criteria of having completed overseas employment and participated in reintegration or empowerment activities. Informant selection emphasized experiential knowledge, direct engagement with migration processes, and involvement in protection initiatives. The study does not aim for statistical generalization but for analytical depth consistent with qualitative socio-legal inquiry.

Secondary data consisted of legal and policy materials, including Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, implementing regulations, policy documents, academic literature, and civil society reports. These materials were used to construct the normative framework against which empirical findings were interpreted.

Data collection employed semi-structured in-depth interviews, limited participatory observation, and document analysis. Interviews allowed exploration of institutional perspectives, lived migration experiences, and protection practices. Participatory observation was conducted during community discussions and empowerment activities to capture interactional dynamics and social context. Document analysis provided triangulation by linking empirical insights with formal regulatory frameworks.

Research validity was strengthened through methodological and source triangulation. Method triangulation combined interviews, observation, and document review to cross-check emerging themes. Source triangulation compared perspectives between institutional actors and migrant participants to ensure interpretive consistency. Reflexive field notes and iterative questioning were used to minimize researcher bias and enhance analytical rigor.

Data analysis followed an interactive qualitative model involving iterative data reduction, categorization, thematic coding, and interpretation. Raw interview and observation data were systematically condensed into analytic categories aligned with strategic migrant protection issues, including lifecycle protection, reintegration, social vulnerability, and institutional coordination. These categories were then interpreted within the socio-legal framework to identify patterns of alignment or disjunction between legal norms and implementation practices. The analytical process emphasized constant comparison between normative expectations and empirical realities to generate grounded conclusions and policy implications.

Through this methodological design, the study aims to produce context-sensitive, theoretically informed insights into migrant worker protection as a dynamic interaction between law, institutions, and community empowerment practices.

3. RESULTS AND DISCUSSION

3.1 Regulation and Implementation of the Indonesian Migrant Worker Protection System within the Framework of National Policy

Pre-Placement Stage: Preventive Legal Protection and Structural Vulnerability. Normatively, Law No. 18 of 2017 establishes preventive protection at the pre-placement stage through mandatory information provision, competency certification, recruitment supervision, and prohibition of non-procedural migration. Within Philipus M. Hadjon's framework, these instruments represent preventive legal protection intended to eliminate risks before rights violations occur.¹⁵

Empirical findings from Bojasari Village indicate that these safeguards remain uneven in practice. Prospective migrant workers frequently rely on informal brokers due to limited access to official information channels, weak legal literacy, and bureaucratic complexity. Recruitment oversight exists formally, yet field realities reveal fragmented coordination between local authorities and national institutions. Preventive norms therefore, operate more as a regulatory intention than lived protection.

This gap illustrates that legal effectiveness is not solely a function of regulatory completeness but of institutional accessibility and social mediation. From Hadjon's perspective, preventive protection fails when regulatory guarantees do not translate into enforceable safeguards.¹⁶ Paulo Freire's empowerment lens deepens this analysis: vulnerability persists because migrant communities remain positioned as passive recipients rather than informed actors capable of negotiating migration risks.

Community-based interventions implemented by SARI Solo partially mitigate this structural deficit by strengthening legal awareness, safe migration literacy, and collective organization. These initiatives demonstrate that empowerment functions as an extension of preventive protection, transforming legal norms into socially embedded practices.

Policy implication: strengthening pre-placement protection requires integrating regulatory enforcement with localized empowerment infrastructures. Preventive protection must operate not only through state supervision but through community-level legal literacy ecosystems capable of disrupting broker dependency.

Placement Stage: Reactive Protection, Bilateral Governance, and Power Asymmetry. During placement, legal protection relies on bilateral labor agreements, consular mechanisms, and case-handling procedures. Normatively, this phase reflects Hadjon's

¹⁵ Immadudin, Muhammad Asad. "Analisis Perlindungan Hak Asasi Manusia bagi Pekerja Migran Tidak Berdokumen Tantangan, Kerangka Hukum dan Implikasi Kebijakan." *Maqasid* 13.2 (2024): 136-149. <https://doi.org/10.30651/mqs.v13i2.24781>.

