

Para-Diplomacy in the Protection of Indonesian Migrant Workers A Study on the Policy of East Java Province

Budi Raharjo¹  , Arie Fitria² , Vesela Radovic³ , Adibah Sayyidati⁴ ,
Himawan Estu Bagijo⁵ 

¹ Universitas Airlangga, Surabaya, Indonesia

² L'École nationale des travaux publics de l'État (ENTPE), France

³ University of Belgrade, Belgrade, Serbia

⁴ Badan Riset dan Inovasi Daerah Provinsi Jawa Timur, Indonesia

✉Corresponding email: b.raharjo-2023@pasca.unair.ac.id

Abstract

From 2019 to 2024, East Java remained Indonesia's largest contributor of Indonesian Migrant Workers (PMI) and received the Indonesian Migrant Worker Award for six consecutive years. Despite this achievement, PMI continue to face human trafficking, violence, labor rights violations, and digital scam exploitation. These challenges are compounded by budget constraints and overlapping responsibilities between central and regional governments. This study examines the role of the East Java Provincial Government in PMI placement and protection through the perspectives of para-diplomacy and multi-level governance. Using a qualitative approach, data were collected through in-depth interviews and document analysis, emphasizing collaboration among government institutions, non-state actors, diaspora communities, and civil society. The findings show that effective migrant worker protection

depends on multi-level and multi-actor collaboration. Triangulation involving political actors, government agencies, diaspora organizations, and NGOs reveals a persistent gap between formal regulations, including Law No. 18/2017 and Local Regulation No. 2/2022, and their implementation. Nevertheless, several good practices have emerged, such as integrated one-stop services, helpdesks, mobile information units, Village Migration Regulations, and Productive Migrant Villages. Community-based coordination has also strengthened legal advocacy, repatriation, and migration literacy. Based on these findings, the study proposes a Hybrid Community-Based Protection System that integrates state mechanisms with community and diaspora networks through a bottom-up approach. The research contributes to para-diplomacy and legal pluralism theories by highlighting non-state actors as key agents in migration literacy, legal protection, and socio-economic empowerment, while offering practical recommendations for regional policy innovation, cross-sector coordination, and digitalized migrant worker protection systems.

KEYWORDS *Indonesian Migrant Workers, Para-Diplomacy, Multi-Level Governance, Community-Based Protection*

Introduction

The phenomenon of cross-border labor migration is a multidimensional issue that touches on social, economic, political, and even international security aspects. Indonesian migrant workers are Indonesian citizens who will, are, or have worked for wages outside the territory of the Republic of Indonesia.¹ Indonesia, as one of the world's largest sending countries of migrant workers, faces complex challenges in ensuring the protection of the rights of Indonesian Migrant Workers (*Pekerja Migran Indonesia*, PMI) at all stages of migration, from pre-departure, placement, to post-return. East Java is recorded as the province with the highest number of PMI placements in the 2019-2024 period (an average of 25% more as shown on Table 1), even receiving the Indonesian Migrant Worker Award for six consecutive years.

¹ Hartono Widodo, and R. Jossi Belgradoputra. "Perlindungan Pekerja Migran Indonesia." *Binamulia Hukum* 8, no. 1 (2019): 107-116. <https://doi.org/10.37893/jbh.v8i1.343>

However, these achievements do not fully reflect ideal conditions, as there are still various problems such as human trafficking (TPPO), wage violations, gender-based violence, and the involvement of Indonesian migrant workers in extremist networks and digital scams.² As citizens, they need guarantees and protection from the authorities. Vertically, various related parties are involved, ranging from the Central Government (Ministry of Manpower, Agencies), the Indonesian Embassy, Local Governments (Provinces, Regencies/Cities), and Village Governments, Stakeholders (private parties), Community Leaders (village leaders, religious leaders), and even their own families. All of these parties have clear roles, duties, and responsibilities.³ Law Number 13 of 2003 concerning Manpower is the legal umbrella for Law Number 18 of 2007, in addition to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families through Law Number 6 of 2012.

The Migrant Worker Award received by East Java reflects achievements in administrative performance and policy innovation. However, field findings indicate that such recognition does not fully capture the actual conditions experienced by migrant workers. This reveals a form of performance paradox, where policy outputs do not necessarily translate into improved protection outcomes. Therefore, policy evaluation should move beyond administrative indicators toward impact-based measurements that assess the real reduction of migrant worker vulnerabilities.

² Laode Muhammad Fathun, and Elyta Elyta. "From Shadows to Spotlight: Analyzing Protodiplomatic Strategies in The 2022 Russia-Ukraine Crisis." *Jurnal Keamanan Nasional* 9, no. 2 (2023): 351-372. See also Ardhita Sucahyanto, "Digital Society and the Transformation of Community-Based Dispute Resolution in Indonesia". *The Indonesian Journal of Sociolegal Development* 1, no. 1 (2026): 31-60; Sherlyn Nathalia Cheung, Yuwono Prianto, and Sheren Hardjono. "The Urgency of Legal Protection for Domestic Workers as Informal Workers". *Unnes Law Journal* 9, no. 1 (2023): 149-162. <https://doi.org/10.15294/ulj.v9i1.37277>

³ Bambang Widiyanseno, Rudianto Rudianto, and Ida Widaningrum. "Paradigma Baru Model Pelindungan Pekerja Migran Indonesia dalam Perspektif Undang-Undang RI Nomor 18 Tahun 2017 [New Paradigma of Indonesian Migrant Worker Protection Model in Perspective of Law Number 18 Year 2017]", *Sosio Informa* 4, no. 3 (2017): 501-513. See also Ahmad Suyanto, Ahmad Zulkarnain Idris, and Zayd Imran Ibnu Rahman. "The Role of Legal Services in Protecting the Rights of Migrant Workers from Lombok in Malaysia". *Lentera Masyarakat Hukum* 2, no. 2 (2025). <https://doi.org/10.65815/kf07hp20>; Stefanus Nugroho Adi, "Migrant Workers and the Protection Gap: The Human Rights of Indonesian Labor Abroad". *Contemporary Issues on Indonesian Human Rights Law and Policy* 1, no. (2024). <https://doi.org/10.65815/rm5db24>

TABLE 1. Data on the Placement of Indonesian Migrant Workers (PMI) from East Java in 2019-2024

NO	DESCRIPTION	2019	%	2020	%	2021	%	2022	%	2023	%	2024	%
1	Formal	25.886	37,66	8.446	22.62	3.065	10.69	19.020	37,04	29.561	43,43	27.214	34,30
2	Informal	42.854	62,34	28.886	77.38	25.593	89.31	32.328	62,96	38.508	56,57	52.125	65,70
	Total	68.740		37.332		28.658		51.348		68.069		79.339	
1	Female	17.303	25,17	5.195	13.91	1.348	4.70	14.527	28,29	21.591	31,72	18.172	22,90
2	Male	51.437	74,83	32.137	86.09	27.310	95.30	36.819	71,70	46.478	68,28	61.167	77,10
	Total	68.740		37.332		28.658		51.348		68.069		79.339	

One of the objectives of the State as stated in the preamble to the 1945 Constitution of the Republic of Indonesia, paragraph four, is to protect the entire Indonesian nation and all Indonesian citizens. As a consequence of being a state based on the rule of law, the state must protect human rights, including the rights of Indonesian migrant workers. Indonesia. Alinea Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia:

“Furthermore, to form an Indonesian State Government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote general welfare, educate the nation, and participate in implementing world order based on independence, eternal peace, and social justice, Indonesian National Independence was formulated in a Constitution-Constitution of the State of Indonesia, which is formed in a structure of the Republic of Indonesia with popular sovereignty based on: Belief in One God, just and civilized humanity, Indonesian unity, and democracy guided by the wisdom of deliberation/representation, as well as by realizing social justice for all Indonesian people.”

Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that “*Every citizen shall have the right to work and to a decent livelihood.*” This requires the state to realize the right to work and a decent livelihood for every citizen of the State of Indonesia, which must be fulfilled by the State. The rights of Indonesian migrant workers are also contained in Article 28C, which regulates the right of every person to obtain an education and benefit from science to improve their quality of life. Furthermore, Article 28D of the 1945 Constitution of the Republic of Indonesia states that every person has the right to recognition, security, protection, and legal certainty as well as

equal treatment before the law and the right to fair and decent compensation and treatment in employment relationships.

So far, the conventional approach based on state-centered diplomacy, which is top-down in nature, has proven to be inadequate. Therefore, the concept of para-diplomacy has emerged, which is the involvement of sub-national and non-state actors such as local governments, NGOs, local communities, labor unions, and even the diaspora in alternative diplomacy that is more adaptive and contextual.⁴ A number of studies show that strong para-diplomacy practices, for example in the Indonesia-Malaysia border region, can reduce the burden of protection that has so far relied solely on the Indonesian Embassy/Consulate General, because migrant and diaspora communities act as agents of protection, case reporters, and facilitators of socio-economic reintegration.⁵

From a Human Capital Development perspective, the role of these local actors can be constructed as transformational human capital agents, namely social agents who encourage structural change through empowerment and migration literacy.⁶ Migration literacy provides new social capital for communities in facing systemic vulnerabilities, such as limited access to legal services, decent work information, and gender-based discrimination.⁷ This is in line with the idea of smart social governance,⁸ where the protection of migrant workers is not only the domain of the state, but is also built collaboratively through productive migrant village programs (Desmigratif), community-based shelters, village-based training, and cooperation between BP2MI, Disnakertrans, NGOs, and religious groups.

⁴ R. Tavares, *Paradiplomacy: Cities and States as Global Players* (Oxford: Oxford University Press, 2016).

⁵ Fitrisia Munir, et al. "Prospering the ASEAN Community: How Micro-Region Becomes a Driving Force Prosperity in Indonesia's Border Area?." *Jurnal Hubungan Internasional* 12, no. 1 (2023): 37-48. <https://doi.org/10.18196/jhi.v12i1.14851>

⁶ Thomas Garavan, Alma McCarthy, and Michael Morley, eds. *Global Human Resource Development: Regional and Country Perspectives*. (London: Routledge, 2016).

