

Placement and Protection of Indonesian Migrant Workers: A Dilemma between Regulation and Implementation

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Abstract. Indonesia already has a strong legal umbrella to protect migrant workers through Law Number 18 of 2017. Nevertheless, non-procedural migration, human trafficking, and various cases of violence against Indonesian Migrant Workers (PMI) continue to occur. This is the problem examined here: why good regulation has not been able to protect PMI in the field. This study aims to examine the gap between regulation and its implementation while identifying the variables that cause it. The study was conducted in East Java, the province of origin of the largest number of PMI in Indonesia. From all actors involved in the placement and protection of PMI, eight informants were purposively selected: BP3MI officials, provincial and district manpower offices, placement companies, returned PMI from both procedural and non-procedural pathways, victims' families, and civil society organizations. Data were collected through interviews, observation, and documents, then processed by reducing, presenting, and drawing conclusions, and subsequently read using Van Meter and Van Horn's six-variable policy implementation model, tested through triangulation. The results show that the root of the problem lies not in the policy's objectives but in the limited resources of local governments, fragmented inter-agency coordination without a single case coordinator, bureaucracy preoccupied with paperwork, and economic pressure that pushes people toward illegal pathways. As a result, the state handles more cases than it prevents. The study concludes that this gap is systemic and demands integrated case services, a strengthened role for villages, simplification of official pathways, and training that genuinely equips PMI with knowledge of their rights.

Keywords: Human Rights Protection; Indonesian Migrant Workers; Non-Procedural Migration; Policy Implementation; Van Meter and Van Horn.

1. Introduction

Working abroad has long been a way of life for millions of Indonesian citizens, yet it continues to leave problems unresolved. Throughout 2024, Indonesia's Ministry/Agency for the Protection of Indonesian Migrant Workers recorded 297,434 placements of Indonesian Migrant Workers (PMI), with Hong Kong, Taiwan, and Malaysia as the main destinations (BP2MI, 2025). Their economic contribution is substantial: remittances reached IDR 253.3 trillion in 2024, making PMI the second-largest source of foreign exchange after oil and gas (Kompas.com, 2025). At the household level, these remittances sustain daily needs, finance children's education, and provide capital for businesses back home. Yet these large figures sit alongside a bitter reality. Around 70% of human trafficking victims are non-procedural migrant workers (Antara, 2024), and throughout 2024 at least 124 bodies of PMI from East Nusa Tenggara returned home in coffins as a result of illegal recruitment schemes (Kompas.id, 2024). Most complainants are female domestic workers whose wages went unpaid or who became victims of trafficking, with the largest number of complaints coming from placements in Saudi Arabia, Taiwan, and Hong Kong (CNBC Indonesia, 2023). This distribution shows that risk attaches to the entire placement chain, from recruitment in the village of origin to the employment relationship in the destination country. It is this gap between the scale of PMI's contribution and the weakness of their protection that motivates this study.

In truth, Indonesia is not short of regulations. Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers has shifted the state's perspective from merely

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placing labor to protecting workers as rights holders. The law promises protection from before departure, during employment, until return to the homeland, complete with a division of roles among central government, regional government, and villages. The problem is that good regulation does not necessarily translate into good practice. Mulyanto and Huda (2025) found that implementation of the law still stumbles over weak oversight, poor inter-agency coordination, and PMI's low legal literacy. Leda et al. (2025) add that non-procedural migration grows from two sides at once: household economic pressure, wage gaps, and social networks on one side, and weak coordination, thin budgets, and the absence of technical regulations at the regional level on the other. Recurring complaints — unpaid wages, violence, and trafficking — confirm that the problem is not the absence of rules but rules that do not work. Complaint channels exist, but victims' families are often confused about where to report first, and case handling moves from one desk to another without certainty. What the state faces is not a dilemma of policy-making but a dilemma of implementation, as ideal policy meets limited bureaucratic capacity, overlapping central–regional authority, and labor demand unmatched by a fast and affordable official pathway.

