

Political Economic Analysis of the Protection of Migrant Workers Victims of Human Trafficking Crimes

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Abstract

Human trafficking is a serious criminal threat that is organized and occurs globally, starting from within the country to abroad. The victims also vary, from adults to children under age. As happened to Adelina Sao, a migrant worker from Indonesia who was found dead in Malaysia on suspicion of abuse by her own employer. In previous research according to Brian Septiadi Daud, Indra Yohanes Kiling, Puanandini, and Simangunsong have studied that aspects related to the crime of human trafficking are highlighted through the role of the prosecutor's office in restorative justice as stipulated in Prosecutor's Office Regulation No. 15 of 2020, as well as identifying social factors, especially excessive lifestyle demands as the main cause of the crime of human trafficking. In addition, according to Puanandini, supervision and evaluation need to be emphasized in private companies and the government involved in sending migrant workers. Do not forget that the application of criminal sanctions for perpetrators of



human trafficking is also enforced. However, until now there has been no study that specifically integrates a political economic perspective to analyze the protection of migrant workers who are victims of human trafficking. The urgency of this research is through a political economic perspective so that it can reveal the relationship between government policies, economic interests, and market forces that influence the protection of migrant workers. Thus, the political economic perspective has answered that the government must view migrant workers as subjects of development who require policies based on social justice. can encourage the creation of comprehensive protection of migrant workers' rights, including access to decent work, fair wages, and protection from exploitation.

KEYWORDS

Human Trafficking, Socio-Legal, Political-Economic, Migrant Workers

Introduction

The crime of human trafficking (TPPO) is a form of serious crime that violates human rights and causes physical, psychological and economic harm to victims.¹ Normatively, the definition of the crime of human trafficking is the act of transporting, recruiting, kidnapping, falsifying, confining, moving, accommodating, sending, receiving someone with the threat of violence, abusing power or a vulnerable position, using violence, entrapment in debt, giving payments or benefits, even though receiving an agreement from a person in power, exploiting or being exploited within a country or between countries.² The problem of human trafficking has become an urgent and complex problem to combat, because the number of human trafficking cases does not only occur domestically, but also on a global scale that is massively organized.

This crime is considered by the global community as a crime that endangers national and global sovereignty, because it involves various jurisdictions and different legal systems.³ This situation creates a major

¹Marhcel R Maramis and Diana Esther Rondonuwu, 'LEGAL PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING IN INDONESIA' 1 By: Rajwa Raidha Adudu 2', nd, [https://kompaspedia.kompas.id/baca/paparan-topik/data-.\(SITEPU, 15-Oct-2022\)](https://kompaspedia.kompas.id/baca/paparan-topik/data-.(SITEPU, 15-Oct-2022))

²SITEPU, AR (15-Oct-2022). LEGAL ANALYSIS OF THE CRIMINAL ACT OF HUMAN TRAFFICKING WITH THE PURPOSE OF EXPLOITATION OF PROSTITUTION (Study of Decision Number 841/Pid. Sus/2019/PN. Mdn). Faculty of Law, Islamic University of North Sumatra.

³Simmons A Beth, PL (Int Organ. 2018 ; 72(2): 249–281. doi:10.1017/S0020818318000036.). The Global Diffusion of Law: Transnational Crime and the Case of Human Trafficking. PubMed Central : National Library of Medicine.

challenge in terms of international cooperation and coordination between institutions, which are essential to protect victims and punish perpetrators. Through the United International States (UN), the global community responded to this by providing regulations on the 2000 Palermo Convention or also known as the United Nations Convention Against Transnational Organized Crime (UNCATOC).⁴

Through multilateral cooperation, ASEAN also has the ASEAN Convention against trafficking in persons, especially women and children, which was later ratified by the Indonesian government on October 25, 2017, as well as the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. However, the National Commission on Violence Against Women then questioned the follow-up to the method of implementing this instrument to be able to overcome political problems and practices in the field that are directly related to migrant workers, one of which is the case of Adelina Sao.⁵

The phenomenon of human trafficking often occurs both in individuals and in the business world, where maladministration and the recruitment process of migrant workers do not meet applicable standard procedures. Cases that are rampant include forced recruitment, fraud and manipulation of migrant worker broker documents.⁶ Actions like these are then prone to giving rise to threats of physical violence, exploitation that violates human rights.⁷ The cruelty of human trafficking is certainly against God's will and no one should reduce, ignore or take away anyone's human rights.⁸

Human trafficking crimes not only occur across countries but also within the country, with various modes of operation such as identity fraud,

⁴Satria Unggul Wicaksana Prakasa, 'Garuda Indonesia-Rolls Royce Corruption, Transnational Crime, and Eradication Measures', *Lentera Hukum* 6, no. 3 (31 December 2019): 413–30, <https://doi.org/10.19184/ejhl.v6i3.14112>

⁵Adellia Nur Fadhillah and Yuhka Sundaya, 'Economic Analysis of Indonesian Migrant Workers in Choosing Destination Countries at BP3MI Jabar', *Journal of Economics and Business Research*, 23 December 2023, 111–16, <https://doi.org/10.29313/jrieb.v3i2.2856>.

