



## Indonesian Migrant Workers: A Study of International Legal Protections and Their Relevance to SDGs Poin 8

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**Abstract.** The phenomenon of Indonesian migrant workers reflects a critical nexus between labor migration, international law, and sustainable development. Indonesia is among the world's largest labor-sending countries, with millions of its citizens employed abroad, particularly in the Middle East and Asia. Remittances from migrant workers provide substantial economic benefits for the state and households, yet these workers often face systemic vulnerabilities including exploitation, discrimination, and inadequate legal protection. This article examines the extent to which international law and Indonesia's national legal framework safeguard the rights of migrant workers while contributing to the realization of Sustainable Development Goal (SDG) 8: Decent Work and Economic Growth. International instruments such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and their Families (ICRMW) and relevant ILO conventions provide comprehensive standards, but their effectiveness is constrained by limited ratification from key receiving states. At the domestic level, Indonesia has enacted Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (UU PPMI), which represents a shift toward state responsibility and alignment with international human rights norms. Nevertheless, implementation challenges ranging from weak enforcement and bureaucratic overlap to insufficient diplomatic support abroad remain significant. The findings suggest that while Indonesia has made normative progress, practical protection is hindered by governance gaps and lack of cooperation from host countries. Strengthening enforcement, regional collaboration, and worker empowerment are crucial to ensuring that Indonesian migrant workers achieve genuine "decent work" as envisioned by SDG 8.

**Keywords:** Human rights, Indonesian migrant workers, international law, labor migration, SDG 8

### 1. INTRODUCTION

International labor migration has become one of the most significant global phenomena in the 21st century. According to the International Labour Organization (ILO), more than 169 million people worldwide are international migrant workers, representing nearly 5 percent of the global labor force (ILO, *World Employment and Social Outlook*, 2021). Indonesia is among the world's largest labor-sending countries, with millions of its citizens working abroad in various sectors, particularly in domestic work, construction, manufacturing, and health care. The World Bank (2020) reports that remittances sent by Indonesian migrant workers contribute substantially to the country's economy, reaching billions of US dollars annually, thereby providing livelihood security for millions of families.

Despite their contribution, Indonesian migrant workers remain vulnerable to exploitation, discrimination, trafficking, and precarious working conditions. Common issues include unpaid wages, confiscation of passports, long working hours without rest, and limited access to legal remedies in host countries (Irianto, 2018). These problems highlight the tension between the economic benefits of labor migration and the human rights challenges faced by migrant workers.

From the perspective of international law, various legal instruments have been established to protect migrant workers. The most comprehensive is the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW) of 1990, which codifies fundamental rights for both documented and undocumented workers. Complementing this, the ILO has adopted several conventions, including Convention No. 97 on Migration for Employment (1949), Convention No. 143 on Migrant Workers (1975), and Convention No. 189 on Domestic Workers (2011). Collectively, these instruments create a normative framework that affirms the dignity and rights of migrant workers (Weissbrodt & Meili, 1999).

However, the effectiveness of these instruments is limited by the fact that many destination countries of Indonesian migrant workers particularly in the Gulf region have not ratified them. As a result, the rights of migrant workers often depend more on bilateral agreements or national policies of host states than on binding international obligations (Piper, 2009). This gap between international norms and state practice poses a serious challenge to the realization of migrant workers rights.

Domestically, Indonesia has sought to strengthen protection for its migrant workers through the enactment of Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (*UU PPMI*). This legislation replaced Law No. 39 of 2004, shifting the focus from merely regulating placement to ensuring comprehensive protection. The law emphasizes state responsibility throughout the migration cycle pre-departure, placement, and post-placement while also assigning specific roles to national agencies such as the *Badan Pelindungan Pekerja Migran Indonesia (BP2MI)*. Scholars argue that this reform reflects Indonesia's attempt to harmonize national law with international human rights standards (Santoso, 2019; Handayani, 2020).

Nevertheless, implementation challenges persist. Weak law enforcement, overlapping institutional mandates, and limited resources often undermine the effectiveness of the law (Rahayu, 2021). Moreover, Indonesia's efforts to negotiate bilateral agreements with receiving countries face political and economic constraints, particularly when destination states prioritize sovereignty and labor market demands over migrant rights (Guild, 2009).

The phenomenon of Indonesian migrant workers must also be situated within the global development agenda. The United Nations' Sustainable Development Goals (SDGs) adopted in 2015 as part of the 2030 Agenda for Sustainable Development—provide a comprehensive framework linking human rights, labor, and development. SDGs 8 specifically commits states to “promote sustained, inclusive and sustainable economic growth, full and productive

employment, and decent work for all” (UN, *Transforming Our World: The 2030 Agenda*, 2015). Within SDG 8, target 8.8 is particularly relevant, as it calls for protecting labor rights and promoting safe and secure working environments for all workers, including migrant workers, especially women and those in precarious employment. Scholars argue that achieving SDG 8 requires states not only to provide employment opportunities but also to ensure that such opportunities are dignified, equitable, and rights-based (Nugroho, 2019).