⁷ Ismah Rustam, Alwafi Ridho Subarkah, and Lalu Puttrawandi Karjaya. "Paradiplomacy of West Nusa Tenggara Province in Achieving Net-Zero Emission." *Intermestic: Journal of International Studies* 8, no. 2 (2024): 575-594. <https://doi.org/10.24198/intermestic.v8n2.8>

⁸ See Arinaldi Nugraha, Rochania Ayu Yunanda, and Andang Heryahya. "Determinants of West Java MSMEs Readiness to Support Indonesia's Journey Towards a Global Halal Hub." *Bukhori: Kajian Ekonomi dan Keuangan Islam* 4, no. 2 (2025): 71-94. <https://doi.org/10.35912/bukhori.v4i2.3420>

However, there are still various challenges, including limited regional budgets, low technical capacity of local actors, and overlapping regulations between the central and regional governments. Therefore, it is necessary to reconstruct a more adaptive, structured, and integrated para-diplomacy framework, both vertically and horizontally. One strategic opportunity is to make para-diplomacy a community-based protection system that has high social legitimacy and is close to the real needs of PMI.⁹

Considering the complexity of migrant worker governance, this study investigates how para-diplomacy practices in East Java can be developed into a transformative strategy for the protection of Indonesian Migrant Workers (PMI). Moving beyond a conventional protection-oriented approach, the study emphasizes the strategic role of local actors, institutional capacity, and multilevel collaborative governance in fostering sustainable, inclusive, and empowerment-based protection mechanisms. In this context, para-diplomacy is examined not only as a complementary instrument of public diplomacy but also as a governance framework that enables subnational governments and local stakeholders to address the multidimensional challenges of labor migration. Accordingly, this study is guided by the following research question: *How can para-diplomacy practices in East Java be developed as a transformative strategy for the protection of Indonesian Migrant Workers through the empowerment of local actors and multilevel collaborative governance?*

This study employs a descriptive qualitative approach using a case study design to examine the practice of para-diplomacy in protecting Indonesian migrant workers (PMI) in East Java and the role of local stakeholders in developing Transformational Human Capital Agents (THCA). A case study was selected because it enables an in-depth exploration of the complex social, cultural, and policy contexts surrounding migrant worker protection. Research participants were purposively selected to represent key stakeholders, including local government agencies, civil society organizations, diaspora and migrant communities, active and former migrant workers and their families, as well as local media and migrant volunteers.

Data were collected through in-depth interviews, focus group discussions (FGDs), field observations, and document analysis of relevant regulations, government reports, and NGO publications. The data were analyzed using NVivo software through narrative analysis, thematic coding, and triangulation

⁹ Niedja de Andrade E. Silva Forte dos Santos, "Towards a Conceptual Framework for City Diplomacy: a Practitioner's Perspective." *Diplomatica* 3, no. 1 (2021): 157-166. <https://doi.org/10.1163/25891774-03010009>

of data sources and methods to ensure validity. The analysis focused on identifying the roles of actors, intervention strategies, coordination mechanisms, literacy initiatives, and outcomes related to migrant worker protection in East Java.

The Frameworks of Para-Diplomacy, Transformational Human Capital Agent, and Their Current Developments

The concept of para-diplomacy refers to the involvement of sub-national actors, such as local governments, NGOs, local communities, and diasporas, in international relations activities that are outside the formal diplomacy of the state.¹⁰ (Aldecoa & Keating, 1999; Tavares, 2016). This practice has developed in line with the rise of global issues that have a direct impact on local communities, particularly those related to trade, culture, education, and the protection of migrant workers.¹¹

In the context of protecting Indonesian Migrant Workers (PMI), para-diplomacy functions as protective diplomacy to complement the limitations of formal diplomacy. Research shows that the involvement of local governments, diaspora communities, and migrant associations can strengthen social protection and legal advocacy.^{12,13} This role is not only technical but also strategic in building human resources, migration literacy, and global-based job skills training.¹⁴ However, the practice of para-diplomacy faces obstacles, such as policy and technical inconsistencies between the central and regional governments, limited human resources, minimal funding, and weak legal

¹⁰ See Francisco Aldecoa, "Towards Plurinational Diplomacy in the Deeper and Wider European Union (1985—2005)." In *Paradiplomacy in Action*. (London: Routledge, 2013), pp. 82-94; Rodrigo Tavares, *Paradiplomacy: Cities and States as Global Players*. (Oxford: Oxford University Press, 2016).

¹¹ N. Cornago, "On the Normalization of Sub-State Diplomacy," *The Hague Journal of Diplomacy* 5, no. 1 (2010): 11–36.

¹² See Laode Muhammad Fathun, "The Role of Paradiplomacy and the Potential Proto-Diplomacy in the Unitary State". *Journal of Islamic World and Politics* 6, no. 2 (2022): 298-319.

¹³ Laura E. R. Peters, "The Social Construction of Crisis: Deconstructing the Complex Pathways Linking Disaster, Conflict, and Peace". *Thesis*. (Oregon: Oregon State University, 2020).

¹⁴ See Giacometti, Alberto, and Mari Wøien Meijer. *Closed borders and divided communities: Status report and lessons from Covid-19 in cross-border areas*. Nordregio, 2021.

protection. Therefore, institutional strengthening and legal recognition are crucial so that the role of local actors can be integrated with national policies.

In further, in the context of Transformational Human Capital Agent (THCA), the THCA concept is rooted in strategic human resource management theory,¹⁵ which emphasizes that human resource development should not only meet technical needs, but also drive socio-economic transformation. THCA is understood as a dual-function actor, namely as a protector (*Pelindung*) and enabler (*Pemberdaya*).¹⁶ In the context of PMI protection, THCA can take the form of NGOs, diaspora, former migrants, and local communities that provide education, legal advocacy, and socio-economic reintegration assistance.^{17,18} Pendekatan ini sejalan dengan community-based human resource development (CBHRD). This approach is in line with community-based human resource development (CBHRD), which emphasizes the role of the community in the design and implementation of human resource empowerment programs.¹⁹ The key to THCA's effectiveness lies in three main functions: (1) education on the rights and obligations of migrants, (2) intervention through advocacy and legal assistance, and (3) socio-economic reintegration after migration. However, limited resources, legal legitimacy, and political support often pose obstacles. Therefore, capacity building, legal legitimacy, and cross-actor collaboration are necessary for THCA to play a sustainable role.²⁰

Various empirical studies showed that the involvement of local actors in migrant protection is becoming increasingly significant in Southeast Asia. The practice of micro-regionalism in West Kalimantan has succeeded in creating

¹⁵ D. Ulrich. *Human Resource Champions* (Brighton, MA: Harvard Business Press, 1997).

¹⁶ Garavan, et.al eds. *Global Human Resource Development: Regional and Country Perspectives*.

¹⁷ Bethany Letiecq, and Leah Schmalzbauer. "Community-based participatory research with Mexican migrants in a new rural destination: A good fit?." *Action Research* 10, no. 3 (2012): 244-259. <https://doi.org/10.1177/1476750312443571>

¹⁸ Paulus Rudolf Yuniarto, "Migrant workers empowerment through vocational education and community-based learning: A study case of Indonesian in Taiwan." *Journal of Indonesian Social Sciences and Humanities* 9, no. 2 (2019): 113-129.

¹⁹ Adebimpe Oluwabukade Adefila, et al. "Empowering rural populations through sociological approaches: A community-driven framework for development." *International Journal of Rural Sociology* 20, no. 11 (2024): 1069-1077.

²⁰ Manisha A. Desai, "Hope in hard times: Women's empowerment and human development." *UNDP-HDRO Occasional Papers* 2010/14 (2010). <https://ssrn.com/abstract=2351509>

responsive protection mechanisms based on indigenous communities.²¹ Other studies highlight the role of the diaspora and migrant communities in building diplomacy based on cultural solidarity and policy advocacy.²²

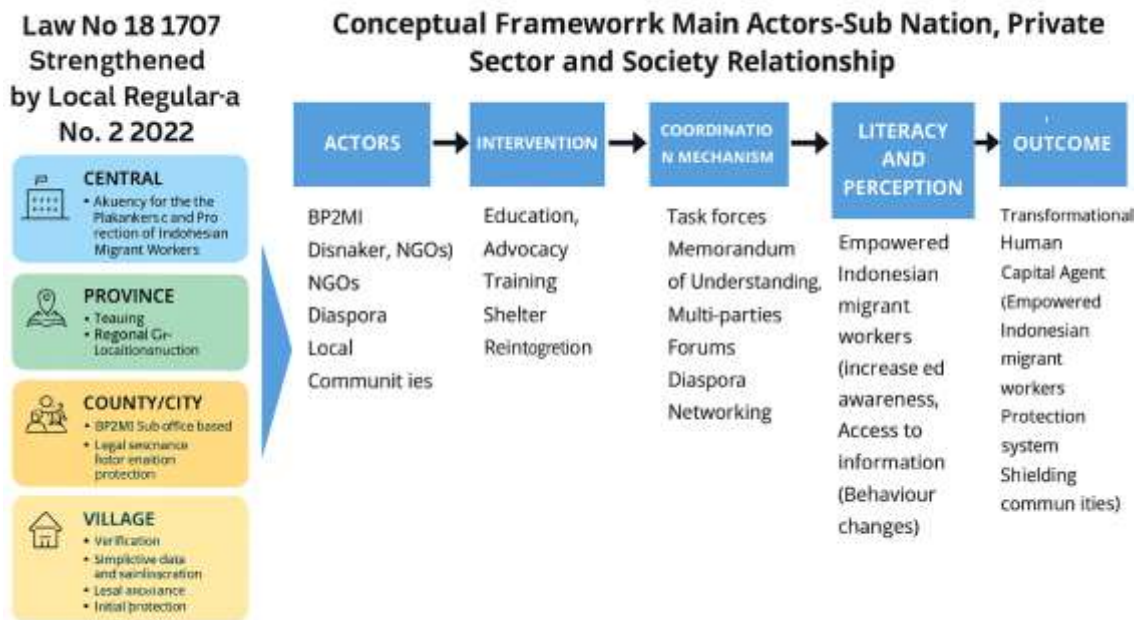


FIGURE 1 Conceptual Framework

In Indonesia, cross-border cooperation between regions and civil society has proven to improve protection for migrant workers, including repatriation from conflict zones or during the Covid-19 pandemic.^{23,24} From a human resource development perspective, community-based vocational training conducted by the diaspora in Taiwan contributes to strengthening the economic and social

²¹ Munir, et al. "Prospering the ASEAN Community: How Micro-Region Becomes a Driving Force Prosperity in Indonesia's Border Area?."