⁶Muammar El Valdanito, Astuti Nur Fadillah, and Sartik La Antio, 'Human Trafficking: Aspects of Violence Against Women in Indonesia', nd, <https://www.researchgate.net/publication/373245717>.

⁷Udiyo Basuki, Faculty of Sharia, and Law, UIN Sunan Kalijaga, 'LAW ENFORCEMENT ON THE CRIMINAL ACT OF PERSONAL TRAFFICKING FROM A HUMAN RIGHTS PERSPECTIVE' 13, no. 2 (2017), www.polri.go.id/laporan-all/lpm/lks/2013.

⁸Hariri, Achmad, Samsul Arifin, and Satria Unggul Wicaksana Prakasa. 'Achmad Hariri, et.al Protection and Compliance of Human Rights of Residents Affected by the Semeru Eruption | 121'. *ACLJ* 3 (nd): 2022.

employment fraud, forced labor, slavery and organ trafficking.⁹ In human trafficking cases, victims of the crime are often trapped in situations that make it difficult for them to escape or report because of threats, intimidation, or dependence on the perpetrator.¹⁰ Therefore, often the differences in social structure and economic progress play a role in coloring the crime of human trafficking which still exists today. The demands of a high lifestyle, accompanied by a lack of jobs with low incomes, believe that political-economic factors are things that should be considered to know how to prevent and reduce the crime of human trafficking.¹¹

Based on data from the Ministry of Women's Empowerment and Child Protection, there were 3,703 victims of human trafficking who were employed as online scamming workers in 2020 to March 2024. Most of the victims trapped in this illegal work are in Cambodia and the Philippines with a total number of victims recorded at more than 2,500 people. Where Cambodia has the most victims with 1,914 victims, and in the Philippines there are 680 people. Then Thailand has 360 people and 332 victims of human trafficking in Myanmar related to online gambling and online scamming who come from productive age groups, namely 18 to 35 years old, and some are highly educated with Masters graduates and they understand technology. The findings of these trafficking victims were found by the ranks of the Task Force Team for the prevention of human trafficking.¹²

		The Phenomenon of Human Trafficking Victims in Asia Performance Level		Total
		Volume		Person
Cambodia	High	58%		2,500

⁹Rani Kusuma Wardani and Levina Yustitianiingtyas, 'Legal Protection for Girls as Victims of Human Trafficking', nd

¹⁰ Maria Novita Apriyani, 'Implementation of Restitution for Victims of Sexual Violence', Legal Treatise, vol. 17, 2021, <https://lpsk.go.id/berita/detailpersrelease/3269>.

¹¹M Muhsin, SR (2024). The Economic Policy of the Indonesian Government in Determining and Revoking the Highest Retail Price of Cooking Oil from the Perspective of Islamic Economic Law. Master of Islamic Economic Law, Faculty of Islamic Religion, University.

¹²CHILD, BH (2024). World Day Against Human Trafficking 2024, Minister of PPPA: Fight and End All Forms of Human Trafficking. Indonesia: MINISTRY OF WOMEN'S EMPOWERMENT AND CHILD PROTECTION.

Philippines		11%	680
Thailand			
Myanmar	Low	21%	360
		10%	332
Total		100%	3.703

Sources: Legal Treatise, 2021

Through economic comparisons and the number of human trafficking cases between countries, the influence of economic growth is a bitter reason why human trafficking practices still exist today, starting from family needs (clothing, food, shelter) to access to the world of family education.¹³ The lack of attainment of decent education due to economic factors is what then influences the implementation of whether government regulations can then be understood and complied with properly by the community. Through this approach, it can be analyzed how political decisions impact economic growth, social welfare, and inequality, thus providing comprehensive insight into the potential of public policy in creating economic stability while improving the quality of life of the community as a whole.¹⁴

Through political-economic factors, multilateral cooperation can be implemented to enforce cross-country law through joint memorandum of understanding (MoU) procedures to protect victims and punish perpetrators.¹⁵ The impact of human trafficking is not limited to the victims themselves, insecurity and damage to the social structure result in the creation of negative effects on the wider community. Therefore, prevention and handling of human trafficking crimes must involve close cooperation between the government, the private sector, and non-governmental organizations, in order to create a holistic system to protect those who are vulnerable and eradicate human trafficking practices effectively.