For Indonesia, this means that the protection of migrant workers is not merely a national policy concern but also part of its global commitment to the SDGs. By aligning domestic laws with international standards, Indonesia demonstrates its intention to contribute to sustainable development while addressing the vulnerabilities of its migrant workforce.

Based on the background information provided above, the research problem addressed in this study is as follows:

1. To what extent does international law provide effective protection for Indonesian migrant workers, and how has Indonesia engaged with these instruments?
2. How does Indonesia’s domestic legal framework align with international obligations and contribute to the realization of SDG 8?

The purpose of this article is to provide a critical analysis of the phenomenon of Indonesian migrant workers through the lens of international law and the SDGs framework. By examining both legal instruments and practical challenges, this study aims to evaluate the extent to which Indonesia is fulfilling its international commitments while ensuring decent work and economic growth for its migrant workers.

## **2. RESEARCH METHODOLOGY**

The method used in this research is normative legal research. Normative legal research is conducted by reviewing the applicable legislation regarding a specific legal issue. According to Peter Mahmud Marzuki, the object of legal research is an intrinsic legal condition, such as law as a system of legal values and social norms. The desired outcome of normative legal research is to provide an understanding of what should be (Peter Mahmud Marzuki, 2005). Normative legal research focuses on examining legal regulations and other library materials as its objects. Therefore, normative research is often referred to as doctrinal research (Soerjono and H. Abdurahman, 2003).

### 3. RESULT AND DISCUSSION

International law provides a comprehensive normative basis for the protection of migrant workers. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW, 1990) is the most detailed instrument, guaranteeing equality of treatment with nationals in respect to remuneration, working conditions, and access to justice (Weissbrodt & Meili, 1999). Complementary to this, several ILO conventions reinforce rights such as fair recruitment, occupational safety, and freedom of association, notably:

1. ILO Convention No. 97 (Migration for Employment, 1949)
2. ILO Convention No. 143 (Migrant Workers, 1975)
3. ILO Convention No. 189 (Domestic Workers, 2011)

Together, these conventions establish the principle of *decent work* and address vulnerabilities inherent in migrant labor. Despite their breadth, these instruments face serious limitations in practice. The ICRMW has been ratified primarily by labor-sending countries such as Indonesia, the Philippines, and Mexico, but not by most labor-receiving countries in the Middle East or East Asia (Piper, 2009). This asymmetry undermines the Convention's effectiveness, as protections cannot be enforced extraterritorially without host state cooperation. Similarly, ILO conventions have low ratification rates among Gulf states where most Indonesian migrant domestic workers are employed. Moreover, international treaties lack strong enforcement mechanisms. Unlike the WTO or UN Security Council, labor rights treaties rely mainly on state reporting and peer review rather than binding sanctions (Cholewinski, 2005). As a result, violations against Indonesian migrant workers such as withheld wages, confiscated passports, and physical abuse persist despite the existence of binding norms.

Indonesia has demonstrated significant engagement with international instruments. It ratified the ICRMW in 2012 and is party to eight fundamental ILO conventions. Ratification reflects Indonesia's normative commitment to uphold migrant worker rights and align its domestic law accordingly. However, ratification is only one step. Indonesia's influence in promoting migrant worker rights internationally is limited due to its status as a sending country with weaker bargaining power in bilateral negotiations (Guild, 2009).

In practice, Indonesia has relied heavily on bilateral agreements (MoUs) with labor-receiving countries such as Malaysia, Saudi Arabia, and Hong Kong. These agreements often regulate recruitment, wages, rest days, and dispute resolution. While such agreements can improve protection, they are often criticized for being asymmetrical, as receiving states dictate terms to safeguard their labor markets rather than prioritizing worker rights (Irianto, 2018).

Overall, international law provides a robust normative framework but is hindered by lack of ratification among host states and weak enforcement mechanisms. Indonesia's engagement demonstrates goodwill but faces structural constraints. Therefore, the international legal framework though essential remains insufficient by itself to guarantee comprehensive protection for Indonesian migrant workers.

The adoption of Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (UU PPMI) marked a significant shift in Indonesia's approach. Unlike the earlier Law No. 39 of 2004, which prioritized economic benefits through overseas placement, the 2017 law explicitly foregrounds protection, rights, and dignity of workers (Santoso, 2019). The law regulates the entire migration cycle pre-departure (training, contracts, insurance), placement (monitoring, embassy assistance), and post-return (reintegration, social security).