²² Anne-Kathrin Haase, and Friederike Heitmann. "Translocal Spatial Practices, Urban Transformations: Migration and Mobile Urbanism in South and South-East Asia: Freiburg Institute for Advanced Studies (FRIAS), University of Freiburg, January 14-16, 2015." *ASIEN: The German Journal on Contemporary Asia* 136 (2015): 124-126; Yossi Shain, and Aharon Barth. "Diasporas and international relations theory." *International Organization* 57, no. 3 (2003): 449-479. <https://doi.org/10.1017/S0020818303573015>.

²³ Sandy Nur Ikfal Raharjo, and Hanizah Idris. "Indonesia-Malaysia cross-border cooperation in managing mobility of people at disputed border area." *Asia-Pacific Social Science Review* 25, no. 1 (2025): 108-122. <https://doi.org/10.59588/2350-8329.1561>

²⁴ Heribertus Jaka Triyana, "Emphasizing the Role of Diplomatic Agents for Repatriation of Ex-Foreign Terrorist Fighters (FTF): Study of Indonesia." *Jambe Law Journal* 7, no. 2 (2024): 275-311. <https://doi.org/10.22437/home.v7i2.333>

capacity of migrant workers.²⁵ In general, this empirical study confirms that the role of local actors is not merely complementary to state diplomacy, but an integral part of an inclusive and participatory global migrant protection system.

This study is based on the assumption that migrant worker protection requires a bottom-up protection system that involves local actors, including local governments, communities, and the diaspora. Interventions include pre-departure education, job training, self-administration services (ID cards, migrant worker e-data, social security, and passports), legal assistance, shelter provision, counter helpdesks for repatriation at international airports, and post-migration reintegration. The effectiveness of this protection system is determined by cross-actor coordination, both horizontally (between communities and local agencies) and vertically (with the central government and international institutions), reflecting hybrid governance. The expected strategic outcome is the formation of THCA, namely empowered migrant individuals/communities who are protected and act as agents of social change in their communities of origin and destination countries.

Meaning Construction, Empirical Experiences, and Their Theoretical and Legal Implications Under Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers

In essence, the state has an obligation to provide protection to its citizens, both those working domestically and abroad, based on the principles of equal rights, democracy, social justice, gender equality and justice, anti-discrimination, and anti-human trafficking.²⁶ To realize protection for Indonesian Migrant Workers in accordance with the principles mentioned above, the state has mandated the state to realize protection in accordance with the principles of human rights, which are embodied in the philosophical basis of Law Number 18 of 2017 on Indonesian Migrant Workers Protection, namely: *“that the state is obliged to improve the entire protection system for Indonesian migrant workers and their families, reflecting the values of humanity and national dignity, from before work, during work, and after work.”*

²⁵ Yuniarto, “Migrant workers empowerment through vocational education and community-based learning: A study case of Indonesian in Taiwan.”

²⁶ I. Dewa Rai Astawa, “Aspek Perlindungan Hukum Hak–Hak Tenaga Kerja Indonesia di Luar Negeri”. *Thesis*. (Semarang: Universitas Diponegoro, 2006).

Law No. 18 of 2017 establishes a rights-based framework for the protection of Indonesian Migrant Workers (PMI) by embedding human rights principles as the foundation of all protection measures. Article 2 stipulates that migrant worker protection must be guided by the principles of integration, equality of rights, recognition of human dignity and human rights, democracy, social justice, gender equality and equity, non-discrimination, anti-human trafficking, transparency, accountability, and sustainability. Collectively, these principles emphasize that the protection of migrant workers extends beyond legal and administrative safeguards to encompass the promotion of dignity, equal treatment, social inclusion, and long-term welfare throughout the migration cycle.

The principles contained in Law No. 18 of 2017 should serve as the basis for the content of the Law, given that times have changed and the law must also adapt. Changing laws is not taboo because sociological jurisprudence studies have found that changing times also influence changes in society, which can also cause laws to change because legal changes in society cannot be separated from the turmoil, dynamics, and challenges of legal reform.²⁷

The findings of this study indicate that the protection of Indonesian migrant workers in East Java extends beyond the implementation of statutory regulations; it is a dynamic social process shaped by the construction of meaning, lived experiences, and interactions among multiple stakeholders. While Law No. 18 of 2017 provides the principal legal framework, its implementation must remain grounded in the constitutional rights of Indonesian citizens, ensuring that every policy and institutional practice upholds the dignity, welfare, and fundamental rights of migrant workers. These constitutional principles should also serve as the normative basis for future amendments to Law No. 18 of 2017, enabling the legal framework to respond more effectively to the evolving challenges of labor migration.

Within this context, legal protection constitutes a fundamental dimension of migrant worker protection. It encompasses the recognition and safeguarding of human dignity and fundamental rights against arbitrary actions, the provision of legal measures that ensure physical and psychological security through effective law enforcement, and the establishment of a comprehensive regulatory framework that protects individuals from rights violations. Accordingly, legal protection should be understood not only as a mechanism

²⁷ Ahmad Zayyadi, "Dinamika Modernisasi Hukum Islam: Tinjauan Historis dalam Pembacaan Mazhab Sociological Jurisprudence." *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 1 (2020): 99-112. <https://doi.org/10.24090/mnh.v14i1.1800>

for dispute resolution but also as a proactive framework that guarantees justice, legal certainty, and the fulfillment of the rights of Indonesian migrant workers throughout the migration process.

Referring to the provisions of Law Number 18 of 2017, it states that protection before employment includes protection in the form of the completeness and validity of placement documents, as well as the determination of working conditions and requirements. Meanwhile, technical protection includes activities such as socialization/dissemination of information, improving the quality of prospective Indonesian migrant workers, social security, integrated services at LTSA, strengthening placement and guidance human resources, and supervision.

According to Philipus M. Hadjon²⁸, legal protection is classified into two complementary forms: preventive and repressive legal protection. Preventive legal protection is intended to prevent disputes between the government and citizens by providing individuals with opportunities to express objections, opinions, or aspirations (*inspraak*) before a government decision becomes final. This approach emphasizes public participation and procedural fairness, enabling potential conflicts to be addressed at an early stage through administrative processes.

In contrast, repressive legal protection focuses on resolving disputes after they have occurred. This form of protection is implemented through judicial mechanisms, including the general courts and administrative courts in Indonesia, which provide legal remedies for individuals whose rights have been violated. Together, these two forms of legal protection ensure both the prevention of rights violations and the availability of effective legal recourse when disputes arise.

Authority or power can be defined as the ability to act granted by applicable laws to conduct legal relationships. Based on this definition, a person who has authority automatically has the power to perform certain actions in accordance with the legal provisions governing the granting of that authority.²⁹ In addition, according to Henc van Maarseveen, as cited by Philipus M. Hadjon, the exercise of public authority is founded on three essential elements: *influence*, *legal basis*, and *legal conformity*. Influence refers to the capacity of authority to regulate and direct the behavior of legal subjects in accordance with public objectives. The legal basis requires that every exercise of authority be supported by a clear

²⁸ Philipus M. Hadjon, *Perlindungan Hukum bagi Rakyat Indonesia* (Surabaya: Bina Ilmu, 1987).

²⁹ Mochtar Kusumaatmadja, *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional* (Bandung: Bina Cipta, 2003).

statutory or regulatory foundation, thereby ensuring that governmental actions are legitimate and accountable. Meanwhile, legal conformity emphasizes that the exercise of authority must comply with established legal standards, including both general principles applicable to all forms of public authority and specific standards governing particular areas of administrative action.³⁰

Within the context of Indonesian migrant worker protection, these principles underscore that the authority exercised by national and subnational institutions must not only derive from Law No. 18 of 2017 and related regulations but also be implemented consistently with the rule of law, principles of good governance, and human rights. Consequently, the effectiveness of migrant worker protection depends not only on the existence of legal authority but also on its lawful, transparent, and accountable implementation across all stages of the migration process.

When viewed through the lens of the theory of para-diplomacy,^{31, 32} multilevel governance,³³ and the transformational human capital agent framework,³⁴ the narrative construction of the actors can be understood as follows:

First, local and village government actors interpret protection as a formal mandate from Law No. 18 of 2017 and Regional Regulation No. 2 of 2022. Through innovations such as the Village Regulation (*Perdes*) on Migration, they strive to record and collect data on families and regulate child care. At the provincial level, there are innovations such as the One-Stop Integrated Service (LTSA), simPADU PMI (Integrated Service Information Facility), shelters, help desks at international airports, the Task Force on Human Trafficking (TPPO), and free ambulances. The government, with its concept of authority, has various instruments that can be used to “*intervene*” in protection efforts, particularly to prevent non-procedural PMI from departing without protection,

³⁰ Novianto Hantoro, “Pelanggaran Administrasi Pemilu dan Sengketa Tata Usaha Negara Pemilu Anggota DPR, DPD, dan DPRD Tahun 2014 (Violation of Administration and Administrative Dispute at the Election of Members of DPR, DPD, and DPRD in 2014).” *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 5, no. 2 (2016): 107-125.

³¹ See Tavares, *Paradiplomacy: Cities and States as Global Players*.

³² Luerdi Luerdi. “Jakarta’s City Branding as Para-Diplomacy: Beyond Greening Stadium and Race.” *Janus.net: E-Journal of International Relations* 14, no. 1 (2023): 142-169. <https://doi.org/10.26619/1647-7251.14.1.9>

³³ Godfrey Baldacchino, “Autonomous but not sovereign? A review of island sub-nationalism,” *Canadian Review of Studies in Nationalism* 31, no. 1-2 (2004): 77-89.

