

LEGAL PROTECTION OF MIGRANT WORKERS PERSPECTIVES ON HUMAN TRAFFICKING

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ABSTRACT Indonesian migrant workers play a significant role in bolstering the Indonesian economy. Indonesia ranks as the second-largest country of origin for migrant workers in ASEAN. The Indonesian government has implemented several regulations as a means of safeguarding. Nevertheless, numerous issues continue to emerge, including the pressing concern of human trafficking. A strong focus on legal principles and concepts characterizes the research method employed in this article. It utilizes a statute and conceptual approaches to analyze the subject matter. The data utilized in this writing is primarily derived from secondary sources such as library books, laws and regulations, scientific papers, articles, and research-related documents. Efforts to combat human trafficking against Indonesian workers involve the implementation of a range of legal measures, as well as partnerships with destination countries for migrant worker placement and non-governmental institutions. These initiatives aim to eradicate this grave issue and protect the rights of vulnerable individuals. The government is committed to ensuring the well-being of migrant workers who have fallen victim to human trafficking. They provide a range of support services, including restitution and compensation, counseling, medical assistance, legal aid, and access to information. Additionally, they prioritize protecting the rights of these victims, including maintaining their confidentiality and ensuring their rehabilitation.

Keywords: *Human Trafficking, Legal Protection, Migrant Workers*

1. INTRODUCTION

Human trafficking is a deeply deplorable violation of human dignity. Victims are trafficked for various forms of exploitation, including sexual exploitation, prostitution, forced labor, and slavery. Traffickers often target vulnerable communities, particularly women and children (Ismaidar & Surbakti, 2024). According to the United Nations Office on Drugs and Crime (now UNODC), an organization under the United Nations that addresses illegal drug trafficking, crime prevention,

international terrorism, and political corruption, it is reported that around 49% of trafficking victims are women, 21% are girls, 18% are men, and 12% are boys.

Women bear the brunt of trafficking when it comes to the sending of migrant workers. When children fall victim to trafficking, it is often done to benefit their relatives. Some parents may unknowingly engage in exchanging their children, particularly when they find themselves in a situation where their income falls short of covering their basic needs. Aside from fulfilling necessities, individuals are hired to settle debts and acquire funds swiftly and conveniently (Oktavia et al., 2020). In order to understand the reasons behind the correlation between migrant workers and low-quality work, it is crucial to analyze both the supply and demand aspects and the influence of policies and institutions (Wright & Clibborn, 2019).

Numerous factors contribute to the significant number of traffickers. Unequal development often results in poverty, which is a significant driver of human trafficking. Uneven development arises due to the concentration of capital in areas that offer profitable investment opportunities, such as regions with a skilled workforce, well-developed transportation infrastructure, and effective communication systems. Consequently, certain areas in the region face a scarcity of job opportunities (Wijayanti & Aisyah, 2022). The persistent issue of poverty leaves individuals with limited options for earning a livelihood. In this challenging situation, women once again find themselves as the ones who have been wronged. There is consistently a higher percentage of female workers than male workers who choose to work overseas (Yusitarani, 2020). Some factors arise from external sources, such as the cultural norms of individuals unfamiliar with gender equality, the shortcomings of the Indonesian legal system, and unfavorable regional circumstances (Dewi et al., 2023).

The ongoing issue of poverty compels numerous individuals to seek employment opportunities overseas through a convenient and efficient pathway. Regrettably, this results in them falling prey to trafficking as they fail to follow proper procedures under the relevant laws. Undocumented migrant workers often find themselves in exploitative situations. There are two primary factors contributing to the presence of undocumented migrant workers. One way is through unauthorized immigration; many are individuals with limited financial resources who cannot afford the costly fees associated with official immigration procedures. Additionally, migrant workers may find themselves in a situation where they feel compelled to leave their employers due to the withholding of their important documents (Parawansa, 2023).

It is intriguing to examine the government's efforts to protect Indonesian migrant workers who have fallen victim to trafficking, given the significant number of individuals affected. From this background, it is evident that there is a discrepancy between current regulations and the realities

of the field. Regulations on protecting people from trafficking are extensively addressed in Indonesian national law. However, despite these regulations, there continue to be numerous cases of trafficking involving victims of migrant workers being sent abroad. Thus, the problem statement in this study is as follows: (1) What is the extent of protection offered to migrant workers in cases of human trafficking.

2. METHOD

The research method in this article adopts a normative juridical approach, utilizing both a legal perspective (statute approach) and a conceptual perspective (conceptual approach). The data used in this writing is sourced from secondary materials such as library books, laws and regulations, scientific papers, articles, and research-related documents.

3. RESULT AND DISCUSSION

The government needs to take this issue seriously and put in much effort to reduce the rate of trafficking effectively. However, conversely, the government also allowed migrant workers to go abroad, which can be seen as both an opportunity and a contributing factor to trafficking. Around ten laws and regulations have been established at the national and regional levels as part of the government's commitment to address and tackle this issue. Nevertheless, the government's political will has failed to yield substantial results.