The law also strengthens the institutional framework by empowering the *Badan Pelindungan Pekerja Migran Indonesia* (BP2MI) to oversee recruitment, placement, and dispute resolution. Local governments are mandated to provide information centers and training programs, ensuring decentralized support (Handayani, 2020). Despite progressive legal provisions, implementation faces persistent obstacles:

1. Weak Enforcement and Corruption

Cases of illegal recruitment and human trafficking continue despite the formal ban on unlicensed agencies. Reports suggest corruption among local officials and recruiters undermines enforcement (Rahayu, 2021).

2. Coordination Problems

Overlapping responsibilities between BP2MI, the Ministry of Manpower, and local governments lead to inefficiencies and gaps in service delivery. For instance, victims of abuse often face bureaucratic hurdles before receiving legal aid abroad.

3. Vulnerabilities in the Informal Sector

A majority of Indonesian migrant workers are employed in domestic work, which is often excluded from labor laws in host countries. Even though UU PPMI includes domestic workers, enforcement abroad remains weak, leaving them exposed to exploitation (Dewi, 2020).

4. Limited Access to Justice Abroad

While embassies and consulates provide legal assistance, their capacity is constrained by limited staff and resources. As a result, many workers rely on NGOs or community networks for support.

Despite challenges, Indonesia's legal reforms align with the objectives of SDG 8: Decent Work and Economic Growth. Several aspects demonstrate this alignment:

1. Decent Work (Target 8.5 & 8.8)

By mandating fair contracts, training, and insurance, UU PPMI aims to secure decent work conditions. The state's obligation to monitor recruitment agencies reflects SDG 8.8's emphasis on protecting labor rights.

2. Inclusive Growth (Target 8.10) Migrant workers' remittances contribute to financial inclusion and local economic development. Policies for reintegration, such as entrepreneurship training, support sustainable livelihoods upon return.

3. Gender-Sensitive Protection (Target 8.5)

Given that Indonesian migrant workers are predominantly women in domestic work, the law emphasizes gender-responsive protection measures, aligning with SDG commitments to equality and empowerment.

However, the gap between law on paper and law in practice undermines the realization of SDG 8. Without effective enforcement, Indonesia risks falling short of its SDG commitments, particularly regarding safe and secure work environments. Indonesia's domestic framework demonstrates significant progress and normative alignment with international obligations and SDG 8. Yet, structural weaknesses corruption, institutional fragmentation, and lack of host country cooperation limit its effectiveness. The law alone cannot achieve SDG 8 unless supported by stronger bilateral diplomacy, regional cooperation (e.g., ASEAN), and grassroots empowerment of migrant workers.

The phenomenon of Indonesian migrant workers reflects both opportunities and challenges in the intersection of international law, national policy, and global development frameworks. On the one hand, migrant workers play a vital role in Indonesia's economy, contributing billions in remittances that sustain household incomes and local development. On the other hand, they face systemic vulnerabilities, including unfair recruitment, labor exploitation, gender-based discrimination, and limited access to justice abroad.

From the perspective of international law, a robust normative framework exists. The ICRMW, alongside ILO conventions, affirms the dignity and rights of migrant workers. Yet, effectiveness is constrained by two primary factors: (i) the lack of ratification by major labor-receiving states, and (ii) weak enforcement mechanisms. Consequently, while international law provides strong standards, it often lacks teeth in protecting Indonesian migrant workers in practice.

At the national level, Indonesia has taken significant strides through Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (UU PPMI). The law reorients state responsibility from merely facilitating deployment to ensuring comprehensive protection. Provisions for training, contracts, insurance, dispute resolution, and reintegration reflect Indonesia's effort to harmonize with international standards and the objectives of SDGs 8 (Decent Work and Economic Growth). However, the implementation gap manifested in corruption, fragmented governance, and limited capacity abroad continues to undermine protection.

In relation to SDGs 8, Indonesia's efforts align normatively with targets 8.5 (full and productive employment), 8.7 (eradication of forced labor and human trafficking), and 8.8 (protection of labor rights). Yet, alignment in policy does not automatically translate into tangible outcomes. Without stronger enforcement and international cooperation, Indonesia risks failing to deliver the "decent work" that the SDGs envision.

Thus, the findings reveal a paradox: Indonesian migrant workers are simultaneously safeguarded by abundant legal protections on paper but remain highly vulnerable in practice. Bridging this gap requires not only legal reforms but also institutional strengthening, bilateral diplomacy, regional cooperation, and empowerment of migrant workers themselves. To address the gaps identified, several recommendations can be proposed at different levels which are international, national, regional, and community-based.