³⁴ Garavan, et.al., “Human capital development in a changing world.”

ultimately becoming “*illegal PMI*.” The following is an overview of the government instruments in question:

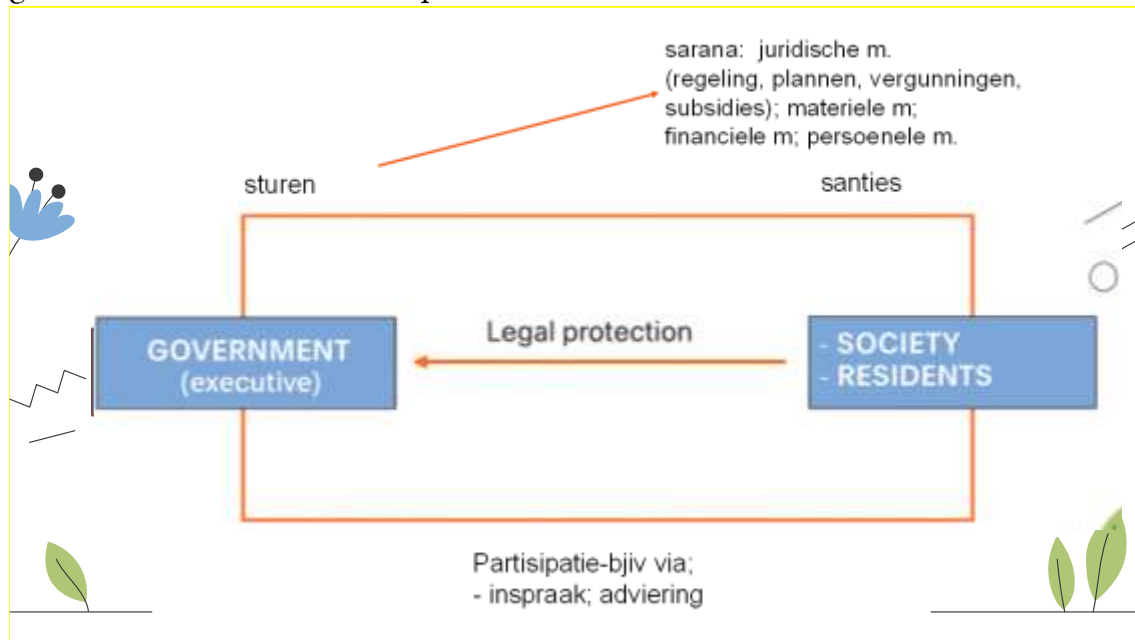


FIGURE 2. The Intervention Model for PMI Protection

There are four means that can be optimized by the government, namely legal means (*regulations, planning, licensing, and subsidies*); material means (*buildings, cars, internet, etc.*); financial means (*budget/finance*); and personnel means (*employees*). However, budget constraints and technical limitations have prevented optimal protection, especially in areas where migrant workers are based, whether they depart procedurally or non-procedurally. This phenomenon reflects a form of limited para-diplomacy, where government actors attempt to play a role but are not yet fully effective without multi-level and multi-actor support. One regional legislative actor (DPRD member) noted:

“Many migrant worker cases remain untraceable due to weak regional control, which often makes community groups and diaspora networks more responsive than formal government institutions.”

Second, NGOs/CSOs and community associations construct protection as a space for advocacy of rights and social solidarity. They act as case companions, psychological counselors, and mediators with the private sector and government. In the perspective of smart social governance,³⁵ the presence of NGOs is strategic as well as a key horizontal link, ensuring that the voices of

³⁵ Akim Akim, et al. “Indonesia’s global halal hub: competitive strategies for leadership.” *Jurnal Global & Strategis* 18, no. 1 (2024): 29-56.

the regions and PMI continue to be heard. Their narrative of protection is not merely technocratic, but rather a practice of community-based empowerment. From the community perspective, an NGO actor emphasized: “*Case assistance cannot rely solely on regulatory frameworks; it requires emotional proximity and trust built at the grassroots level.*”

These statements demonstrate that the triangulation process not only integrates multiple data sources but also captures the lived experiences and perspectives of key actors involved in migrant worker protection.

Third, diaspora communities interpret protection within a transnational framework. With solidarity based on migration experiences, they become alternative protection agents in their destination countries. This is in line with Munir’s findings:

“That the diaspora is able to reduce the burden of state protection by acting as case reporters, evacuation facilitators, and information liaisons. From a multilevel governance perspective, the diaspora expands the arena of protection to the global level, transcending nation-state boundaries.”

A representative from the PMI diaspora stated:

“We often become the first point of contact when problems occur abroad, as migrant workers tend to trust fellow communities more than formal institutional channels.”

Although PMI diaspora communities play a crucial role in transnational protection, their position within the formal legal framework remains largely unrecognized. In practice, diaspora actors function as quasi-institutional agents, filling gaps left by the state, particularly in case reporting, emergency assistance, and information dissemination. However, there is no formal mechanism to systematically integrate diaspora-generated information into regional policymaking processes. Consequently, the role of diaspora remains ad hoc rather than institutionalized, highlighting the need for formal recognition and structured collaboration frameworks.

Fourth, private parties (PMI-P3MI Placement Companies and Job Training Centers/Institutions-BLK/LPK) construct protection as skilled workers and formal (procedural) migration channels. However, the experience of PMI shows another side: the existence of illegal fees, illegal recruitment, and weak supervision actually increase vulnerability. From a theoretical perspective,

private actors are often caught in a dilemma between business and protective functions. This is what causes an asymmetry in the meaning of protection between the private narrative and the narrative of the Indonesian Migrant Worker (PMI) community.

Fifth, the experiences of prospective PMIs and their families highlight the mismatch between regulations and reality. Formal protection is perceived as existing only “on paper”, so they rely more on informal networks: diaspora, communities, and NGOs. Within the framework of transformational human capital agents, migration literacy is important so that PMI are not only positioned as objects of protection, but also as empowered subjects. These findings are in line with Rustam & Subarkah’s idea of migration literacy as social capital.³⁶

Sixth, narratives about challenges and good practices reveal a dialectic between structural barriers and local innovation, between sectoral ego and minimal recognition of local actors’ authority. Challenges arise from inaccurate data, weak oversight, limited regional budgets, and a lack of coordination for the purpose of good public service. However, good practices such as the Productive Migrant Village (*Desmigratif*) program, Migrant Worker Village (*Desbumi*), inter-agency forums, diaspora involvement, and village regulations (*Perdes*) on migration, as well as service innovations in provinces/districts/cities in the form of the One-Stop Integrated Service (LTSA), Integrated Information Services (*simPadu*), Digital Pre-Departure Orientation (OPP Digital), shelters, help desks at international airports, TPPO task forces, and free ambulances demonstrate the results of cross-actor collaboration. This phenomenon can be understood as a form of adaptive para-diplomacy and continuous improvement that seeks to build a community-based protection system with high social legitimacy and sustainability.³⁷

In the context of evolving transnational crimes, the exploitation of migrant workers has expanded beyond conventional forms such as human trafficking into the digital sphere, including online scams and platform-based exploitation.³⁸ However, the findings reveal that para-diplomacy practices in

³⁶ Rustam, et.al. “Paradiplomacy of West Nusa Tenggara Province in Achieving Net-Zero Emission.”

³⁷ Tirta Nugraha Mursitama, and L. Lee. “Towards a framework of smart city diplomacy.” *IOP Conference Series: Earth and Environmental Science*. Vol. 126. No. 1. IOP Publishing, 2018. <https://doi.org/10.1088/1755-1315/126/1/012102>

³⁸ See Nawapol Phadung, Kittiya Thanakittichai, and Koh Hui Yee. “Labor Exploitation and Economic Justice: Addressing Worker Rights in Indonesia’s Informal Economy”. *Indonesian Economic Justice Review* 1, no. 4 (2024). <https://doi.org/10.65815/kk80jc90>;

East Java remain largely general and have not yet addressed the technical dimensions of such threats, including cross-border digital jurisdiction, international data-sharing mechanisms, or technology-based tracking systems. In fact, cyber-enabled crimes targeting migrant workers require more specific forms of transnational cooperation, involving digital authorities, technology platforms, and diaspora networks as part of an early warning system. This gap indicates that current protection strategies have not fully adapted to the complexities of digital-era migration risks.

Seventh, the results of this study confirm that PMI protection is a hybrid ecosystem within the framework and philosophy of state law and as a citizen's right. From a multilevel governance perspective, the central government acts as a regulator, regions and villages as implementers, NGOs as advocates, the diaspora as transnational bridges, and families as key social actors. The meaning of protection is shaped through daily experiences and continuous improvement, not just formal policies. Thus, the protection of migrant workers in East Java is more accurately understood as a practice of protective and transformative para-diplomacy centered on elements of commitment and collaboration.

The findings of this study indicate that para-diplomacy practices in East Java do not necessarily manifest in formal diplomatic engagements such as the signing of Memoranda of Understanding (MoUs) with foreign governments. Instead, they are more prominently reflected in forms of functional para-diplomacy, characterized by informal, network-based transnational interactions. In this context, the involvement of PMI diaspora communities, international NGOs, and cross-border advocacy mechanisms represents a form of "low-politics diplomacy" that complements the limited formal authority of sub-national governments in foreign affairs under the national legal framework. Thus, para-diplomacy in this study is conceptualized as a collaborative, transnational practice driven by non-state actors, functioning as an extension of state protection beyond national borders. This limitation underscores that sub-

Josefina Carmen Barrenechea Prado, "Migrants and Refugees: Examining the Global Protection System and Its Failures [Migrantes y Refugiados: Examinando el Sistema Global de Protección y sus Fracasos]". *Revista de Derechos Humanos Contemporáneos* 1, no. 2 (2025): 257-284; Florentinus Michael Adam, "Women Workers, Labor Protection, and Informal Employment in Indonesia's Digital Economy". *The Indonesian Journal of Feminist Legal Studies* 1, no. 1 (2026): 83-102; Fadhel Arjuna Adinda, and Rosyidi Hamzah. "Assessing the Economic Impact of Competition Law Enforcement on Market Efficiency in Indonesia". *The Indonesian Journal of Economic Analysis of Law* 1, no. 1 (2026): 19-38.

national para-diplomacy in Indonesia tends to be adaptive and informal, rather than conventionally diplomatic.

Data Triangulation and Stakeholder Representation in the Protection of Indonesian Migrant Workers

The triangulation results from three respondent groups as shown on Table 2, namely political actors (DPRD), government agencies, PMI diaspora, and communities/NGOs, show a consistent pattern that the protection of Indonesian migrant workers in East Java cannot rely solely on the formal role of the state, but rather depends on multi-actor synergy involving grassroots communities, diaspora, and civil society organizations. This affirmation is in line with the national legal framework, particularly Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, which explicitly places local governments, communities, and migrant workers’ families as part of the protection architecture. Law Number 18 of 2017, in point F of its considerations, emphasizes that “*the protection of Indonesian migrant workers is carried out in an integrated manner by the central government, local governments, and representatives of the Republic of Indonesia.*” This provision shows that the protection of Indonesian migrant workers is not a mono-actor affair, but is realized through collaboration across levels of government and non-government actors.

