



Evaluating the Effectiveness of Law No. 18/2017 in Protecting Female Migrant Workers: A Legal Analysis

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ABSTRACT

Indonesian women migrant workers play an important role in the national economy, particularly through remittances, but they often face a variety of challenges, including exploitation, harassment, and rights violations. To address this problem, the Indonesian government enacted Law No. 18 of 2017, which aims to provide better legal protection for migrant workers, with special emphasis on women. This study uses a qualitative approach to analyze the legal protection provided to Indonesian women migrant workers based on Law No. 18 of 2017, by integrating a comprehensive review of legal texts, relevant case studies, and secondary literature. The study explores the strengths and limitations of the provisions of the law, focusing on protections related to recruitment, working conditions abroad, and post-return support. Although the legal framework is comprehensive, significant challenges remain in its implementation, such as inadequate awareness among migrant workers of their rights, weak law enforcement mechanisms in destination countries, and persistent exploitation and harassment. This article identifies critical gaps in the practical application of the law, including a lack of pre-departure training, inadequate monitoring mechanisms in host countries, and limited legal aid available to victims of abuse. Based on these findings, the study offers several recommendations, such as improving pre-departure education, strengthening bilateral agreements with host countries, and expanding support systems for victims. The article concludes by emphasizing the need for increased law enforcement and international cooperation to ensure that these legal objectives are achieved.



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INTRODUCTION

Indonesian women migrant workers have become an important part of the national economy, with a significant contribution to the remittance sector [1]–[3]. However, their journey to earn a living abroad is not uncommon to face various challenges and violations of their rights. For this reason, the state needs to provide strong legal protection for female migrant workers. One of the legal remedies carried out is the enactment of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (hereinafter referred to as Law No. 18/2017) [1], [4].

Law No. 18/2017 aims to provide better protection for migrant workers, including female migrant workers, from various potential exploitation, violence, and unfair treatment during the departure, placement, and return process [5]–[7]. In this context, this article will review in depth the legal protection for Indonesian migrant women workers according to Law No. 18/2017, which covers the legal aspects that protect them both domestically and in the destination country [1].

The migrant labor problem has become a significant global phenomenon, with millions of workers, including a large number of women, moving across borders in search of better economic opportunities [8], [9]. Indonesia is one of the countries of origin with the largest number of migrant workers, with a significant proportion of women working mainly in the domestic sector, such as

domestic workers and caregivers [8][10], [11]. Despite their important contribution to Indonesia's economy, these female migrant workers often face serious risks, including exploitation, abuse, and violations of their basic rights. To address these challenges, Indonesia has taken a significant step by enacting Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (Law No. 18/2017), which aims to provide a legal framework for the protection of workers, especially women, both while they are working abroad and after they return to Indonesia [12] [7], [13]–[15]. Many of these women come from rural areas with limited education and economic resources, which increases their vulnerability to recruitment by illegal agencies or exploitation in the workplace [10], [16].

Although the legal provisions in Law No. 18/2017 provide a comprehensive framework for the protection of migrant workers, there are still significant challenges in its implementation. The law outlines mechanisms for pre-departure training, overseas working conditions, and post-return assistance, with a particular focus on female migrant workers who are often more vulnerable to harassment and exploitation [13], [19]. However, there is a gap between the intent of the law and its practical enforcement, especially in countries where migrant workers face weak legal protection systems and where exploitation and human rights abuses are frequent. This gap highlights the importance of strengthening domestic and international efforts to improve the situation for women migrant workers [14].

The legal protections provided by Law No. 18/2017 are essential to safeguard the rights of women migrant workers, especially in terms of providing access to justice, health, and support systems [20][14], [21]. The law seeks to address issues such as human trafficking, unsafe working conditions, and lack of access to legal representation [22], [23]. However, it also faces implementation challenges, including limited awareness among migrant workers themselves about their rights, difficulties in monitoring compliance abroad, and inadequate support structures for workers after they return to Indonesia [19]. These challenges need to be addressed to ensure that legislation is not only part of the law but also an effective tool in protecting the dignity and well-being of migrant workers [3], [24].