This is where the novelty of this study lies. Previous studies generally stop at a normative review of the content of Law Number 18 of 2017 (Mulyanto & Huda, 2025) or at the legal aspects of trafficking victims (Najieh et al., 2025), while others highlight the drivers of non-procedural migration at the local level (Leda et al., 2025). This study takes a different angle by making the implementation gap itself the central problem to be explained, rather than merely lamented. Instead of calling for new regulations, this study examines why an already progressive law has failed to become real protection, using the lens of public administration and the context following the lifting of the placement moratorium to several Middle Eastern countries (Naila, 2026). In this way, the study does not stop at what should be regulated but traces what actually happens when the rules are carried out by a real bureaucracy with all its limitations.

To this end, the study draws on public policy implementation theory. The Van Meter and Van Horn model explains the success or failure of a policy through six factors: policy standards and objectives, resources, inter-organizational communication, the characteristics of implementing agencies, the disposition of implementers, and social, economic, and political conditions (Muksin et al., 2024; Leda et al., 2025). This model suits the PMI case, which involves many agencies at various levels, because a single weak point can undermine the whole. Poor communication, for instance, can leave a policy with a sufficient budget stalled in the field. As a complement, Everett S. Lee's push–pull migration theory is used to understand why people continue to choose unofficial pathways, for example because of wage gaps and strong social networks (Leda et al., 2025). Lee asserts that the decision to migrate arises from the pull between push factors in the area of origin and pull factors in the destination, a logic that helps explain why broker networks remain in demand even though their risks are known. Combining the two allows the study to connect people's reasons for migrating with the state's capacity to deliver protection.

Building on this, the study aims to examine the gap between PMI protection policy and its implementation, to identify the implementation variables that cause this gap to keep recurring, and to offer ideas for strengthening PMI protection governance so that it is more effective and respectful of human rights.

Theoretically, this study enriches the field of public administration and policy implementation studies, particularly by testing how far the policy implementation model can explain problems of migrant worker protection that have so far more often been viewed from a legal perspective. Practically, its findings can serve as material for policymakers, implementing agencies, regional governments, and placement agencies to improve inter-agency communication, resource allocation, and oversight. For prospective PMI and their families, this study is expected to foster awareness of the importance of choosing an official and safe migration pathway from the moment the decision to leave is still being considered.

2. Research Methods

This study uses a qualitative approach with a case study design. This choice is warranted because the aim is to understand how PMI protection policy actually operates in the field, together with the experiences of the people involved, rather than to measure relationships between numerical variables. A case study design was chosen so that the dilemma between regulation and implementation could be seen as a whole within one real context. The study is descriptive-analytical: describing policy implementation as it is, then analyzing why a gap emerges between rules and practice. Through one deeply explored context, the study can

capture nuances that are difficult to see in large-scale surveys. The data used is focused on the 2021-2026 period to keep the picture current.

The focus is on the implementation of Law Number 18 of 2017 and its derivative regulations. The analysis uses the Van Meter and Van Horn implementation model with six variables: policy standards and objectives, resources, inter-organizational communication, the characteristics of implementing agencies, the disposition of implementers, and social, economic, and political conditions. These six variables serve as tools to identify at which point implementation stalls. This model was chosen because PMI protection involves many agencies across levels, requiring a framework able to capture interactions among actors simultaneously, from central ministries to village officials in areas of origin. The unit of analysis is the implementation process, not individuals, so attention is directed at inter-agency relationships and the outcomes experienced by PMI and their families. This approach allows the study to assess not only whether services are available, but also whether they actually reach and benefit people.

The research location was set in East Java Province. The reason is that East Java is the largest area of origin of PMI in Indonesia — 68,069 people, or 24.75% of total placements in 2023—so the issues of placement and protection are most concentrated there (Databoks, 2024). Informants were selected purposively, including officials of BP3MI East Java, the East Java Provincial Manpower and Transmigration Office, PMI placement companies (P3MI), returned PMI along with victims' families, and civil society organizations assisting migrant workers. They were chosen because they best understand and are closest to the issue under study.