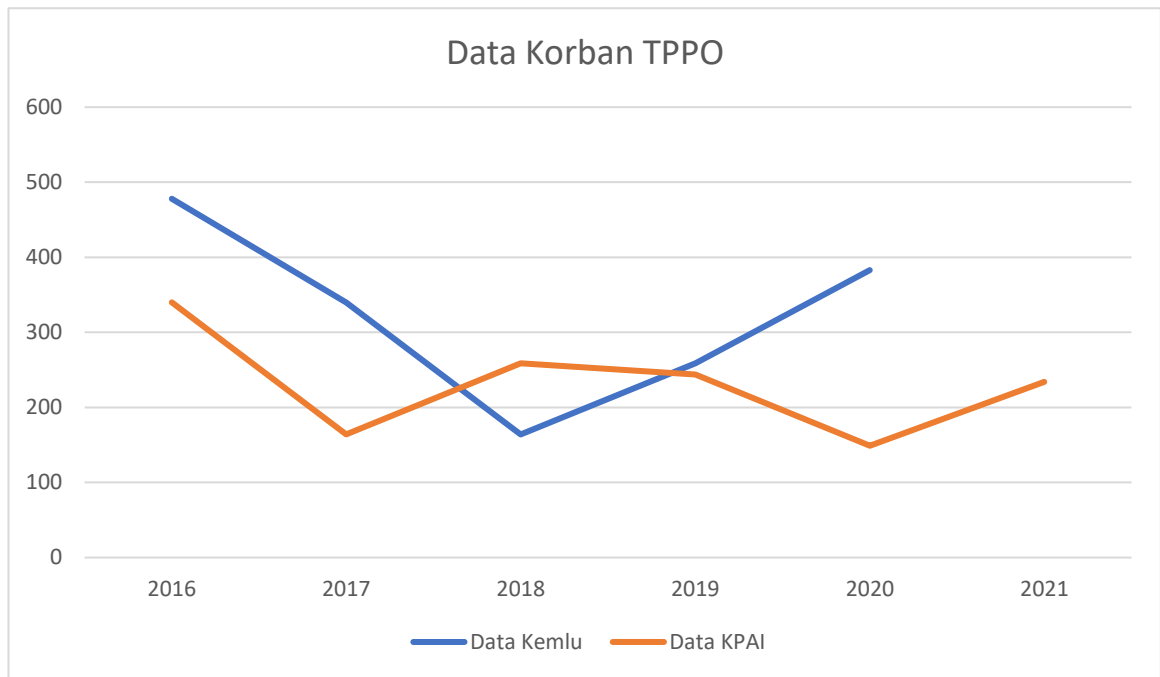
According to data from the Indonesian Migrant Workers Protection Agency (BP2MI), Indonesia is currently in a state of emergency regarding human trafficking crimes (TPPO). In 2016 there were 340 cases, then 347

¹³Ali Hofi. Moch, WT (Vol.1, No.3 August 2023). Maintaining the Existence of People's Sovereignty in the Fields of Politics, Law, and Economics. Hakim: Journal of Law and Social Sciences.

¹⁴Natalis Christian1, FD (Volume 7 Issue 1 (2024) Pages 1198 - 1219). Comparative Analysis of Social, Economic, and Political Influences on the Economy of Indonesia and Vietnam. SEIKO: Journal of Management & Business.

¹⁵Lumunon, Theodorus HW, and Audi H Pondaag. 'CRIMINAL ACTS BY CORPORATIONS AGAINST INDONESIAN MIGRANT WORKERS 1 By: Satria Purna Regar 2', nd

cases (2017), 329 cases (2018), 244 cases (2019), 149 cases (2020), and 234 cases (2021). In 2021, the Criminal Investigation Unit of the Indonesian National Police has investigated 24 cases of human trafficking (8 cases of sex trafficking and 16 cases of labor migration).¹⁶



Data by BP2MI

The growth rate of citizens and the domestic economic level also play a role in why Indonesian citizens (WNI) are interested in working as immigrants in other countries than their own country. The fantastic amount of income and a better lifestyle are the most promising lures to attract people's interest in registering with companies (corporations) as prospective migrant workers abroad. Therefore, companies also need to be careful in taking action in recruiting and placing migrant participants abroad.¹⁷ Because if not, not a few who plunge a company as a perpetrator of human trafficking crime due to errors/negligence of procedures with the wrong partner. As time goes by, the mode of perpetrators of human trafficking crimes is increasingly developing and with the latest methods

¹⁶Indonesian Migrant Workers Protection Agency. (March 27, 2021). BP2MI Again Saves 39 Prospective Migrant Workers in Illegal Shelters in Bekasi and Bandung. Bekasi: <https://bp2mi.go.id/berita-detail/bp2mi-kembali-selamatkan-39-calon-pmi-di-penampungan-ilegal-bekasi-dan-bandung>.