TABLE 2. Data Triangulation Respondents

Aspect	Respondent				Theory/ Literature	Analysis/ Interpretation
	I	II	II	IV		
Role of Local Actors	Highlighting the issues of loss of contact, weak control of P3MI/LPK, the importance of Perdes Migrasi (Village Regulation on Migration) and the involvement of the diaspora.	Skills Training at BLK P3MI Branch Office Licensing Information and Administrative Services at LTSA PMI Complaint resolution Repatriation Services at the Helpdesk Counter	Emphasize role sharing: BP2MI, local government, villages, NGOs, LBH, law students; all are involved in advocacy & protection.	Community as a safe space and information bridge for PMI and families; emotional closeness is the main asset.	Tavares (2016), Luerdi (2023) → Para-diplomacy involves local non-state actors.	All respondents emphasized the importance of multi-actor roles. The difference is that Respondent 1 focused on politics & regulations, Respondent 2 on formal structures, and Respondent 3 on community & emotional foundations.

Aspect	Respondent				Theory/ Literature	Analysis/ Interpretation
	I	II	II	IV		
		Shelter/deportation and free ambulance services, as well as PMI Purna Training				
Interventions	Migration regulations, P3MI/LPK supervision, diaspora involvement in case advocacy, and local regulations on migrant worker protection.	Pre-departure training, certification, guidance and supervision of P3MI/branch offices, population data verification, passport services, TPPO task force, repatriation/deportation services, and complaint resolution.	Pre-departure training, certification, fee waivers, legal aid posts, NGO advocacy, law students.	Community-agency synergy in training, reintegration, repatriation of remains, and emotional support.	Sari et al. (2024), Munir et al. (2023) → Smart social governance & the role of the diaspora.	Interventions demonstrate layers of protection: regulation (Res.1), technical programs (Res.2), social support (Res.3). All complement the theory that protection must be based on multi-level collaboration.
Coordination	Cross-sector cooperation with BP2MI, the Ministry of Manpower, NGOs, and PMI unions; generally informal.	Central Government (Ministry of Foreign Affairs/Ministry of Manpower and Transmigration/Kp2MI/BP3MI Coordination with district/city governments and NGOs/Disaporan Cross-sector coordination with the TPPO Task Force	Formal coordination forum based on Law 18/2017, with inter-agency MoUs.	Coordination based on trust and experience; MoUs are still minimal but effective socially.	Baldacchino (2004) → Multilevel governance; Fathun (2022) → PMI community forum.	Variations in coordination: Resolution 2 is more formal (MoU, official forum), Resolutions 1 & 3 are more informal. This indicates a gap between legal structures and social practices.
PMI/Family Perceptions	PMI often lacks transparency in documentation; more trust in	Many still do not understand; procedures &	Some know their protection rights, but many still	Many feel that government protection is minimal;	Rustam & Subarkah (2024) → Migration literacy;	All respondents agree that migration literacy is still low. Migrant workers trust local actors/communities

Aspect	Respondent				Theory/ Literature	Analysis/ Interpretation
	I	II	II	IV		
	the community/diaspora than the government.	access to information	do not understand; bureaucracy and access to information are obstacles.	access to services depends on proximity to the community/agency.	Garavan et al. (2022) → Human capital agent.	more because they are more accessible. This underscores the role of literacy and social proximity.
Challenges	Loss of contact, weak P3MI control, limited budget, mental preparedness of migrant workers.	Limited human resources and budget efficiency policies. Wide geographical area and limited access when working outside Indonesia. The proliferation and inadequacy of private vocational training institutions (LPK) and supervision of brokers, as well as non-procedural work practices. Social reintegration and community parenting programs have not been implemented	Limited budget, suboptimal coordination, informal recruitment practices, and weak PMI data.	Insufficient outreach, limited access to migrant worker hubs, language/communication barriers	Mursitama & Lee (2018) → Community-based protection.	Challenges vary but the core issue remains the same: limited state capacity, leading local actors to act as substitutes and catalysts.
Best Practices	Local regulations on migration, local regulations on protection, diaspora advocacy, cases of (deportation without documentation) and	Integrated One-Stop Service (LTSA) for migrant workers, PMI's simPadu innovation in disseminating and	Desmigratif Program, rapid coordination forum, NGO and law student advocacy.	Repatriation of remains with local accompaniment, community-based empowerment programs, close government-	Sari et al. (2024), Munir et al. (2023).	Best practices demonstrate a combination of three layers of protection: regulatory (Res.1), structural (Res.2), and socio-emotional (Res.3). This forms a hybrid community-based protection model.

Aspect	Respondent				Theory/ Literature	Analysis/ Interpretation
	I	II	II	IV		
	deportation accompaniment.	educational information Shelter services, counter helpdesk, and free ambulance services Training budget for prospective PMI Budget for the return of PMI with problems Corruption-Free Zone Unit (WBK)		community collaboration ().		
Role of NGOs/Diaspora	NGOs/migrant unions as case rescuers; diaspora important in advocacy.	Assisting with complaint information, mediation, advocacy, and regional voices in various forums	PMI alumni diaspora are involved in legal advocacy, education, and international networking	NGOs/communities act as information conduits, program facilitators, and owners of migrant worker databases.	Munir et al. (2023) → migrant communities as protective agents.	All respondents acknowledged that NGOs and the diaspora are faster and more responsive than the government. This supports the theory of communities as primary protective agents.

Source: Field studies and interviews, analyzed by Authors

Explanation:

Respondent I : DPRD/ Member of Commission E

Respondent II : Government Agency

Respondent III : Diaspora

Respondent IV : Community/NGO/Association

At the regional level, this mandate is reinforced by Article 40 of Law Number 18 of 2017, which states that “*Provincial Local Governments have the authority to coordinate the protection of Indonesian Migrant Workers in their respective regions...*” so that collaboration with civil society and the diaspora is not only a social practice but also has normative legitimacy. Thus, field findings regarding the dominant role of communities and NGOs reflect the concrete implementation of legislative norms that encourage a collaboration-based protection model.

The three respondents presented complementary perspectives and at the same time revealed a gap between regulations and protection practices in the field. This phenomenon of a gap between norms and reality has long been

explained in the theory of law in books vs. law in action (Roscoe Pound), which emphasizes that written law is often not automatically implemented at the level of social praxis. Pound asserts that: “*law in action often diverges from law in books because social forces condition how legal rules operate in real life.*”³⁹

This gap is clearly evident in the context of migrant worker protection, where regulations guarantee comprehensive protection, but operational mechanisms in the field still rely heavily on community work, diaspora volunteers, and informal networks. The gap between normative frameworks and empirical practices is not merely a consequence of budget constraints or technical limitations, but is also rooted in structural regulatory tensions. Law No. 23 of 2014 on Regional Government restricts sub-national authority in foreign affairs, while Law No. 18 of 2017 mandates active regional involvement in migrant worker protection. This normative tension creates ambiguity in institutional roles, where local governments are expected to act proactively but lack full authority to engage in transnational protection mechanisms. As a result, policy implementation becomes fragmented and often relies on informal initiatives by non-state actors.

This finding is also in line with the theory of legal pluralism proposed by John Griffiths, which states that the legal system does not only consist of state law, but also social norms, community networks, and local practices that contribute to protection and problem solving. Griffiths states that: “*The legal order is not monopolized by the state; social groups create their own normative orders that operate alongside or even beyond state law.*”⁴⁰

In the context of PMI, diaspora networks and local communities become legal actors that practically provide protection, advocacy, and rapid response that formal regulatory mechanisms are not always able to fulfill. Additionally, Philipus M. Hadjon's legal protection theory framework provides a theoretical basis that protection for citizens requires the presence of preventive and repressive mechanisms involving various elements of society. Hadjon states that “legal protection for the people must be carried out through preventive efforts by providing space for participation and repressive efforts through dispute resolution.”⁴¹ The involvement of communities and NGOs in assisting PMI preventively and repressively is a concrete implementation of this protection principle. Thus, the gap between regulations and field practices revealed

³⁹ Roscoe Pound, *An Introduction to the Philosophy of Law* (New Haven: Yale University Press, 1922).

⁴⁰ John Griffiths, “What is legal pluralism?.” *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1-55.

⁴¹ See Hadjon, *Perlindungan Hukum bagi Rakyat Indonesia*.i

through respondent triangulation not only illustrates implementation issues but also shows that an effective protection model for migrant workers requires a pluralistic and collaborative approach as mandated by legislation and explained by relevant legal theories.

Thematic Coding and the Construction of Analytical Themes in Migrant Worker Protection

The Figure 3 illustrates how the protection of Indonesian Migrant Workers (PMI) takes place through relationships between actors, interventions, coordination mechanisms, literacy, and outcomes. Based on the results of the study, the protection of Indonesian Migrant Workers (PMI) involves many actors, ranging from the central and regional governments, villages, NGOs, diaspora, to families. This multi-actor configuration has an explicit legal basis in Article 39 letter a of Law Number 18 of 2017, which states that “the Central Government has the duty and responsibility to guarantee the protection of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers and their families”. At the local level, the authority of villages is also confirmed in Article 42, which states that the Village Government has the duty to “*empower Prospective Indonesian Migrant Workers, Indonesian Migrant Workers, and their families.*” This means that the existence of a network of actors spanning the state, civil society, communities, and families has a clear normative basis within the framework of protection.

The interventions carried out are also diverse, including formal services such as training, legal assistance, and inter-agency coordination forums, as well as informal support from communities and social networks. This formal intervention model is in line with the provisions of Article 8 paragraph (3) on technical protection before work, which includes “*providing socialization and dissemination of information, education and job training, social security, and guidance and supervision.*” Meanwhile, social support from the community and family is part of social embeddedness which, according to Niklas Luhmann’s Social System Theory, forms a non-formal mechanism that influences the effectiveness of protection through networks of trust, communication, and social adaptation.⁴² Luhmann states that the legal system does not stand alone but operates in interaction with other subsystems such as family, community, and social organizations. This condition is relevant in the context of PMI, which

⁴² Niklas Luhmann, *Law as a Social System* (Oxford: Oxford University Press, 2004).

is highly dependent on social networks in both the destination country and the area of origin.