¹⁶ Junaidi, Muhammad, and Khikmah Khikmah. "Perlindungan hukum dan penempatan pekerja migran Indonesia di luar negeri." *Jurnal USM Law Review* 7.1 (2024): 490-501. <https://doi.org/10.26623/julr.v7i1.8127>.

repressive protection, activated when violations occur. The legal architecture presumes that diplomatic cooperation ensures migrant safety and dispute resolution.

Field evidence suggests that protection during placement remains predominantly reactive. Migrant workers encounter barriers in accessing complaint channels due to language constraints, employer dependence, and unclear employment status. Institutional responses often occur after harm materializes rather than preventing violations. This indicates a structural imbalance between normative protection and operational reach.

A critical dimension lies in the asymmetrical power relations embedded in bilateral labor governance. Sending states frequently negotiate from positions constrained by labor market dependency, limiting their leverage in enforcing worker protections abroad.¹⁷ Legal safeguards, therefore, operate within geopolitical hierarchies that shape enforcement capacity. This demonstrates that migrant protection is mediated not only by domestic regulation but by transnational governance dynamics.

Freire's framework reveals how migrant workers' limited agency during placement reinforces structural dependency, while Hadjon's theory exposes the fragility of repressive protection when access to remedy is institutionally constrained.¹⁸ The persistence of reactive protection underscores governance fragmentation, where overlapping authorities dilute accountability and slow intervention.

Policy implication: effective placement-stage protection requires shifting from incident-driven response toward anticipatory governance, including stronger bilateral accountability frameworks, standardized complaint mechanisms, and enhanced consular capacity aligned with migrant empowerment strategies.¹⁹

Post-Placement Stage: Reintegration Deficit and Restorative Protection. Normatively, post-placement protection encompasses safe repatriation, rights restoration, psychosocial recovery, and economic reintegration. Within Hadjon's model, this stage represents restorative protection aimed at repairing harm and preventing cyclical vulnerability.²⁰ Empirical observations show that reintegration remains the weakest link in the protection system. Returning migrants frequently face economic precarity, psychological stress, and limited institutional follow-up. State programs prioritize administrative repatriation while

¹⁷ Livnat, Yuval, and Hila Shamir. "Gaining control? bilateral labor agreements and the shared interest of sending and receiving countries to control migrant workers and the illicit migration industry." *Theoretical Inquiries in Law* 23.2 (2022): 65-94. <https://doi.org/10.1515/til-2022-0011>.

¹⁸ Ardhiyanti, Fitri, Khayatudin Khayatudin, and Siciliya Mardian Yoel. "Protecting Migrant Workers' Rights in Overseas Work Accidents under Article 17 (1) Permenaker No. 18/2018." *Estudiante Law Journal* 7.1 (2025): 19-34. <https://doi.org/10.33756/eslaj.v7i1.16451>.

¹⁹ Rosilawati, Rosilawati, and Luther Jonathan Ramos. "Integrated Service Strategy and Beneficiary Support at the Pangudi Luhur Bekasi Integrated Center and SACC: A Holistic Approach to Public Relations, Social Services, and Community Empowerment." *International Conference on Multidisciplinary Studies (ICoMSi 2024)*. Atlantis Press, 2025. https://doi.org/10.2991/978-2-38476-406-8_34.

²⁰ Arsyad, Yolandika, Muhammad Asri, and Febriansa Febriansa. "Social Transformation Through Non-Formal Education: Implementing Paulo Freire's Critical Values." *International Journal on Advanced Science, Education, and Religion* 8.4 (2025): 19-26. <https://doi.org/10.33648/ijoaser.v8i4.983>.

neglecting sustained social recovery, resulting in a cycle of re-migration driven by unresolved structural pressures.

SARI Solo's community-based initiatives provide an alternative model by embedding reintegration within cooperative economic structures, psychosocial support networks, and village-level institutional participation. Through Freire's empowerment perspective, former migrants transition from passive beneficiaries into collective actors capable of shaping local protection ecosystems. This empowerment dimension converts restorative protection into long-term preventive resilience.