¹⁷Yusitarani, S. (2020). Legal analysis of legal protection of migrant workers who are victims of human trafficking by the Indonesian government. *Journal of Indonesian Legal Development*, Volume 2, Number 1, 2020.

that are more complex, even since the colonial era until now it is called modern slavery with various kinds of systematization and cooperation of human trafficking between countries (transnational crimes).¹⁸

The struggle against injustice against the arbitrariness of the rights of an individual or group in achieving the welfare of the people is in line with the goals of the state. As stated "everyone has the right to protection of themselves, their families, their honor, their dignity and their property under their control, and has the right to a sense of security and protection from the threat of fear to do or not do something that is a human right" in Article 28 G paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The importance of public understanding in understanding and complying with a rule/legal norm that applies in the crime of human trafficking towards legal awareness provides an understanding of the importance of legal rules in the form of positive law, related to the level of legal awareness (*rechtsbewustzijn*). Because understanding the law is not only on the validity of the law (Law in Book), but more on understanding the application/implementation of law (Law in Action), so that the concept of implementing law in society is not only on the question of how legal norms are as a concept of positive law but also on the level of understanding of how the application/implementation of law towards legal awareness, if a concept of legal awareness arises in the life of society, it will give rise to a form of legal feeling (*rechtsgevel*). So that a legal norm can be obeyed because of the emergence of a sense of law that is needed in society and does not cause coercion, so that the purpose of the law is upheld in accordance with the supremacy of law. In social life, law functions as a tool for development and renewal (Law as a tool of social engineering) so that law also has a role to change society towards a better direction.¹⁹ However, the fact is that today, society does not fully trust the law, both law enforcement officers and judicial institutions, so that people tend to take the law into their own hands, which is caused by the loss of a sense of security and justice that is not trusted by society.

Previously in 2019, a similar study was conducted by Daud on the phenomenon of human trafficking in Indonesia, stating that the emphasis on criminal sanctions against perpetrators must be enforced in order to

¹⁸ Ihsan Dzuhur Hidayat and Fatma Ulfatun Najicha, 'PROTECTION OF INDONESIAN MIGRANT WORKERS/INDONESIAN WORKERS BY REGIONAL GOVERNMENTS', *Journal of Legal Studies* 10, no. 1 (2021).

¹⁹ Thanks to Anugrah Kurunia Situmorang and Ibnu Affan, 'LEGAL PROTECTION FOR INFORMAL INDONESIAN MIGRANT WORKERS ACCORDING TO LAW NUMBER 18 OF 2017 CONCERNING PROTECTION OF MIGRANT WORKERS', *METADATA Scientific Journal*, vol. 3, 2021.

protect victims and punish perpetrators of human trafficking.²⁰In addition, the factor of attention to the psychological impact and support for victims of human trafficking crimes was also stated according to Indra, that restitution in the form of providing compensation in the form of rupiah currency alone is not enough, so that rehabilitation is needed to restore the psychological condition of the victim to return to a complete state that needs to be carried out.²¹

Accompanied by Puanandini's opinion on similar problems related to Human Trafficking (human trafficking) is also explained, according to her, law enforcement and prevention of human trafficking practices need to be carried out with more comprehensive supervision and law enforcement, where attention to migrant workers in cases of human trafficking in Indonesia should be a government alertness in supervising Indonesian migrant workers with the obstacles found that the attention of negligence of government employees often occurs and even bribery practices are also carried out in order to facilitate the distribution of migrant workers in Indonesia.

Normative accountability for perpetrators of human trafficking did not escape Simangunsong's view.²², where he believes that good law enforcement based on Law Number 21 of 2007 must be enforced. But unfortunately talking about migrant workers and human trafficking means talking about Transnational Crimes which means crimes across borders or across jurisdictions. Therefore, the need for discussion of human trafficking between countries needs to be studied in order to find out concrete steps so that the prevention of cross-country trafficking does not occur and becomes a control so that migrant worker services can be saved by cutting off the distribution network along with following the development of the global era, especially from a political-economic perspective.

Based on the facts that have been presented, the problem formulation raised in this research is: (1)How is the Legal Protection for Victims of Human Trafficking Crimes?(2) What are the legal efforts from a political economic perspective in order to protect the rights of migrant workers in Indonesia?

²⁰Daud¹, Brian Septiadi, and Eko Sopoyono². 'IMPOSITION OF CRIMINAL SANCTIONS AGAINST HUMAN TRAFFICKING PERPETRATORS IN INDONESIA', 2019.

²¹Kiling, Indra Yohanes, and Beatriks Novianti Kiling-Bunga. 'MOTIFS, PSYCHOLOGICAL IMPACT, AND SUPPORT ON VICTIMS OF HUMAN TRAFFICKING IN EAST NUSA TENGGARA'. *Jurnal Psikologi Ulayat*, 1 March 2019, 83–101. <https://doi.org/10.24854/jpuo2019-218>.

²²Rochmah, Siti, and Frans Simangunsong. 'CRIMINAL RESPONSIBILITY FOR PERPETRATORS OF THE CRIMINAL ACT OF HUMAN TRAFFICKING'. *Bureaucracy Journal : Indonesia Journal of Law and Social-Political Governance* 3, no. 1 (2023). <https://doi.org/10.53363/bureau.v3i1.177>.