Data consist of primary and secondary data. Primary data were gathered through in-depth interviews and observation of PMI placement and protection practices, from service counters and complaint consultation rooms to outreach activities and family meetings with caseworkers. Secondary data include policy documents and regulations, official reports, recent journal articles, prior research findings, and placement, complaint, and remittance statistics from official institutions. To maintain research ethics, informants' identities were disguised with codes and used only for analytical purposes.

Analysis proceeded through three interconnected steps: reducing the data, presenting it, and then drawing and verifying conclusions. Field findings were then read through the six Van Meter and Van Horn variables to explain why a progressive policy has not yet provided real protection. To ensure validity, the study triangulated by comparing interview results, policy documents, and statistical data. The researcher also returned interview summaries to informants to confirm that the interpretation matched their intent. Conclusions were drawn inductively to formulate ways of strengthening PMI protection governance that is more effective and grounded in human rights..

3. Research Results

Application of the ITE Law to Social Media Account Theft Cases

The research findings are read through the six variables of the Van Meter and Van Horn model. The broad picture is clear: the gap between rules and the implementation of PMI protection in East Java is not due to unclear policy objectives, but because those objectives have not been translated into real services. All informants from government agencies understand that Law Number 18 of 2017 requires the state to be present from before, during, until after employment. Yet this understanding has not yet translated into the same standard of outcomes across regions. The six variables show that the problem is dispersed, not resting on a single node, but on a chain linking rules, officials, and the environment in which the policy operates.

On the matter of policy standards and objectives, the broad goal is understood, but working standards differ across regions. I-01 considered the policy direction clear, only that its implementation in each region depends on office capacity, staff numbers, and leadership commitment. I-03 added that document requirements can even be interpreted differently, especially when prospective PMI are recruited from outside their home area. This disparity was acknowledged by I-02: "At the provincial level we can coordinate, but the first line of implementation is actually at the district and village level. Capacity is not the same everywhere." The gap, therefore, lies in translating objectives into service standards and outcome indicators, not in the objectives themselves.

Limited resources are the most keenly felt obstacle, especially in areas of origin. Informants cited staff shortages, thin outreach budgets, minimal specialized competence for case handling, and data that has not yet been integrated. I-02 and I-03 explained that district-level officials are often not PMI specialists, so their duties are mixed with other labor affairs,

while I-05 stressed that assisting victims requires legal, psychosocial, language, and cross-border communication expertise rarely found within a single agency. Observation reinforces this: outreach to prospective PMI is not yet in-depth, even though policy documents place a large mandate on the regions. Worse still, prospective PMI being handled by unregistered sponsors are often only discovered after families report them or after a case erupts, so prevention loses its footing. In short, the policy mandate exceeds the capacity of its implementers, consistent with the findings of Leda et al. (2025) on weak coordination and minimal budgets.

In terms of inter-agency communication, coordination forums already exist in the form of meetings, referral letters, and communication groups. The problem is that handling of actual cases still depends on personal relationships between officers rather than standardized mechanisms. PMI and their families must repeat their stories at many doors without ever obtaining a single case number and a single responsible officer. I-01 summarized this: "The regulation already provides the right direction. The problem is that one case can touch the authority of many agencies, while the family just wants to know who is really handling it until it is resolved." Responses can be quick when an officer or caseworker is willing to connect multiple parties, but this itself is a sign that coordination has not yet become institutionalized. The experience of a victim's family through I-08 echoes this: "We went to several places and repeated the same story. Only after a caseworker got involved did communication between agencies feel clearer." Leda and Hayon (2026) found a similar pattern, namely half-hearted collaboration among actors, limited institutional capacity, and a government tending to handle administration while civil society organizations take on the substantive work.