The persistence of reintegration gaps reflects governance fragmentation, where post-placement responsibilities are dispersed across agencies without coherent coordination. Legal guarantees exist, yet institutional discontinuity undermines effectiveness. Policy implication: reintegration policy must be reconceptualized as a continuum of social protection rather than a terminal administrative phase. Embedding restorative protection within community governance structures strengthens long-term resilience and reduces exploitative migration cycles.

Across the migration cycle, a recurring pattern emerges: normative legal protection is structurally comprehensive yet operationally fragmented. Preventive, repressive, and restorative mechanisms function unevenly because legal enforcement is not sufficiently integrated with social empowerment infrastructures. Hadjon's theory clarifies the formal architecture of protection, while Freire's framework reveals that effectiveness depends on transforming migrants into active legal subjects rather than administrative objects.

The empirical interaction between state regulation and community-based protection demonstrates that legal effectiveness is relationally shaped by governance coordination, institutional accessibility, and collective agency. Migrant worker protection, therefore, requires a hybrid governance model where legal norms, empowerment practices, and transnational accountability mechanisms operate synergistically. This analysis confirms that strengthening migrant protection is not merely a regulatory task but a governance transformation that bridges law, institutions, and community resilience.

These findings confirm that the primary weakness of the Indonesian migrant worker protection system does not lie in the absence of legal norms but in the structural disjunction between regulatory design and operational governance capacity. From a socio-legal perspective, legal protection cannot function effectively when institutional accessibility, inter-agency coordination, and community-level mediation remain fragmented. This indicates that migrant worker protection should be reconceptualized not merely as a statutory compliance regime but as an integrated governance system that aligns preventive regulation, responsive institutional intervention, and empowerment-based social infrastructure. Such alignment transforms legal protection from a reactive enforcement mechanism into a proactive risk-governance framework capable of reducing structural vulnerability across the migration lifecycle. Accordingly, strengthening protection requires systemic reform that enhances institutional coherence, expands localized protection access,

and embeds legal safeguards within community-based resilience mechanisms, ensuring that normative guarantees operate as lived protection rather than symbolic legal commitments.

3.2 Evaluation of the Effectiveness and Fairness of the PMI Protection System against Various Forms of Vulnerability

This evaluation adopts a dual analytical benchmark: effectiveness is assessed through the capacity of the legal protection system to operationalize preventive, repressive, and restorative safeguards across the migration cycle, while fairness is examined through a substantive justice lens, namely, whether protection mechanisms equitably address structural vulnerabilities, gendered risks, and intergenerational impacts.²¹ Within this framework, legal protection is considered effective when it translates normative guarantees into accessible safeguards and equitable when it reduces asymmetrical exposure to harm rather than merely formalizing rights.

Violence and Trafficking: Gendered Vulnerability and Protection Gaps. Empirical findings from former migrant workers in Bojasari Village reveal that experiences of labor exploitation, psychological abuse, and gender-based violence disproportionately affect women in domestic-sector employment. Although anti-trafficking and migrant protection regulations formally establish complaint mechanisms and consular assistance, enforcement remains reactive and uneven.²² Informal recruitment networks continue to operate at the village level, exploiting information asymmetries and gendered economic pressures.

From a substantive justice perspective, this indicates that protection is formally available but not equitably accessible. Hadjon's framework exposes a deficit in preventive enforcement, while Freire's empowerment lens reveals how gendered vulnerability is reproduced when migrant women lack collective bargaining capacity. Community legal literacy initiatives and psychosocial support programs facilitated by SARI Solo function as localized corrective mechanisms by strengthening women's agency and peer-based monitoring.

Comparatively, ASEAN migrant governance frameworks similarly struggle with translating anti-trafficking norms into grassroots enforcement, suggesting that gender-responsive protection requires institutional-community integration rather than purely regulatory expansion.²³ Policy implication: violence prevention must incorporate gender-sensitive legal literacy, village-level monitoring systems, and survivor-centered recovery pathways embedded in community structures.²⁴

²¹ Kunarti, Siti, 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* 11.12 (2023): e1454-e1454. <https://doi.org/10.55908/sdgs.v11i12.1454>.