Methods

This study uses a socio-legal method with an approach that combines normative legal analysis and social studies to understand the dynamics of migrant worker protection policies in the context of human trafficking crimes using interdisciplinary scientific approaches, so that legal norms can be enforced in real terms in social life.²³ This study uses a qualitative descriptive analysis method to understand the phenomenon studied in depth which is analyzed systematically to provide a comprehensive picture of the research topic, identify patterns and gain in-depth insights related to the phenomenon studied through economic analysis of law which is closely related to justice in law. The approach and use of this analysis are arranged with economic considerations without eliminating justice, so that justice can become an economic standard based on three basic elements, namely value, utility, and efficiency with human rationality.(Posner, 1986).

1. Legal Protection Efforts for Victims of Human Trafficking Crimes

Empowerment and sustainability efforts to improve the welfare of its people, continue to be carried out by the Indonesian government, especially in the legal protection of migrant workers. Strengthening the existing bureaucratic system, as well as law enforcement and supervision systems for private companies are also being improved. opening new jobs and providing workers who are interested in being migrant workers abroad as a form of bilateral cooperation between countries are also reasons why people need to continue to be empowered for their family lives. Although the majority of migrant workers come from those with poor economic backgrounds, in fact migrant workers are also one of the contributors to the country. Indonesian migrant workers are divided into two large categories, namely workers in the formal sector, such as manufacturing and construction, and workers in the informal sector, such as domestic workers, elderly caregivers, and plantation workers. In this category, women dominate the informal sector, which is often a job with a higher level of risk, including exploitation, discrimination, and violence.

²³Kornelius Benuf, Siti Mahmudah, and Ery Agus Priyono, 'LEGAL PROTECTION FOR CONSUMER DATA SECURITY IN FINANCIAL TECHNOLOGY IN INDONESIA', *Legal Reflection: Journal of Legal Studies* 3, no. 2 (7 August 2019): 145–60, <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.

Cases (Years)	Countries	The Model Of Human Trafficking	Cause of Occurrence
Labor Exploitation (2024)	Cambodia, Thailand Phnom Penh	Kidnapping and Confinement	Recruitment of workers with a salary of 50 million Rupiah/month
<i>Online Scamming, Online Gambling Workers (2024)</i>	Philippines, Cambodia	Torture, Forced Labor and Ransom (1000 Migrant Workers)	Love Scamming Mode, Job Placement in Office
<i>Online Scamming, Forced Labor, Illegal Migrants (2023)</i>	Manila-Thailand, Myanmar	Labor Recruitment, Slave Trade	High paying job placement, placement in conflict areas
<i>Online Scamming, Online Gambling Workers (2023)</i>	Myanmar, Thailand	Physical Violence, and Redemption	Recruitment of Manpower

Table 3. Human Trafficking Model in the South East-Asian Region

Legal protection for victims of human trafficking (TPPO) in Indonesia is one of the main concerns in efforts to protect human rights and provide justice for individuals who are victims of exploitation. Based on the table data above, the influence of human trafficking is dominated by the recruitment factor of high-income migrant workers, of course this can be a conclusion that promotions for job placement, high salaries and lifestyles promised by agents attract prospective migrant workers to dare to leave even without a passport (Illegal Migrants).

Through the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, instruments and mechanisms for migrant workers in the ASEAN regional area were formed to protect the rights of migrant workers.²⁴ Even at the national level, it has been regulated in Law

²⁴Hana, EN (2023). Legal Protection of Indonesian Irregular Migrant Workers in the Perspective of Human Rights. Journal of Law & Development, Gadjah Mada University, Volume 53, Number 4.

Number 21 of 2007 concerning protection efforts through rehabilitation, as well as the right to social and economic reintegration.²⁵

The government, based on Government Regulation No. 59 of 2021 concerning the Implementation of Protection of Indonesian Migrant Workers, has implemented a protection mechanism for migrant workers including their families to ensure greater security, including regulating the duties and responsibilities of the central and regional governments and companies to be more careful and ensure that migrant workers who are sent must have clear documents.²⁶

Efforts made to provide protection guarantees to migrant workers are still often inconsistent in practice in the field. Migrant workers who experience disadvantaged economic backgrounds are often accompanied by minimal educational backgrounds. Based on a report by the Coordinating Ministry for Economic Affairs of the Republic of Indonesia, as many as 63% of migrant workers are workers with junior high school education or below, which means they have educational backwardness so that they are vulnerable to cases of exploitation, forced labor, and human trafficking.²⁷

Migrant workers' contribution to the family and national economy is very significant. The income they send home is often used to improve the family's standard of living, finance their children's education, or support small businesses. However, the magnitude of this contribution is not always balanced with adequate protection and support. Many migrant workers face various administrative obstacles, both before departure, during work, and after returning to Indonesia, such as limited access to legal aid, social security, or economic reintegration opportunities.