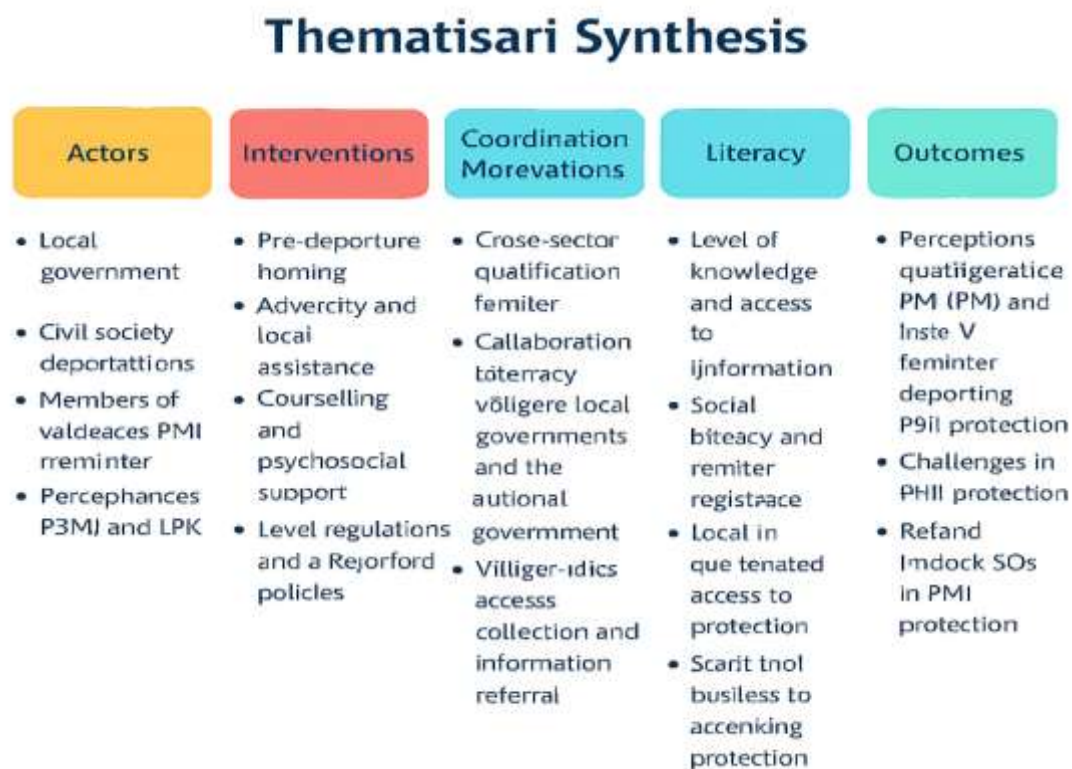


FIGURE 3. Thematic Coding Diagram

However, data analysis reveals that coordination mechanisms still face bureaucratic obstacles and capacity limitations, making the role of NGOs and villages crucial in bringing services closer to the community. These coordination obstacles are in line with empirical findings that although Article 38 paragraph (1) requires the provision of services in a “coordinated and integrated” manner between the central and regional governments, its implementation is often not optimal due to institutional fragmentation and overlapping authorities. Law No. 18 of 2017 actually regulates in detail the duties of each level of government, such as Articles 40-42, but the theories of governance and collaborative governance⁴³ show that effective collaboration requires capacity, leadership, and functioning coordination mechanisms, not just a normative legal framework.⁴⁴ At this point, NGOs and village governments take on a

⁴³ See also Kirk Emerson, Tina Nabatchi, and Stephen Balogh. “An Integrative Framework for Collaborative Governance.” *Journal of Public Administration Research and Theory* 22, no. 1 (2012): 1-29. <https://doi.org/10.1093/jopart/mur011>

⁴⁴ See also Chris Ansell, and Alison Gash. “Collaborative governance in theory and practice.” *Journal of Public Administration Research and Theory* 18, no. 4 (2008): 543-571. <https://doi.org/10.1093/jopart/mum032>

substitutive or complementary role, in line with the concept of legal pluralism, where legal protection is not only carried out by formal state institutions but also by non-state actors who fill service gaps.

In addition, low legal and social literacy among prospective migrant workers and their families also makes formal protection less than optimal. Law No. 18 of 2017 places literacy as an important requirement through Article 6 paragraph (1) letter c, which affirms the right of migrant workers to “obtain accurate information about the job market, placement procedures, and working conditions abroad.” Low literacy causes prospective migrant workers to rely on informal channels, which according to the theory of access to justice (Cappelletti & Garth) is a structural barrier that makes it difficult for vulnerable groups to access their legal rights even though normative instruments are available.⁴⁵ Thus, the suboptimal protection is not caused by a lack of regulations, but by unresolved barriers of knowledge, cost, and access.

Ultimately, protection outcomes can be positive when cross-actor collaboration is effective, but can also be negative if there is still a loss of contact, dominance of informal channels, and low trust in state services. This is consistent with the principles of “*integration*” and “*accountability*” in Article 2 of Law Number 18 of 2017, which states that the protection of PMI must be carried out based on the principles of integration, transparency, and accountability. If these principles are not fulfilled, it will result in uncertainty in protection. From the perspective of Philipus M. Hadjon’s legal protection theory, an effective protection mechanism must provide preventive legal protection (*through information, training, documents*) and repressive legal protection (*through case resolution and legal assistance*).⁴⁶ If one of these elements is not functioning, then what we see is the phenomenon of the dominance of informal channels and fragmentation of access, which creates new vulnerabilities for migrant workers.

⁴⁵ Mauro Cappelletti, “Alternative dispute resolution processes within the framework of the world-wide access-to-justice movement.” *The Modern Law Review* 56, no. 3 (1993): 282-296.

⁴⁶ Hadjon, *Perlindungan Hukum bagi Rakyat Indonesia*. See also Ragil Putri Amalia Solekhah, and Novita Intan Aina Salsabila. “Protecting Our Migrant Workers from Violence: How the Legal Protection System Works?.” *Law Research Review Quarterly* 9, no. 1 (2023): 89-106; Septeryan Dwi Purnomo Putra, “Protection against Indonesian Women Workers.” *Lex Scientia Law Review* 3, no. 1 (2019): 79-86; Rizqi Naufal Ramadhan, and Mohammad Zaki Abdul Mubarrak. “Gendered Discourses in Political Movements: Women’s Participation in Indonesia’s Anti-Omnibus Law Protests”. *Indonesian Discourse on Communication, Democracy, and Political Movements* 1, no. 2 (2024). <https://doi.org/10.65815/08t5r766>

The results of the NVivo analysis show that the most dominant word is “law,” with the highest frequency of occurrence. This shows that the legal and regulatory framework is the main foundation for discussions on the protection of Indonesian Migrant Workers (PMI). This finding is in line with the research background, which emphasizes the importance of various regulations, such as Law Number 18 of 2017, Minister of Manpower Decree Number 260 of 2015, Minister of Home Affairs Regulation Number 25 of 2020, and Regional Regulation Number 2 of 2022, which form the basis for the East Java Provincial Government in formulating protection policies. In addition, the word “role” also appears frequently, indicating the research’s focus on how local governments take a strategic position in implementing protection diplomacy, particularly in the context of para-diplomacy.

Other words such as “*advocacy*”, “*region*”, and “*government*” further reinforce the picture that the main issue in this study is the involvement of local governments as important actors outside the central government. Meanwhile, the appearance of the word “*assistance*”, “*protection*”, and “*training*” emphasizes the concrete functions carried out, both in the form of service provision, capacity building for prospective migrant workers, and pre- and post-placement protection efforts. Furthermore, the presence of the words “*BP2MI*” and “*coordination*” indicates the existence of cross-level government relations in the form of multi-level governance, in which local governments do not stand alone but must cooperate with central institutions and collaborate with non-governmental actors.

Therefore, overall, the results of this word cloud analysis show that the study emphasizes three main aspects: first, the strong legal basis governing PMI protection policies; second, the importance of the role of local governments in advocacy and diplomacy at the local and international levels; and third, the priority on PMI protection and empowerment through services, assistance, and training. Thus, the NVivo findings are consistent with the direction of research that focuses on the dynamics of para-diplomacy and multi-level governance in the protection of PMI in East Java.

Multi-Actor Collaboration Model Design in PMI Protection in East Java

The Figure 6 represents the Multi-Actor Collaboration Model in the Protection of Indonesian Migrant Workers (PMI) in East Java, which was developed based on research findings that protection cannot be carried out solely through a single state mechanism, but requires synergy between levels of

government, non-state actors, and local to transnational communities. Article 1 paragraph 2 of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers defines Indonesian Migrant Workers as any Indonesian citizen who will, is, or has been working for wages outside the territory of the Republic of Indonesia. As Indonesian workers abroad, they must be protected. The point of contact is the protection of Indonesian migrant workers, where the application of protection begins before, during, and after work. Therefore, the law that must be made must truly contain protection interests.⁴⁷

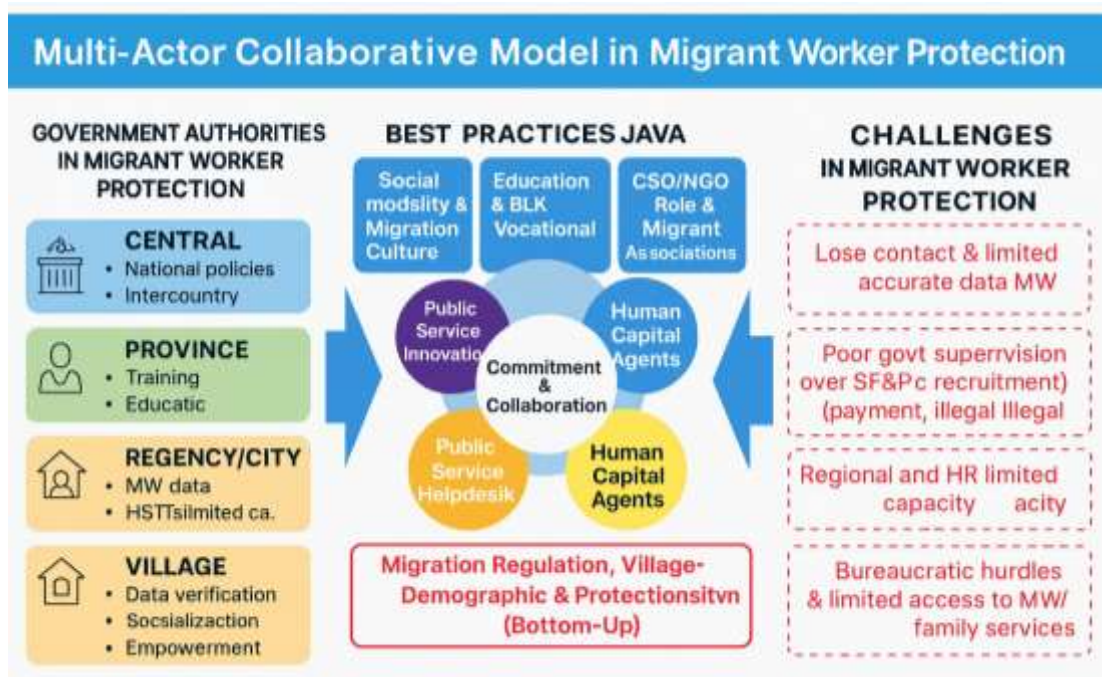


FIGURE 6. Multi-Actor Collaboration Model in the Protection of Indonesia Migrant Workers in East Java

The structure of government authority is described as layered, starting from the central government, provinces, districts/cities, to villages, which demonstrates the principle of multi-level governance where national policies are implemented at the local level, with villages playing a leading role in data collection, verification, and initial protection through Village Regulations (Perdes) on migration and the Desmigratif program. Challenges in protecting PMI have been identified in the form of limited regional budgets, weak supervision of LPK/P3MI, informal recruitment practices, and psychosocial problems faced by PMI and their families, confirming the institutional gap

⁴⁷ Widodo, and Belgradoputra. "Perlindungan Pekerja Migran Indonesia."

between formal regulations such as Law Number 18 of 2017 and practices in the field.