²² Roni AS, Permadi I. "Urgency of Regulating Legal Protection for Forest and Land Fire Victims in the Form of Restitution Based on the Social Justice Principle in Indonesia." *Editorial Board* (2022): 285. <https://doi.org/10.47743/jopaf1-2022-23-25>

²³ Sari, Dewi Novita, et al. "Spatial Analysis of E-Warong Distribution for Basic Food Social Assistance Program in Surakarta City." *Journal of Applied Geospatial Information* 7.1 (2023): 787-795. <https://doi.org/10.30871/jagi.v7i1.5165>.

²⁴ Wallerstein, Nina, and Edward Bernstein. "Empowerment education: Freire's ideas adapted to health education." *Health education quarterly* 15.4 (1988): 379-394. <https://doi.org/10.1177/109019818801500402>.

Children of Migrant Workers: Intergenerational Justice Deficit. The protection system largely treats migration as an individual labor issue, leaving the welfare of migrant workers' children structurally peripheral. Field discussions indicate recurring challenges in access to education continuity, healthcare, and psychosocial stability during parental absence. Remittance flows do not automatically translate into social protection outcomes, revealing a disconnect between economic contribution and welfare infrastructure.

Evaluated through substantive fairness, this represents an intergenerational justice gap: the social costs of migration are disproportionately borne by dependents without institutional compensation. SARI Solo's facilitation of social assistance access and family-based community support illustrates an alternative governance logic in which migrant protection extends beyond the worker to the household ecosystem.

This aligns with comparative evidence from other migrant-sending regions where family-centered protection models reduce long-term social vulnerability. Policy implication: migrant protection frameworks must explicitly incorporate family welfare mechanisms, including educational continuity guarantees and psychosocial support for children.

Social Protection and Economic Reintegration: Structural Effectiveness. Legal guarantees for insurance, health protection, and reintegration assistance exist, yet empirical findings show discontinuity in access across migration phases.²⁵ Returning migrants frequently face administrative barriers, fragmented institutional responsibilities, and limited livelihood transition support. This weakens restorative protection and increases the likelihood of precarious re-migration.

The cooperative-based reintegration model facilitated by SARI Solo, exemplified through collective savings, economic capacity building, and peer networks, demonstrates a hybrid governance approach where economic empowerment functions as both recovery and prevention. From Hadjon's perspective, this strengthens restorative protection; from Freire's lens, it transforms beneficiaries into co-producers of protection.²⁶ Such community-integrated reintegration mirrors emerging international best practices emphasizing policy coherence between labor protection and social welfare systems. Policy implication: reintegration should be institutionalized as a long-term social protection continuum, integrating cooperative economic models with formal state programs.

Climate-Induced Migration: Emerging Justice and Governance Challenge. Environmental degradation and declining rural productivity increasingly influence migration decisions. Field observations show that climate pressures intensify economic vulnerability, indirectly increasing exposure to unsafe recruitment channels. Existing migrant protection frameworks remain largely reactive to labor risks and insufficiently adaptive to environmental drivers.

²⁵ Wang, Xingzhou. "An investigation into intergenerational differences between two generations of migrant workers." *Social Sciences in China* 29.3 (2008): 136-156. <https://doi.org/10.1080/02529200802288542>.

²⁶ Hanechko, Olena M., et al. "Comprehensive social and medical security for Ukrainian migrant workers: Degree of protection." *International Migration* 62.4 (2024): 82-96. <https://doi.org/10.1111/imig.13280>.