Bureaucratic character and implementer disposition are intertwined. Authority among the central government, province, district, village, P3MI, and Indonesian representative offices abroad is not yet truly connected, so cases are repeatedly passed around. Implementers' attitudes are also divided: some show high commitment and dare to take initiative, while others become rigid once a case is deemed outside their authority or a victim's documents are incomplete. I-05 noted that some officers find it easier to assess whether files are complete than to ensure that workers' rights are fulfilled. The danger of such an orientation is that policy success is measured by piles of documents rather than by wages paid, safety, and restoration of rights — an issue also emphasized by Mulyanto and Huda (2025). By comparison, Yusra (2025) shows that improving the administrative functions of KP2MI at the pre-placement, during-placement, and post-placement stages can actually improve service quality; meaning an administrative orientation is not always bad, provided it is directed toward outcomes rather than mere completeness of files. Even along the official pathway, I-06's experience shows that a contract alone is not enough: she only read her contract carefully after running into trouble over working hours, evidence that formal protection still depends on workers' understanding of their rights and their bargaining position.

Socio-economic factors most strongly explain why the non-procedural pathway persists. I-07 knew an official procedure existed but still chose a sponsor because it was faster and the costs were advanced: "The sponsor said the costs could be deducted after starting work. At that time all I could think about was being able to leave without asking my parents for more money." I-04 from a P3MI acknowledged that uncertainty in document processing time makes the official pathway less attractive. This confirms Lee's push-pull mechanism (Leda et al., 2025): economic pressure, debt, and unemployment push people to leave, while social networks, sponsors' cash advances, and promises of quick departure pull them toward the illegal pathway. Renda et al. (2026) found similarly that low income, limited job opportunities, and the presence of unlicensed recruiters are the main causes, so the root of the problem is economic, not merely a lack of awareness. Within the Van Meter and Van Horn framework, this condition is not merely background; it actively erodes the other variables, because the need to leave quickly sustains a market for brokers operating beyond the reach of oversight. Raising awareness of risk alone will not be enough as long as the official pathway is still seen as slow, expensive, and uncertain.

Taken together, the six variables point to one pattern: the state is quicker to handle cases that have already occurred than to prevent them. The state's presence is only felt after a problem arises, even though the decision to leave was made much earlier, within the family and the broker network. This pattern mirrors precisely Van Meter and Van Horn's logic that implementation success arises from the interaction of all six variables, so that a single weak point — whether regional resources or personality-dependent coordination — spreads to affect the whole outcome. Improvement, therefore, needs to be directed at integrated services

and data through a single case number and a single responsible officer, strengthening villages as the front line of prevention, and simplifying the official pathway to make it more certain, faster, and transparent. This direction aligns with Leda and Hayon (2026), who emphasize that effective migration governance requires clear regional rules, standardized coordination mechanisms, and shared inter-agency learning, rather than merely adding new programs. In other words, improving PMI protection means improving how these six variables work together, not patching them one by one in isolation.

4. Conclusions

This study concludes that the dilemma of PMI placement and protection in East Java does not arise from weak regulation, but from weak implementation. Law Number 18 of 2017 has already placed protection as a state responsibility from before, during, until after employment, and implementers understand that objective. What has not yet happened is translating it into a uniform and measurable service standard, so the gap instead widens at the implementation stage.

Read through the Van Meter and Van Horn model, this gap is systemic because it is rooted in six interrelated variables. Resources in areas of origin are limited — staff, prevention budgets, competence, and data alike. Inter-agency coordination exists on paper, but case handling is fragmented and depends on personal relationships without a single responsible officer. A compartmentalized bureaucracy preoccupied with paperwork causes success to be measured by the completeness of files rather than by the fulfillment of rights. Meanwhile, economic pressure, debt, and broker networks continue to drive non-procedural migration. In the end, the state is busier handling cases than preventing them.

Strengthening governance, therefore, needs to move in several directions at once. The state needs to build an integrated case-handling system with a single number and a single responsible officer that families can monitor, set the same time and quality standards for services across all regions, and direct prevention budgets according to each village's level of risk. Villages need to be strengthened as prevention points by verifying recruiters and assisting families, the official pathway needs to be made more certain, faster, and transparent, and pre-departure training should equip workers with knowledge of their rights through real-life examples. With these steps, protection can shift from merely processing documents to protection that PMI and their families genuinely feel.

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