On the other hand, best practices have emerged from bottom-up innovations through cross-actor collaboration, such as the role of the diaspora as a transnational advocacy network, the involvement of NGOs, migrant unions, and universities in providing legal assistance, and cross-agency coordination forums in the regions, which are in line with the theory of network governance regarding the role of non-governmental networks in complementing formal bureaucracy. The commitment and collaboration of these actors will be effective if supported by public service innovations such as data digitization and integrated services (LTSA), the completeness of state and non-state stakeholders, capacity building through human capital agents, as well as diplomacy and the role of the diaspora as a bridge for advocacy at the international level. Thus, this visualization confirms that the protection of PMI in East Java represents multi-level and multi-actor collaborative governance, where protection is no longer understood solely as the responsibility of the central government, but as the result of interactions between formal regulations, regional capacity, village innovation, NGO networks, and the transnational social power of the diaspora.

From State-Centric Protection to Hybrid Governance: Para-Diplomacy, Local Actors, and the Transformation of Indonesian Migrant Worker Protection in East Java

The findings of this study show that the protection of Indonesian migrant workers (PMI) in East Java cannot be separated from the multi-actor configuration that forms a hybrid protection ecosystem. The triangulation results from the Regional Representative Council (DPRD), the diaspora, and the community/NGOs confirm that there is a fundamental gap between relatively strong regulations and partial practices in the field. This condition is in line with the views of Tavares and Luerdi: *“That a top-down approach to state diplomacy is no longer adequate to address the vulnerabilities of migration. Instead, the emergence of para-diplomacy carried out by local actors, the diaspora, and civil society has become a more adaptive alternative mechanism.”*⁴⁸

⁴⁸ See Tavares, *Paradiplomacy: Cities and States as Global Players*; Luerdi. “Jakarta’s City Branding as Para-Diplomacy: Beyond Greening Stadium and Race.”

The gap between law in books and law in action (as emphasized by Roscoe Pound) is clear, although Law 18/2017 provides a mandate for comprehensive protection, field practices still rely on informal networks such as the diaspora and communities due to bureaucratic obstacles, low migration literacy, and unequal access to services. This phenomenon is in line with the concept of legal pluralism (as noted by Griffiths)⁴⁹, where protection is not only provided by formal state regulations but also by community norms and non-governmental social mechanisms. The involvement of communities and villages through the Village Regulation on Migration and the Desmigratif program shows how village-based migration governance can narrow the pre-departure gap, which was previously dominated by P3MI/LPK with minimal supervision. This local innovation supports Mursitama & Lee's argument about community-based protection- s systems that have higher social legitimacy.⁵⁰ Meanwhile, the diaspora perspective, which emphasizes formal structures such as cross-sector coordination forums, inter-agency MoUs, and the legal basis of Law 18/2017, highlights the importance of multilevel governance coordination.⁵¹ However, as found in the field, cross-level government coordination often faces fragmentation due to bureaucratic obstacles and a lack of socialization.

On the other hand, the role of communities and NGOs is prominent in the social and emotional dimensions of protection, such as the repatriation of remains, legal assistance based on migration experience, and legal literacy education. This practice reinforces Garavan's argument that local actors can function as transformational human capital agents, namely social agents who transform migration culture towards safer and more dignified patterns through strengthening migration literacy capacity.⁵² The importance of smart social governance, namely cross-actor collaboration based on social innovation and closeness to grassroots communities.⁵³ Thus, this discussion confirms that the protection of Indonesian migrant workers in East Java is not solely a product of the state, but rather the result of layered interactions between formal regulations, regional capacity, village innovation, NGO networks, and the transnational power of the diaspora. The resulting model can be categorized as a hybrid community-based protection system, in which formal and informal

⁴⁹ See Griffiths, "What is legal pluralism?."

⁵⁰ Mursitama dan Lee, "Towards a Framework of Smart City Diplomacy."

⁵¹ Baldacchino, "Autonomous but not sovereign? A review of island sub-nationalism."

⁵² Rustam dan Subarkah, "Paradiplomacy of West Nusa Tenggara Province in Achieving Net-Zero Emission."

⁵³ Sari, Konety, dan Nidatya, "Indonesia's Global Halal Hub."

protection complement each other in the face of institutional limitations of the state.

Conclusion

The legal framework established by Law No. 18 of 2017 provides a strong normative foundation for the protection of Indonesian Migrant Workers (PMI); however, its effectiveness depends on strengthened coordination, village empowerment, migration literacy, and sustainable multisectoral collaboration. This study concludes that PMI protection in East Java represents a hybrid collaborative governance model, in which the state remains central through regulations and policies, while local governments, villages, communities, NGOs, and diaspora networks play complementary roles. Villages and communities function as frontline protection actors, while diasporas serve as transnational advocacy agents that connect local protection systems with global networks.

Theoretically, this study contributes to the literature on para-diplomacy by expanding its role beyond economic and diplomatic cooperation toward transnational social protection. It also develops the concept of a hybrid community-based protection system by demonstrating that formal state mechanisms and informal social networks can operate together within a multilevel governance framework. Furthermore, this research highlights the role of local actors, migration literacy, and transformational human capital agents in creating adaptive protection mechanisms that bridge the gap between *law in books* and *law in action*.

Practically, this study emphasizes the need for stronger local policies, integrated services, digital migration governance, village-based regulations, and capacity building for communities, NGOs, and local institutions. Nevertheless, the study is limited by its focus on East Java and the involvement of selected stakeholders, while other actors such as recruitment agencies, international institutions, and foreign representatives require further exploration. Future research should expand comparative studies across migrant-sending regions and countries, employ mixed-method approaches to measure policy effectiveness, examine the role of digital technology in migrant protection, and further investigate gender and inclusion dimensions within migrant worker governance.

References

- Adam, Florentinus Michael. "Women Workers, Labor Protection, and Informal Employment in Indonesia's Digital Economy". *The Indonesian Journal of Feminist Legal Studies* 1, no. 1 (2026): 83-102. <https://inleads.id/publications/index.php/IJFLS/article/view/3>
- Adefila, Adebimpe Oluwabukade, et al. "Empowering rural populations through sociological approaches: A community-driven framework for development." *International Journal of Rural Sociology* 20, no. 11 (2024): 1069-1077.
- Adi, Stefanus Nugroho. "Migrant Workers and the Protection Gap: The Human Rights of Indonesian Labor Abroad". *Contemporary Issues on Indonesian Human Rights Law and Policy* 1, no. (2024). <https://doi.org/10.65815/rtm5db24>
- Adinda, Fadhel Arjuna, and Rosyidi Hamzah. "Assessing the Economic Impact of Competition Law Enforcement on Market Efficiency in Indonesia". *The Indonesian Journal of Economic Analysis of Law* 1, no. 1 (2026): 19-38. <https://inleads.id/publications/index.php/IJEAL/article/view/9>
- Akim, Akim, et al. "Indonesia's global halal hub: competitive strategies for leadership." *Jurnal Global & Strategis* 18, no. 1 (2024): 29-56.
- Aldecoa, Francisco. "Towards Plurinational Diplomacy in the Deeper and Wider European Union (1985—2005)." In *Paradiplomacy in Action*. (London: Routledge, 2013), pp. 82-94.
- Ansell, Chris, and Alison Gash. "Collaborative governance in theory and practice." *Journal of Public Administration Research and Theory* 18, no. 4 (2008): 543-571. <https://doi.org/10.1093/jopart/mum032>
- Astawa, I. Dewa Rai. "Aspek Perlindungan Hukum Hak-Hak Tenaga Kerja Indonesia di Luar Negeri". *Thesis*. (Semarang: Universitas Diponegoro, 2006).
- Baldacchino, Godfrey. "Autonomous but not sovereign? A review of island sub-nationalism," *Canadian Review of Studies in Nationalism* 31, no. 1-2 (2004): 77-89.
- Cappelletti, Mauro. "Alternative dispute resolution processes within the framework of the world-wide access-to-justice movement." *The Modern Law Review* 56, no. 3 (1993): 282-296.
- Cheung, Sherlyn Nathalia, Yuwono Prianto, and Sheren Hardjono. "The Urgency of Legal Protection for Domestic Workers as Informal Workers". *Unnes Law Journal* 9, no. 1 (2023): 149-162. <https://doi.org/10.15294/ulj.v9i1.37277>