#### 1. International Level

##### a. Strengthening Ratification Campaigns

Indonesia should intensify diplomatic campaigns urging labor receiving countries, especially in the Gulf and East Asia, to ratify or at least adhere to the principles of the ICRMW and relevant ILO conventions. While binding ratification may remain politically difficult, Indonesia can promote "soft compliance" by framing migrant protection as part of sustainable development, human security, and global responsibility under the SDGs.

##### b. Enhancing International Monitoring Mechanisms

The ILO and UN treaty bodies could be lobbied to strengthen monitoring of labor rights abuses. Indonesia, as a state party, should submit robust reports and advocate for stronger follow up procedures, thereby keeping the issue of migrant worker protection visible at the global level.

##### c. Promoting Multilateral Frameworks

Beyond bilateral arrangements, Indonesia should push for multilateral agreements

within the UN and ILO that establish minimum standards for labor-receiving states. This includes support for initiatives like the Global Compact for Safe, Orderly and Regular Migration (GCM), which, although non-binding, provides a cooperative framework to manage migration in line with SDG targets.

## 2. National Level

### a. Strengthening Enforcement of UU PPMI (2017)

Enforcement remains the Achilles heel of Indonesia's domestic framework. To address this:

- 1) Anti-corruption measures must be embedded in the recruitment system.
- 2) A centralized database of licensed agencies and migrant workers should be made transparent and accessible.
- 3) Penalties against illegal recruiters and negligent officials must be strictly enforced.

### b. Improving Institutional Coordination

Overlapping mandates between BP2MI, the Ministry of Manpower, and local governments must be streamlined through clear division of responsibilities and stronger inter-agency cooperation. Establishing a single-window system for migrant worker services could reduce bureaucratic hurdles.

### c. Expanding Legal and Social Support Abroad

Indonesian embassies and consulates should be equipped with larger budgets, specialized staff, and legal aid units dedicated to migrant workers. Partnerships with diaspora organizations and NGOs could also enhance outreach and case-handling capacity.

### d. Gender-Sensitive Policies

Since most Indonesian migrant workers are women in domestic work, policies must address specific vulnerabilities, such as protection from gender-based violence, access to reproductive health services, and recognition of domestic work as formal labor both at home and abroad.

## 3. Regional Level (ASEAN and Beyond)

### a. ASEAN Framework Strengthening

Indonesia should lead ASEAN in operationalizing the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017). Though non-binding, the consensus could evolve into a stronger regional instrument with monitoring and peer review mechanisms.

b. South–South Cooperation

Building alliances with other labor-sending countries (e.g., the Philippines, Bangladesh, Nepal) can strengthen collective bargaining power in negotiations with labor-receiving states. A coalition of sending countries could push for regional codes of conduct on recruitment and employment.

c. Community and Grassroots Level

1) Empowering Migrant Workers

Migrant workers should be trained not only in skills but also in rights awareness before departure. Civil society organizations can play a vital role in pre-departure training, rights education, and community organizing abroad.

2) Diaspora Engagement

Indonesian diaspora communities abroad should be recognized as partners in protection. By leveraging diaspora networks, Indonesia can provide peer-based support systems for workers facing abuse or isolation.

3) Post-Return Reintegration

Reintegration programs should go beyond short-term training to include access to microfinance, entrepreneurship programs, and social security. This ensures that migrant workers can sustain livelihoods upon return, reducing dependency on repeat migration.

The study of Indonesian migrant workers demonstrates the complex interplay between law, development, and human rights. International law sets strong principles but remains weakened by uneven ratification and weak enforcement. National law reflects progress and commitment but suffers from implementation gaps. The SDGs, especially Goal 8, offer a unifying framework to bridge these gaps, reframing migrant worker protection not as a unilateral burden but as a shared global responsibility for sustainable development.

In the final analysis, achieving decent work for Indonesian migrant workers requires more than legal texts, it requires political will, institutional reform, and grassroots empowerment. Only through a multi-level, cooperative, and human-centered approach can Indonesia transform the legal recognition of migrant rights into real protection, thereby fulfilling both its international obligations and its commitment to the SDGs.

#### 4. CONCLUSION

This study shows that the protection of Indonesian migrant workers is at the intersection of international legal norms, national legal frameworks, and commitments to the Sustainable Development Goals (SDGs). International instruments such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and ILO conventions have established a strong normative framework, but their effectiveness is limited due to low ratification by receiving countries and weak enforcement mechanisms. At the national level, the enactment of Law No. 18 of 2017 indicates a shift in orientation from merely placing workers to comprehensive protection, although it still faces implementation issues such as corruption, weak coordination, and limited diplomatic support. Thus, although normatively Indonesia has aligned itself with international standards and SDG 8 on decent work, there are still serious gaps between the law on paper and the reality of protection on the ground. To achieve real protection, synergy is needed between legal reform, bilateral and regional diplomacy, and the empowerment of migrant workers.

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