The profile of Indonesian migrant workers reflects major challenges that must be addressed through more inclusive and effective policies. The state has a major responsibility to ensure that migrant workers receive

²⁵Hai Thanh Luong, 'Transnational Crime and Its Trends in South-East Asia: A Detailed Narrative in Vietnam', *International Journal for Crime, Justice and Social Democracy* 9, no. 2 (2020): 88–101, <https://doi.org/10.5204/IJCJSD.V9I2.1147>.

²⁶ekon.go.id, S. (2021). Synergy of Central and Regional Governments in Protecting All Indonesian Migrant Workers. Jakarta: <https://ekon.go.id/publikasi/detail/3365/sinergi-Pem-tengah-dan-region-dalam-melindungi-seluruh-pekerja-migran-indonesia>.

²⁷ekon.go.id, S. (2021). Synergy of Central and Regional Governments in Protecting All Indonesian Migrant Workers. Jakarta: <https://ekon.go.id/publikasi/detail/3365/sinergi-Pem-tengah-dan-region-dalam-melindungi-seluruh-pekerja-migran-indonesia>.

adequate training, information about their rights, and strong legal protection, both at home and in destination countries. In addition, international cooperation is also essential to strengthen protection for migrant workers, reduce the risk of human trafficking, and promote their rights as global workers who deserve to be respected and protected.

Migrant workers are defined as workers who work abroad, either formally or informally, with the main goal of improving their standard of living and that of their families. However, in the process, migrant workers often become a group vulnerable to human trafficking (TPPO). The vulnerability of migrant workers to TPPO is caused by various factors, both internal and external.

Internal factors include low levels of education, lack of information about safe migration processes, minimal awareness of workers' rights, and limited skills relevant to the needs of the labor market in the destination country. These conditions make migrant workers more easily manipulated by irresponsible parties, such as recruitment agents or human trafficking networks. In addition, economic pressures, such as poverty, unemployment, and pressure to meet family needs, often force them to accept job offers without verifying their validity and security.

External factors include weak regulation and oversight of migrant worker recruitment processes, both by governments and private agents, which provide loopholes for human trafficking syndicates to operate. In destination countries, migrant workers often face unsupportive legal systems, discrimination, and lack of access to legal aid, making them more vulnerable to exploitation. In addition, global economic inequality and market demand for cheap labor in certain sectors, such as domestic work and construction, create working conditions that are vulnerable to human rights violations.²⁸ Therefore, the vulnerability of migrant workers to human trafficking is the result of a combination of structural, social, and economic factors. To reduce this vulnerability, a holistic approach is needed that includes strengthening regulations, increasing awareness and skills of migrant workers, and international cooperation in efforts to prevent, protect, and enforce the law against perpetrators of human trafficking.

The concept of political economy in social protection refers to an approach that views social policy as the result of the interaction between political dynamics, economic interests, and community needs. In the context of social protection, political economy studies how governments

²⁸Anugrah Kurunia Situmorang and Affan, 'LEGAL PROTECTION FOR INFORMAL INDONESIAN MIGRANT WORKERS ACCORDING TO LAW NUMBER 18 OF 2017 CONCERNING PROTECTION OF MIGRANT WORKERS'.

design and implement policies to protect vulnerable groups, including migrant workers, by considering economic factors such as resource allocation, efficiency, and fiscal sustainability.²⁹ Political economy in social protection focuses on how policy decisions are influenced by political forces, including pressure from interest groups, labor market dynamics, and domestic and global power structures. For example, in the protection of migrant workers, government policies are not only designed to provide legal protection and access to social security, but also to maintain economic stability by optimizing the remittance of foreign exchange generated by migrant workers.

The political economy concept emphasizes the importance of a balance between economic interests and social justice. The political economy approach emphasizes that social protection policies should be designed not only to reduce the economic risks faced by vulnerable groups, but also to encourage a more equitable and inclusive redistribution of resources. In the context of migrant workers, this includes increasing access to training, education, and economic empowerment programs that enable them to improve their skills and reduce the risk of exploitation. Through the political economy approach, the emphasis is on the importance of synergy between social, legal, and economic policies in protecting vulnerable groups and strengthening overall social stability in order to create a safer and more equitable social environment, accompanied by the rate of family economic growth.