- Cornago, N. "On the Normalization of Sub-State Diplomacy," *The Hague Journal of Diplomacy* 5, no. 1 (2010): 11–36.
- Desai, Manisha A. "Hope in hard times: Women's empowerment and human development." *UNDP-HDRO Occasional Papers* 2010/14 (2010). <https://ssrn.com/abstract=2351509>
- Emerson, Kirk, Tina Nabatchi, and Stephen Balogh. "An Integrative Framework for Collaborative Governance." *Journal of Public Administration Research and Theory* 22, no. 1 (2012): 1-29. <https://doi.org/10.1093/jopart/mur011>
- Fathun, Laode Muhammad, and Elyta Elyta. "From Shadows to Spotlight: Analyzing Protodiplomatic Strategies in The 2022 Russia-Ukraine Crisis." *Jurnal Keamanan Nasional* 9, no. 2 (2023): 351-372.
- Fathun, Laode Muhammad. "The Role of Paradiplomacy and the Potential Proto-Diplomacy in the Unitary State". *Journal of Islamic World and Politics* 6, no. 2 (2022): 298-319.
- Garavan, Thomas, Alma McCarthy, and Michael Morley, eds. *Global Human Resource Development: Regional and Country Perspectives*. (London: Routledge, 2016).
- Giacometti, Alberto, and Mari Wøien Meijer. *Closed borders and divided communities: Status report and lessons from Covid-19 in cross-border areas*. Nordregio, 2021.
- Griffiths, John. "What is legal pluralism?." *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1-55.
- Haase, Anne-Kathrin, and Friederike Heitmann. "Translocal Spatial Practices, Urban Transformations: Migration and Mobile Urbanism in South and South-East Asia: Freiburg Institute for Advanced Studies (FRIAS), University of Freiburg, January 14-16, 2015." *ASIEN: The German Journal on Contemporary Asia* 136 (2015): 124-126.
- Hadjon, Philipus M. *Perlindungan Hukum bagi Rakyat Indonesia* (Surabaya: Bina Ilmu, 1987).
- Hantoro, Novianto. "Pelanggaran Administrasi Pemilu dan Sengketa Tata Usaha Negara Pemilu Anggota DPR, DPD, dan DPRD Tahun 2014 (Violation of Administration and Administrative Dispute at the Election of Members of DPR, DPD, and DPRD in2014)." *Negara Hukum: Membangun Hukum untuk Keadilan dan Kesejahteraan* 5, no. 2 (2016): 107-125.
- Kusumaatmadja, Mochtar. *Fungsi dan Perkembangan Hukum dalam Pembangunan Nasional* (Bandung: Bina Cipta, 2003).

- Letiecq, Bethany, and Leah Schmalzbauer. "Community-based participatory research with Mexican migrants in a new rural destination: A good fit?." *Action Research* 10, no. 3 (2012): 244-259. <https://doi.org/10.1177/1476750312443571>
- Luerdi, Luerdi. "Jakarta's City Branding as Para-Diplomacy: Beyond Greening Stadium and Race." *Janus.net: E-Journal of International Relations* 14, no. 1 (2023): 142-169. <https://doi.org/10.26619/1647-7251.14.1.9>
- Luhmann, Niklas. *Law as a Social System* (Oxford: Oxford University Press, 2004).
- Munir, Fitrisia, et al. "Prospering the ASEAN Community: How Micro-Region Becomes a Driving Force Prosperity in Indonesia's Border Area?." *Jurnal Hubungan Internasional* 12, no. 1 (2023): 37-48. <https://doi.org/10.18196/jhi.v12i1.14851>
- Mursitama, Tirta Nugraha, and L. Lee. "Towards a framework of smart city diplomacy." *IOP Conference Series: Earth and Environmental Science*. Vol. 126. No. 1. IOP Publishing, 2018. <https://doi.org/10.1088/1755-1315/126/1/012102>
- Nugraha, Arinaldi, Rochania Ayu Yunanda, and Andang Heryahya. "Determinants of West Java MSMEs Readiness to Support Indonesia's Journey Towards a Global Halal Hub." *Bukhori: Kajian Ekonomi dan Keuangan Islam* 4, no. 2 (2025): 71-94. <https://doi.org/10.35912/bukhori.v4i2.3420>
- Peters, Laura E. R. "The Social Construction of Crisis: Deconstructing the Complex Pathways Linking Disaster, Conflict, and Peace". *Thesis*. (Oregon: Oregon State University, 2020).
- Phadung, Nawapol, Kittiya Thanakittichai, and Koh Hui Yee. "Labor Exploitation and Economic Justice: Addressing Worker Rights in Indonesia's Informal Economy". *Indonesian Economic Justice Review* 1, no. 4 (2024). <https://doi.org/10.65815/kk80jc90>
- Phadung, Nawapol, Kittiya Thanakittichai, and Koh Hui Yee. "Labor Exploitation and Economic Justice: Addressing Worker Rights in Indonesia's Informal Economy". *Indonesian Economic Justice Review* 1, no. 4 (2024). <https://doi.org/10.65815/kk80jc90>
- Pound, Roscoe. *An Introduction to the Philosophy of Law* (New Haven: Yale University Press, 1922).
- Prado, Josefina Carmen Barrenechea. "Migrants and Refugees: Examining the Global Protection System and Its Failures [Migrantes y Refugiados: Examinando el Sistema Global de Protección y sus Fracasos]". *Revista de*

- Derechos Humanos Contemporáneos* 1, no. 2 (2025): 257-284.
<https://publications.socipol.org/index.php/rdh/article/view/41>
- Putra, Septeryan Dwi Purnomo. "Protection against Indonesian Women Workers." *Lex Scientia Law Review* 3, no. 1 (2019): 79-86.
- Raharjo, Sandy Nur Ikfal, and Hanizah Idris. "Indonesia-Malaysia cross-border cooperation in managing mobility of people at disputed border area." *Asia-Pacific Social Science Review* 25, no. 1 (2025): 108-122.
<https://doi.org/10.59588/2350-8329.1561>
- Ramadhan, Rizqi Naufal, and Mohammad Zaki Abdul Mubarrak. "Gendered Discourses in Political Movements: Women's Participation in Indonesia's Anti-Omnibus Law Protests". *Indonesian Discourse on Communication, Democracy, and Political Movements* 1, no. 2 (2024).
<https://doi.org/10.65815/08t5r766>
- Rustam, Ismah, Alwafi Ridho Subarkah, and Lalu Puttrawandi Karjaya. "Paradiplomacy of West Nusa Tenggara Province in Achieving Net-Zero Emission." *Intermestic: Journal of International Studies* 8, no. 2 (2024): 575-594. <https://doi.org/10.24198/intermestic.v8n2.8>
- Santos, Niedja de Andrade E. Silva Forte dos. "Towards a Conceptual Framework for City Diplomacy: a Practitioner's Perspective." *Diplomatica* 3, no. 1 (2021): 157-166.
<https://doi.org/10.1163/25891774-03010009>
- Shain, Yossi, and Aharon Barth. "Diasporas and international relations theory." *International Organization* 57, no. 3 (2003): 449-479.
<https://doi.org/10.1017/S0020818303573015>.
- Solekhah, Ragil Putri Amalia, and Novita Intan Aina Salsabila. "Protecting Our Migrant Workers from Violence: How the Legal Protection System Works?." *Law Research Review Quarterly* 9, no. 1 (2023): 89-106.
- Sucahyanto, Ardhitama. "Digital Society and the Transformation of Community-Based Dispute Resolution in Indonesia". *The Indonesian Journal of Sociolegal Development* 1, no. 1 (2026): 31-60.
<https://inleads.id/publications/index.php/IJSLD/article/view/14>
- Suyanto, Ahmad, Ahmad Zulkarnain Idris, and Zayd Imran Ibnu Rahman. "The Role of Legal Services in Protecting the Rights of Migrant Workers from Lombok in Malaysia". *Lentera Masyarakat Hukum* 2, no. 2 (2025). <https://doi.org/10.65815/kf07hp20>
- Suyanto, Ahmad, Ahmad Zulkarnain Idris, and Zayd Imran Ibnu Rahman. "The Role of Legal Services in Protecting the Rights of Migrant Workers from Lombok in Malaysia". *Lentera Masyarakat Hukum* 2, no. 2 (2025).
<https://doi.org/10.65815/kf07hp20>

- Tavares, Rodrigo. *Paradiplomacy: Cities and States as Global Players*. (Oxford: Oxford University Press, 2016).
- Triyana, Heribertus Jaka. "Emphasizing the Role of Diplomatic Agents for Repatriation of Ex-Foreign Terrorist Fighters (FTF): Study of Indonesia." *Jambe Law Journal* 7, no. 2 (2024): 275-311. <https://doi.org/10.22437/home.v7i2.333>
- Ulrich, D. *Human Resource Champions* (Brighton, MA: Harvard Business Press, 1997).
- Widiyahseno, Bambang, Rudianto Rudianto, and Ida Widaningrum. "Paradigma Baru Model Pelindungan Pekerja Migran Indonesia dalam Perspektif Undang-Undang RI Nomor 18 Tahun 2017 [New Paradigm of Indonesian Migran Worker Protection Model in Perspective of Law Number 18 Year 2017]", *Sosio Informa* 4, no. 3 (2017): 501-513.
- Widodo, Hartono, and R. Jossi Belgradoputra. "Perlindungan Pekerja Migran Indonesia." *Binamulia Hukum* 8, no. 1 (2019): 107-116. <https://doi.org/10.37893/jbh.v8i1.343>
- Yuniarto, Paulus Rudolf. "Migrant workers empowerment through vocational education and community-based learning: A study case of Indonesian in Taiwan." *Journal of Indonesian Social Sciences and Humanities* 9, no. 2 (2019): 113-129.
- Zayyadi, Ahmad. "Dinamika Modernisasi Hukum Islam: Tinjauan Historis dalam Pembacaan Mazhab Sociological Jurisprudence." *Al-Manahij: Jurnal Kajian Hukum Islam* 14, no. 1 (2020): 99-112. <https://doi.org/10.24090/mnh.v14i1.1800>

Migrant workers should enjoy equality of treatment with national workers in respect of employment conditions, social security, and fundamental rights at work

ILO, Migrant Workers Convention Framework

Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

The authors declare that there are no conflicts of interest regarding the publication of this article.

Generative AI Statement

None.

Notification

Starting from the 2024 issue, our journal has transitioned to a new platform for an enhanced reading experience. All new articles and content will now be available on this updated site. However, we would like to assure you that archived issues from 2016 to 2023 are still accessible via the previous site. You can view these editions by visiting the following link:

<https://journal.unnes.ac.id/sju/jils/issue/archive>.

Cite this article as:

Raharjo, Budi, Arie Fitria, Vesela Radovic, Adibah Sayyidati, and Himawan Estu Bagijo. ““Para-Diplomacy in the Protection of Indonesian Migrant Workers A Study on the Policy of East Java Province”. *Journal of Indonesian Legal Studies* 11, no. 1 (2026): 359-396.
<https://doi.org/10.15294/jils.v11i1.40112>.