This article aims to analyze the effectiveness of Law No. 18 of 2017 in providing legal protection to Indonesian women migrant workers, focusing on the strengths and limitations of the law. By examining the main provisions of the law, its impact on migrant workers, and the challenges that remain in its implementation, this article will contribute to the ongoing discourse on how to improve the protection of migrant workers in Indonesia and globally. In addition, it will offer recommendations to improve practical law enforcement and ensure that its provisions translate into real protections for women migrant workers both in Indonesia and abroad.

RESEARCH METHODS

This study uses a qualitative research methodology to analyze the legal protection provided to Indonesian female migrant workers based on Law No. 18 of 2017. The aim is to assess the effectiveness of this law in addressing specific challenges faced by women migrant workers and to identify gaps in its implementation. This research is based on a comprehensive review of legal texts, relevant case studies, and secondary literature related to the protection of migrant workers. The Data Synthesis and Analysis Method is an important component of the research process, where various data collected through documentary analysis, case studies, interviews, and comparative analysis are organized, integrated, and critically examined to draw meaningful conclusions.

In the context of this study, which evaluates Law No. 18 of 2017 on the protection of Indonesian women migrant workers, data synthesis and analysis will focus on identifying patterns, themes, strengths, weaknesses, and actionable recommendations to improve the legal framework. This methodology is designed to systematically process and interpret data collected from various sources to provide a comprehensive understanding of the problem at hand. The following section describes the steps and processes involved in the synthesis and analysis of data for this study.

This study uses a qualitative approach to analyze the legal protection provided to Indonesian migrant women workers based on Law No. 18 of 2017, by integrating a comprehensive review of legal texts, relevant case studies, and secondary literature. The data sources consist of legal texts, Law No. 18 of 2017, as well as relevant and quality secondary literature, including journal articles and research reports. Comparative analysis is conducted by comparing safeguarding practices in other

countries to identify best practices. This approach aims to provide a comprehensive understanding and constructive recommendations for the improvement of the legal framework.

RESULTS AND DISCUSSION

a. Comprehensive Review of Law No. 18 of 2017

Law No. 18 of 2017 in general contains the substance of protection for migrant workers, with the following description:

1. Objectives of the Protection of Women Migrant Workers

Law No. 18/2017 is designed to provide comprehensive protection for migrant workers, both men and women. However, women as migrant workers often face greater challenges, such as discrimination, violence, and inhumane treatment. Therefore, this law pays special attention to the protection of female migrant workers. Article 1 paragraph (1) of Law No. 18/2017 states that migrant workers are "Indonesian citizens who work abroad in return". In this regard, the law aims to ensure that the rights of migrant workers, especially women, are protected while working abroad. These protections include the rights to safety, health, social protection, and other rights guaranteed by international law [18][18][1].

2. Protection in the Recruitment and Placement Process

The process of recruiting and placing female migrant workers is regulated in Articles 4 to 6 of Law No. 18/2017. One of the important points emphasized is the obligation of placement organizers to provide clear and transparent information to prospective migrant workers, including women, regarding the work to be done, working conditions, salaries, and their rights.

Article 4 of the law emphasizes that the government must ensure that women migrant workers are protected from acts of discrimination and violence. For this reason, the recruitment process must be carried out fairly and impartially. Female migrant workers must have clear information about the destination country, the type of work offered, and their rights and obligations as migrant workers.

In addition, the law requires screening of potential female migrant workers to ensure that they are free from the influence of fraud or exploitation.

Article 5 stipulates that prospective female migrant workers must undergo training and briefing on their obligations and legal rights in the destination country.

3. Protection While Working Abroad

One of the main objectives of Law No. 18/2017 is to ensure the protection of female migrant workers while they are working abroad. Article 13 regulates the rights of women migrant workers to occupational safety and health, as well as protection against labor exploitation and physical and psychological violence.