From a justice perspective, climate-induced migration introduces distributive inequity: communities bearing environmental burdens face heightened migration risk without corresponding protection infrastructure. SARI Solo's village-based awareness and resilience initiatives illustrate how local capacity building can function as early-stage preventive protection.²⁷ International discourse on migration governance increasingly recognizes climate mobility as a structural issue requiring cross-sector coordination. The Indonesian protection framework has yet to fully integrate this dimension. Policy implication: migrant protection policy must expand toward climate-responsive governance linking environmental resilience, livelihood diversification, and migration safeguards.²⁸

Conceptual Synthesis: Toward an Integrated State–Community Protection Model. Across these vulnerability domains, a consistent pattern emerges: normative protection is structurally comprehensive yet operationally uneven when detached from community mediation. Effectiveness improves when preventive, repressive, and restorative protections are socially embedded, while fairness increases when gendered, familial, and environmental vulnerabilities are explicitly addressed.

The SARI Solo model demonstrates an alternative policy architecture where civil society acts as an intermediary governance layer, translating legal norms into lived protection. Rather than functioning as a substitute for the state, this model represents a co-governance framework integrating statutory authority with empowerment-based community infrastructure.²⁹ Conceptually, an integrated protection model requires three mutually reinforcing pillars: 1) Normative Legal Architecture, rights-based regulation ensuring lifecycle protection. 2) Institutional Coordination, cross-sector governance, and reducing fragmentation. 3) Community Empowerment Ecosystems, localized agency enabling equitable access.

Such integration transforms migrant protection from a reactive legal regime into a resilience-oriented governance system capable of addressing multidimensional vulnerability. This evaluation confirms that effectiveness and fairness are inseparable: legal protection becomes equitable only when institutional design and community empowerment converge to reduce structural asymmetry across the migration cycle.

This evaluation further demonstrates that the effectiveness and fairness of migrant worker protection are fundamentally shaped by the interaction between formal legal structures and the social conditions in which migration occurs. Legal protection becomes substantively meaningful only when it addresses the underlying structural drivers of vulnerability, including gender inequality, economic dependency, family fragmentation, and

²⁷ Lietaert, Ine, Ilse Derluyn, and Eric Broekaert. "Returnees' perspectives on their re-migration processes." *International Migration* 52.5 (2014): 144-158. <https://doi.org/10.1111/imig.12052>.

²⁸ Setjaningrum, E., A. Kassim, R. Triana, and R. Dzulfikri. "Going Back with Glee: A Case Study of Indonesian Migrant Workers Engaging in Circular Migration." *JAS (Journal of ASEAN Studies)* 11.1 (2023): 219–243. <https://doi.org/10.21512/jas.v11i1.8610>

²⁹ Scheffran, Jürgen, Elina Marmar, and Papa Sow. "Migration as a contribution to resilience and innovation in climate adaptation: Social networks and co-development in Northwest Africa." *Applied geography* 33 (2012): 119-127. <https://doi.org/10.1016/j.apgeog.2011.10.002>.

environmental pressures. The empirical evidence suggests that community-based empowerment mechanisms function as critical governance intermediaries that translate formal rights into accessible and enforceable protections. This reinforces the argument that migrant protection requires a multi-layered governance approach integrating legal regulation, institutional accountability, and community resilience. Such an approach enables the protection system not only to respond to violations but also to prevent vulnerability formation. Consequently, the future development of migrant protection policy must move toward a resilience-oriented legal framework that prioritizes preventive capacity, social inclusion, and structural equity, thereby ensuring that protection is both operationally effective and substantively just.

4. CONCLUSION

This study concludes that the Indonesian Migrant Worker protection system, while normatively comprehensive under Law No. 18 of 2017, has not yet achieved full effectiveness or substantive fairness due to fragmented implementation across the migration lifecycle. Preventive safeguards remain weak at the pre-placement stage, protection during placement is largely reactive, and post-placement reintegration lacks sustained psychosocial and economic continuity. These structural gaps demonstrate that legal guarantees alone are insufficient to address the multidimensional vulnerabilities faced by migrant workers and their families. Conceptually, the study establishes that effective and equitable protection emerges when formal legal frameworks are integrated with community-based empowerment mechanisms. The empirical model demonstrated through SARI Solo and the Bojasari Village context illustrates how civil society mediation can transform migrant workers from passive recipients of protection into active agents of resilience, particularly in responding to gendered risks, social protection deficits, family welfare challenges, and emerging climate pressures. Accordingly, the study affirms that a sustainable PMI protection system requires a co-governance architecture that combines preventive and restorative legal protection with localized empowerment structures. Such integration strengthens accessibility, reduces structural vulnerability, and aligns state responsibility with community capacity, thereby advancing a rights-based protection paradigm that is both operationally effective and socially just.