Understanding policies that affect the protection and welfare of migrant workers also needs to be considered by analyzing economic policies in destination countries. In Indonesia, economic policies often focus on managing the workforce as an economic asset, such as skills training programs, facilitating the recruitment of workers abroad, and managing remittances or foreign exchange sent by migrant workers. However, these policies sometimes do not fully pay attention to aspects of social protection, such as strict recruitment regulations, handling cases of exploitation, and support for migrant workers returning home. Meanwhile, in destination countries, economic policies are usually related to the need for a cheap and flexible labor market in certain sectors, such as construction, domestic work, and manufacturing. Immigration and employment policies in destination countries often do not fully provide adequate legal protection for migrant workers, leaving them vulnerable to exploitation, discrimination, and human trafficking. In addition, many destination countries prioritize domestic economic interests, placing migrant workers in a subordinate position without adequate access to

²⁹(Placement & Protection)

labor rights, such as social security, decent wages, and a safe working environment.

Economic policy analysis in both countries also shows the imbalance of power in bilateral negotiations. Indonesia as the country of origin often faces challenges in pressuring destination countries to strengthen protection for migrant workers due to economic dependence on remittances generated. Therefore, more strategic policies are needed in countries of origin to strengthen bargaining positions in bilateral relations, including through economic diplomacy, stricter labor protection agreements, and strengthening domestic regulations related to recruitment and supervision of labor agencies. Through serious efforts to approach and protect migrant workers, economic analysis will not only have an impact on the design of policies that support Indonesia's economic growth, but also ensure that the protection of the rights and welfare of migrant workers can be guaranteed as a whole.³⁰

The next manifestation of progress after various bilateral mechanism efforts while still considering the layer structure that occurs in society is by carrying out reintegration to then unite migrant workers or other vulnerable groups into the economic, social, and community structures after they return to their home country. In the context of migrant workers, reintegration is not only about restoring their condition after working abroad, but also ensuring that they can contribute productively to the national economy. This reintegration includes various aspects, such as economic empowerment, access to decent employment, additional skills training, and psychosocial support to help them face post-migration challenges.

If reintegration efforts have also met the criteria for building social structure layers that occur in society, then the role of economic politics also continues to have a strategic impact on national development. This effort can encourage domestic economic growth by utilizing the skills and experience they gain while working abroad. In addition, reintegration also functions as a mechanism to reduce dependence on the international labor market by creating sustainable local economic opportunities. Within the framework of national economic politics, reintegration policies must be designed to not only manage short-term economic impacts, but also strengthen social stability and reduce potential social problems, such as unemployment, poverty, or inequality.

The reason why the government needs to reintegrate government policies, the private sector, and civil society is that the government must

³⁰Luong, 'Transnational Crime and Its Trends in South-East Asia: A Detailed Narrative in Vietnam'.

play a leading role in providing structured programs, such as providing incentives for migrant workers to start businesses, access to microfinance, and strengthening skills training based on local market needs. In addition, collaboration with the private sector is needed to create employment and investment opportunities that support economic sustainability. With the right approach, reintegration can be an integral part of national economic policy that not only improves the welfare of migrant workers, but also strengthens overall economic and social development.

2. Legal Efforts from a Political Economic Perspective in Order to Protect the Rights of Migrant Workers in Indonesia

Economic policy in the context of migrant worker protection refers to policies and strategies implemented by the state to manage the relationship between migrant workers, national economic interests, and the rights of migrant workers working abroad. The state's certainty to ensure that the economic policies taken, both in terms of placement, protection, and repatriation of migrant workers, not only provide economic benefits, but also protect migrant workers from exploitation, abuse, and violations of their rights. This includes regulations governing the departure and placement of migrant workers, including the establishment of mechanisms that can prevent human trafficking or actions that harm migrant workers.

The role of the state in terms of political economy, plays an important role in regulating the global workforce, which is often unfair to migrant workers, by creating a more transparent and accountable system. For example, countries of origin can provide skills training for migrant workers so that they are better prepared to compete in the international labor market and reduce the risk of them being trapped in unsuitable or high-risk jobs. States must also ensure that labor recruitment agencies operate legally and ethically, and do not place migrant workers in vulnerable positions, either through high placement fees or through ignoring their rights.

Destination countries must also be responsible for creating policies that protect migrant workers, by guaranteeing access to health services, fair wages, and other basic rights. Through cooperation between Indonesia and other countries, the protection system for migrant workers can be strengthened, including bilateral or multilateral agreements that regulate

the rights of migrant workers, as well as effective dispute resolution mechanisms.³¹

This social protection-based economic policy should consider the long-term impacts on migrant workers, both economically and socially. In addition, the state must provide guarantees for migrant workers who return to their homeland by creating a reintegration program that can help them re-adapt to social and economic life in Indonesia. This inclusive economic political approach not only provides economic benefits for the state, but also strengthens human rights by ensuring that migrant workers are treated fairly and equally, both in their countries of origin and destination.