In destination countries, female migrant workers are often vulnerable to various forms of violence, both verbal, physical, and sexual. The law protects by requiring recipient countries to provide safe workplaces, as well as providing access to legal and medical assistance for migrant workers if needed. The sending country, in this case Indonesia, is also required to ensure that women migrant workers receive legal assistance and protection in the destination country, including the enforcement of workers' rights through diplomatic relations with the recipient country [17].

Article 17 of Law No. 18/2017 states that every female migrant worker has the right to medical care, protection against violence, and the right to communicate with family and the Indonesian government. This is part of efforts to ensure that female migrant workers are not in vulnerable and isolated situations.

4. Protection After Return

Protection for female migrant workers is not only limited to the period of work abroad but also after they return to Indonesia. Article 19 of Law No. 18/2017 regulates the rights of women migrant workers after returning to the country, including the right to psychological assistance, skills training, and access to social rehabilitation programs. It aims

to help female migrant workers adapt to life in Indonesia after their experience working abroad.

In addition, female migrant workers who return home with disabilities or suffer from work-related illnesses are entitled to compensation and medical care. This protection is very important to ensure that they are not neglected after returning to their homeland[13], [19].

5. Dispute Resolution

Law No. 18/2017 also provides a dispute resolution mechanism involving female migrant workers, both while they are working abroad and after they return. **Articles 22 to 24** govern the supervision and enforcement of laws carried out by the Indonesian government against violations that occur during the placement and while working abroad.

In case of violations of the rights of female migrant workers, such as fraud, exploitation, or violence, migrant workers can file complaints with the appropriate government or agencies. The Indonesian state also has the right to file lawsuits against parties who violate the rights of women migrant workers, both in Indonesia and in the destination country [3][23].

2. Results of a Review of Secondary Literature

Based on data from the Ministry of Manpower in 2023, there are 37,521 Indonesian female migrant workers in the formal sector, with the majority working in Malaysia (19,490 workers). In the informal sector, the number of workers is much larger, reaching 84,626 people, with Hong Kong being the main destination (59,917 workers). This data shows that the informal sector is still the top choice for women migrant workers, although the sector is particularly vulnerable to various forms of abuse, such as torture, sexual harassment, and human rights violations. Work in the informal sector, often in the form of domestic work, is temporary and risky because it is done in a private environment that is difficult to supervise.

In addition, data from BP2MI revealed that from 2020 to early 2023, 1,859 migrant workers died, with 90% of deaths caused by crime. Most of the victims are women, who are more vulnerable to rights violations, especially those who work in illegal tracks. Illegal migrant workers often do not have complete or correct documents, making it difficult to obtain legal protection. This problem is exacerbated by the practice of illegal placement carried out through brokers, which results in workers having to pay high fees without a guarantee of protection.

These data and facts show that although regulations such as Law Number 18 of 2017 have been implemented, their implementation is still not optimal in protecting women migrant workers, especially in the informal sector. Low supervision, high placement costs, and lack of education about the legal pathway are the main factors that encourage workers to choose the illegal pathway. Therefore, the government needs to increase protection efforts by strengthening surveillance, lowering placement costs, and providing education and training for prospective migrant workers to reduce the risk of human rights violations.

In a comparison of the implementation of women's labor protection between countries, it can be seen that Indonesia still faces greater challenges compared to other countries that have stricter regulations and better protection systems. Countries such as the Philippines and Thailand have implemented a more comprehensive approach to migrant worker protection, including legal support and rehabilitation programs for victims of abuse. This demonstrates the need for further evaluation and reform in Indonesia's policies to provide more effective protection for women migrant workers, especially in the informal sector that is vulnerable to exploitation.