Studies and reports from NGOs have highlighted that Indonesia continues to be involved in trafficking in persons, both as a source and as a transit and recipient country. At least ten provinces in Indonesia were identified as sources, with 16 provinces being used as transit points and at least 12 provinces acting as recipients. It is difficult to determine the exact number of women and children who are victims of trafficking in Indonesia. The available data ranges from 74,616 people to 1 million per year. Approximately 199 individuals have been apprehended, while around 5,668 individuals who were believed to be victims of human trafficking have been safely returned to their home countries (Eddyono, 2020). Numerous individuals hesitate to report instances of trafficking to local state authorities out of fear of being deported or facing retaliation from the perpetrators (Putri et al., 2022).

An important issue in addressing trafficking in persons is the prevailing culture that perpetuates gender inequality and restricts women's professional prospects. Women's abilities and professionalism have historically been undervalued, often seen as inferior to men's. Unfortunately, this perception has also extended to the family, where women are often treated as subordinates. Unfortunately, there is often a prevailing culture of shame or taboo surrounding the reporting of

abusive treatment within families and communities (Rakorda Pemberdayaan Perempuan Dan Perlindungan Anak Se Kaltim Tahun 2022, 2022).

According to data from the International Organization for Migration (IOM) and Non-Governmental Organization (NGO) anti-trafficking programs, it is estimated that approximately 3–4.5 million migrant workers, or around 43%–50%, are victims of trafficking. According to the identification results, a significant majority of the 3,840 trafficking victims were women, with 90% falling into this category. Additionally, 56% of these victims were subjected to exploitation as domestic workers. Given the unfortunate circumstances of widespread poverty, unemployment, limited employment opportunities, and barriers to education, it becomes more convenient for traffickers to lure victims with promises of lucrative wages and improved living conditions.

Furthermore, cultural factors and the prevalence of consumptive lifestyles resulting from increased globalization flows contribute to the ease with which traffickers recruit victims. Victims were sent to various European countries, including Singapore, Malaysia, Brunei Darussalam, Hong Kong, Taiwan, Korea, Japan, Australia, the Middle East, and the United Kingdom. They are victims of labor trafficking, sexual exploitation, and organ trafficking. It is concerning that traffickers can operate their businesses so easily, taking advantage of the poorly guarded transportation routes, both on land and at sea. These areas are conveniently located near neighboring countries like Singapore and Malaysia (Seki & Kongres, 2022). Many Indonesian female migrant workers who have been trafficked endure various forms of mistreatment and abuse, such as sexual harassment, unfavorable working conditions, excessive working hours, and being trapped in debt bondage (Komnas Perempuan, 2022).

According to Wahyudi, the main concern about migrant workers is ensuring that they have the legal protection necessary to carry out their work in a dignified manner (Wahyudi et al., 2019). Efforts to safeguard the rights and obligations of migrant workers are crucial in fostering a harmonious working environment (Ompi, 2023). Legal protection services offered by Indonesian representatives involve addressing discriminatory practices by placement countries, assisting citizens who violate legal regulations abroad, and providing legal protection and support (Tantri, 2022). Victims of trafficking crimes can access various forms of legal protection to ensure their well-being and seek justice. These include (1) Restitution and Compensation, which aims to provide financial support; (2) Counseling and Medical Services/Assistance to address their emotional and physical needs; (3) Legal Aid to guide them through the legal process; and (4) Provision of Information to empower them with knowledge (Lubis et al., 2020).

The International Organization for Migration Indonesia (IOM Indonesia) has played a crucial role as a key actor and partner of the Indonesian government in the fight against trafficking. As part

of its Victim Assistance Program, IOM Indonesia supports Indonesian and foreign victims by providing repatriation, recovery, and reintegration assistance through its "victim assistance fund" program. Reintegration assistance encompasses a range of support services such as physical and mental health care programs, temporary shelters, family counseling, educational assistance, livelihood assistance, and legal aid. In collaboration with over 80 countries and non-countries, assistance is offered through referral mechanisms. From 2005 to 2013, IOM Indonesia assisted over 6,432 victims of trafficking in collaboration with partners.

Aside from offering protection, the legal system also grants trafficking victims certain rights, such as safeguarding their identities and ensuring they are shielded from any threats that jeopardize their safety and belongings. Individuals are entitled to various rights and benefits, such as restitution, healthcare, social rehabilitation, repatriation, and social reintegration, which the government provides. The state has the responsibility to pay for the protection and return of foreign victims to Indonesia. Meanwhile, the current legal protection for victims of migrant trafficking focuses on ensuring that victims have access to their rights. This includes providing them with legal assistance from local lawyers appointed by the ambassador of the Republic of Indonesia in the country where they work as migrant workers. Additionally, victims receive support from psychologists and clergy, and their families can join them. They are also eligible to receive compensation and file insurance claims.

4. CONCLUSION

The Government of Indonesia offers a range of support services to trafficked migrant workers, including restitution and compensation, counseling, medical assistance, legal aid, and information provision. It guarantees the protection of the rights of victims of migrant trafficking, including the preservation of their identity and access to rehabilitation.

CONFLICT OF INTERESTS

Declare any conflict of interests, such as any financial, professional, or personal relationships that are relevant to the submitted work. This can include the name of a funding source and a description of their role in the design of the study, data collection and analysis, writing of the article, and/or decision to submit to IJCCH; whether they serve or have previously served on IJCCH's editorial board; and/or whether they work or have worked for an organization that may benefit from the publication of the article.

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