REFERENCES

- Annisa, Arini Nur, et al. "Urgensi Peraturan Kebijakan dalam Pelayanan Migrasi Kerja pada Penempatan dan Perlindungan Pekerja Migran Indonesia." *Proceeding APHTN-HAN* 2, no. 1 (2024): 37–70. <https://doi.org/10.55292/3efwen66>.
- Ardhiyanti, Fitri, Khayatudin Khayatudin, dan Siciliya Mardian Yoel. "Protecting Migrant Workers' Rights in Overseas Work Accidents under Article 17(1) Permenaker No. 18/2018." *Estudiante Law Journal* 7, no. 1 (2025): 19–34. <https://doi.org/10.33756/eslaj.v7i1.16451>.
- Arsyad, Yolandika, Muhammad Asri, dan Febriansa Febriansa. "Social Transformation through Non-Formal Education: Implementing Paulo Freire's Critical Values."

- International Journal on Advanced Science, Education, and Religion* 8, no. 4 (2025): 19–26. <https://doi.org/10.33648/ijoaser.v8i4.983>.
- De Haas, Hein. “A Theory of Migration: The Aspirations–Capabilities Framework.” *Comparative Migration Studies* 9, no. 1 (2021): 8. <https://doi.org/10.1186/s40878-020-00210-4>.
- Fitria, Eko Nuriyatman, Latifah Amir, and Sitta Saraya. “Administrative Law and the Efficiency of Local Government Budgeting.” *As-Siyasi: Journal of Constitutional Law* 5, no. 1 (2025): 147–161. <https://doi.org/10.24042/as-siyasi.v5i1.27598>
- Hanechko, Olena M., et al. “Comprehensive Social and Medical Security for Ukrainian Migrant Workers: Degree of Protection.” *International Migration* 62, no. 4 (2024): 82–96. <https://doi.org/10.1111/imig.13280>.
- Harini, Setyasih. “Indonesia’s Policy Response to Indonesian Migrant Worker Trafficking in Southeast Asia.” *Journal of Governance and Public Policy* 12, no. 3 (2025): 345–362. <https://doi.org/10.18196/jgpp.v12i3.27218>
- Harsono, Iwan, Himawan Sutanto, and Ridwan Sya’rani. “Migration Patterns and Social Change in Kalimantan Region: A Quantitative Study of the Impact of Migration in Changing Social and Economic Structures.” *Sciences Du Nord Humanities and Social Sciences* 1, no. 01 (2024): 14–24. <https://doi.org/10.58812/snhss.v1i1.4>
- Immadudin, Muhammad Asad. “Analisis Perlindungan Hak Asasi Manusia bagi Pekerja Migran Tidak Berdokumen: Tantangan, Kerangka Hukum, dan Implikasi Kebijakan.” *Maqasid* 13, no. 2 (2024): 136–149. <https://doi.org/10.30651/mqs.v13i2.24781>.
- Junaidi, Muhammad, dan Khikmah Khikmah. “Perlindungan Hukum dan Penempatan Pekerja Migran Indonesia di Luar Negeri.” *Jurnal USM Law Review* 7, no. 1 (2024): 490–501. <https://doi.org/10.26623/julr.v7i1.8127>.
- Kunarti, Siti, 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 (2023): e1454. <https://doi.org/10.55908/sdgs.v11i12.1454>
- Lietaert, Ine, Ilse Derluyn, dan Eric Broekaert. “Returnees’ Perspectives on Their Re-migration Processes.” *International Migration* 52, no. 5 (2014): 144–158. <https://doi.org/10.1111/imig.12052>.
- Livnat, Yuval, dan Hila Shamir. “Gaining Control? Bilateral Labor Agreements and the Shared Interest of Sending and Receiving Countries to Control Migrant Workers and the Illicit Migration Industry.” *Theoretical Inquiries in Law* 23, no. 2 (2022): 65–94. <https://doi.org/10.1515/til-2022-0011>.
- Minan, Ahsanul, dan Kartini Laras Makmur. “Pembentukan Kementerian Pelindungan Pekerja Migran Indonesia dan Masa Depan Perlindungan Pekerja Migran Indonesia.” *AL WASATH: Jurnal Ilmu Hukum* 6, no. 2 (2025): 67–82. <https://doi.org/10.47776/alwasath.v6i2>.
- Prabowo, Y., Wicipto Setiadi, and Ahmad Ahsin Thohari. “The Fulfillment of Citizenship Rights for the Children of Indonesian Migrant Workers Who Are Working Illegally in Malaysia.” *Journal of Social Science* 3, no. 4 (2024). <https://doi.org/10.57185/joss.v3i4.301>
- Rizqian, D. R. “Pemberdayaan Masyarakat dalam Perspektif Teori Tindakan Komunikatif Jurgen Habermas.” *Jurnal El-Hamra: Kependidikan dan Kemasyarakatan* 8, no. 2 (2023): 71–86. <https://doi.org/10.62630/elhamra.v8i2.121>