The role of law in economic politics is not only focused on welfare in terms of social factors, economic growth, and individual prosperity of migrant workers, but also helps create a guarantee of a safe and comfortable atmosphere that certainly follows efforts to protect migrant workers in bilateral and multilateral efforts. International and national mechanisms related to the protection of migrant workers are designed to ensure that the rights of migrant workers are respected and well protected, both in the country of origin and in the country of destination.³² At the international level, various agreements and conventions have been drafted to regulate the protection of migrant workers, one of which is the UN Convention on the Protection of the Rights of Migrant Workers and Members of their Families adopted in 1990. This convention provides guidelines for countries to protect the rights of migrant workers, including the right to fair treatment, decent wages, social protection, access to health services, and protection against exploitation and discrimination. Although Indonesia has not ratified this convention, its principles continue to have a major influence on national policies in efforts to protect migrant workers.³³

At the national level, Indonesia has issued various policies to protect migrant workers, one of which is Law Number 18 of 2017 concerning the

³¹Luong, Hai Thanh. 'Transnational Crime and Its Trends in South-East Asia: A Detailed Narrative in Vietnam'. *International Journal for Crime, Justice and Social Democracy* 9, no. 2 (2020): 88–101. <https://doi.org/10.5204/IJCJSD.V9I2.1147>.

³²Ashabul Kahfi, 'LEGAL PROTECTION OF EMPLOYMENT', *Legal Protection of Labor Ashabul Kahfi Jurisprudentie* |, vol. 3, 2016.

³³Prakasa, 'Garuda Indonesia-Rolls Royce Corruption, Transnational Crime, and Eradication Measures'.

Protection of Indonesian Migrant Workers (PPMI).³⁴ This law regulates in detail the rights of migrant workers, starting from the registration process, training, to placement and supervision by the government. This law also emphasizes the importance of protection for migrant workers both domestically and abroad, including the prevention of human trafficking (TPPO), as well as the repatriation of migrant workers who face legal problems or exploitation. In addition, this policy also includes protection for migrant workers who are threatened or become victims of criminal acts, such as slavery or other abuse.³⁵

At the national level, Indonesia has several important regulations, including Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers (PPMI), which regulates the placement, training, and protection of migrant workers, including the prevention of human trafficking and the repatriation of problematic workers. In addition, Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (TPPO) provides a legal basis for efforts to protect migrant workers who are victims of human trafficking, as well as imposing sanctions on perpetrators of such crimes. Regulation of the Minister of Manpower and Transmigration No. 2 of 2015 also regulates procedures for the placement and protection of migrant workers to prevent exploitation. This policy is also strengthened through bilateral cooperation between Indonesia and destination countries to ensure the protection of migrant workers' rights. Although various regulations already exist, implementation challenges remain, especially in the protection of undocumented migrant workers.

The condition of the community experiencing economic downturn and low educational background, forced by circumstances to continue to meet family needs by doing anything, then choosing a private worker sending company or even entering as an illegal migrant worker without valid documents. Cases like this often become victims of exploitation who are vulnerable to discrimination to being caught in human trafficking practices, coupled with the lack of supervision and carelessness of the Indonesian Migrant Workers Protection Agency (BP2MI) which is serious

³⁴Anas Anwar Nasirin, 'Professionalization of Indonesian Migrant Workers (BMI) in the Industrial Revolution 4.0', MSDA Journal (Management of Apparatus Resources) 8, no. 1 (3 August 2020): 39–50, <https://doi.org/10.33701/jmsda.v8i1.1174>.

³⁵Scientific and Fisip Untag Semarang Journal, 'Implications of Legal Policy on Social Structure in Strengthening State Sovereignty', vol. 19, 2022.

in handling the issue of human trafficking becomes a complete problem resulting in human trafficking still often occurring.³⁶

Conclusion

Bilateral and multilateral cooperation needs to be carried out massively in conducting supervision to prevent international to national trafficking cases that occur domestically. As in Law No. 18 of 1977 concerning the Protection of Indonesian Migrant Workers and Law No. 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, which emphasizes the importance of supervision, prosecution of perpetrators, and rehabilitation of victims. Factors such as economic downturn, low levels of education, and lack of access to information have driven people to seek work abroad at all costs, including through illegal channels. This situation demonstrates a political-economic approach, which focuses not only on law enforcement, but also on economic empowerment and community education as a preventive measure. Therefore, the protection of migrant workers who are victims of human trafficking must be a priority within the framework of national political economy.

The journey towards implementing the law to be complied with, of course, requires many roles to be taken by all levels of agencies, including the availability of more advanced human resources in the context of political and economic protection of migrant workers, and also requires active synergy in maximizing national and international policies in supervising companies, private labor senders, ensuring transparency in the placement process, and raising public awareness of the risks of working without official documents. Meanwhile, bilateral and multilateral cooperation with destination countries is essential to ensure that migrant workers receive adequate legal and social protection abroad.

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³⁶Anugrah Kurunia Situmorang and Affan, 'LEGAL PROTECTION FOR INFORMAL INDONESIAN MIGRANT WORKERS ACCORDING TO LAW NUMBER 18 OF 2017 CONCERNING PROTECTION OF MIGRANT WORKERS'.

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