- Roni AS, Permadi I. “Urgency of Regulating Legal Protection for Forest and Land Fire Victims in the Form of Restitution Based on the Social Justice Principle in Indonesia.” *Editorial Board* (2022): 285. <https://doi.org/10.47743/jopafli-2022-23-25>
- Rosilawati, Rosilawati, dan Luther Jonathan Ramos. “Integrated Service Strategy and Beneficiary Support at the Pangudi Luhur Bekasi Integrated Center and SACC: A Holistic Approach to Public Relations, Social Services, and Community Empowerment.” Dalam *International Conference on Multidisciplinary Studies (ICoMSi 2024)*. Atlantis Press, 2025. https://doi.org/10.2991/978-2-38476-406-8_34.
- Sari, Dewi Novita, et al. “Spatial Analysis of E-Warong Distribution for Basic Food Social Assistance Program in Surakarta City.” *Journal of Applied Geospatial Information* 7, no. 1 (2023): 787–795. <https://doi.org/10.30871/jagi.v7i1.5165>.
- Scheffran, Jürgen, Elina Marmer, and Papa Sow. “Migration as a Contribution to Resilience and Innovation in Climate Adaptation: Social Networks and Co-development in Northwest Africa.” *Applied Geography* 33 (2012): 119–127. <https://doi.org/10.1016/j.apgeog.2011.10.002>.
- Setijaningrum, Eni, Azhar Kassim, Riska Triana, and Riza Dzulfikri. “Going Back with Glee: A Case Study of Indonesian Migrant Workers Engaging in Circular Migration.” *JAS (Journal of ASEAN Studies)* 11, no. 1 (2023): 219–243. <https://doi.org/10.21512/jas.v11i1.8610>
- Sinambela, Sagita Br, et al. “Perlindungan Hukum Pekerja Migran Indonesia: Tantangan dan Upaya Penegakan Hak Ketenagakerjaan.” *Jurnal Ilmiah Nusantara* 2, no. 5 (2025): 87–103. <https://doi.org/10.61722/jinu.v2i5.5220>.
- Wallerstein, Nina, dan Edward Bernstein. “Empowerment Education: Freire’s Ideas Adapted to Health Education.” *Health Education Quarterly* 15, no. 4 (1988): 379–394. <https://doi.org/10.1177/109019818801500402>.
- Wang, Xingzhou. “An Investigation into Intergenerational Differences between Two Generations of Migrant Workers.” *Social Sciences in China* 29, no. 3 (2008): 136–156. <https://doi.org/10.1080/02529200802288542>.
- Widyawati, Retno Febriyastuti, and Andi Lopa Ginting. “Measuring Influencing Remittance Sending by Indonesian Migrant Workers.” *Jurnal Ilmu Keuangan Dan Perbankan (JIKA)* 14, no. 2 (2025). <https://doi.org/10.34010/jika.v14i2.15888>