3. Challenges in Implementing Legal Protection for Women Migrant Workers

Although Law No. 18/2017 has regulated various forms of legal protection for female migrant workers, there are several challenges in its implementation. Some of these challenges include:

a. Lack of Socialization and Understanding of the Rights of Women Migrant Workers

One of the main challenges in the implementation of Law No. 18/2017 is the lack of awareness among women migrant workers about their rights, both within the country and in the destination country. These problems mostly arise from pre-departure training and

inadequate dissemination of information. Many migrant workers, especially women from rural or disadvantaged backgrounds, often have limited access to formal education and legal literacy programs [14][15]. As a result, they are unaware of the protection afforded to them under Indonesian law and international conventions. To overcome this problem, several things can be done, including:

1. **Increased Pre-departure Training:** The Indonesian government and recruitment agencies should strengthen pre-departure orientation programs for women migrant workers. These programs should be comprehensive, covering workers' legal rights, working conditions abroad, and avenues to seek help if they face harassment or exploitation. Training should also include awareness of cultural norms in the destination country and how they can affect their rights.
 2. **Collaboration with NGOs and Advocacy Groups:** Collaborating with non-governmental organizations (NGOs) and migrant worker advocacy groups can play an important role in spreading awareness about the law. These organizations often have stronger relationships with migrant communities and can help educate workers about their rights.
 3. **Digital Tools and Resources:** In the digital age, it is critical to leverage mobile apps, websites, and social media platforms to disseminate information in multiple languages, including local dialects, to reach female migrant workers in urban and remote areas.
- b. **Limitations of Supervision and Law Enforcement in the Destination Country**
- Although Law No. 18/2017 mandates the protection of women migrant workers in destination countries, effective surveillance abroad is often difficult. This is due to the Indonesian government's limited access to migrant workers in recipient countries. To overcome this problem, several things can be done, including;
1. **Bilateral Agreements with Host Countries:** One of the most effective ways to improve monitoring and law enforcement is through bilateral agreements between Indonesia and the destination country. The agreement should include clear guidelines on the protection of migrant workers, especially female domestic workers, and the establishment of mechanisms for regular monitoring and reporting.
 2. **Placement of Labor Attachés:** The Indonesian government can increase the number of labor attachés or consular officials stationed in key destination countries. These officials will be responsible for conducting routine checks on Indonesian migrant workers, helping workers navigate the legal process, and providing support if workers face exploitation or harassment.
 3. **Partnerships with International Organizations**
Indonesia can collaborate with international organizations, such as the International Labor Organization (ILO), and local NGOs in the destination country to monitor working conditions. These partnerships can include a joint inspection team, a migrant worker support network, and a platform for reporting violations.
 4. **Mobile Services and Hotlines:** Building dedicated hotlines and mobile apps where migrant workers can report harassment or legal issues is another practical solution. These services should be available in multiple languages and accessible 24/7 to ensure that female workers can ask for help when needed.
- c. **Violence and Exploitation**
- Although the law protects female migrant workers, violent and exploitative practices, including human trafficking, are still common. Weak law enforcement in recipient countries and a lack of protection for isolated female migrant workers are issues that need to be addressed urgently.

Despite the legal protections offered by Law No. 18/2017, violence and exploitation, including human trafficking, continue to be a widespread problem for female migrant workers. Factors such as limited enforcement of labor laws in the host country, cultural and legal barriers, and the isolation of migrant workers contribute to the persistence of these violations. Women,

especially those who work in domestic settings, are often vulnerable to physical, emotional, and sexual violence, as well as human trafficking for forced labor. To overcome this problem, several things can be done, including;

1. Stronger Punishments for Abusers

Law No. 18/2017 should be supplemented with harsher penalties for employers, recruitment agencies, and individuals involved in the exploitation of migrant workers. This includes implementing stricter sanctions against abusive employers and human traffickers. Cross-border cooperation between law enforcement agencies in Indonesia and destination countries is essential to prosecute those involved in trade and exploitation.

2. Support for Victims of Violence and Exploitation

Building stronger victim support services, including shelters, legal aid, counseling, and rehabilitation programs, is critical. The Indonesian government must ensure that female migrant workers who are victims of violence have access to these services both while they are working abroad and after they return to Indonesia.

3. Awareness Campaigns Against Trafficking in Persons: National and international campaigns that aim to raise awareness about human trafficking and its prevention can help reduce the risk of exploitation. These campaigns should target not only potential migrants but also local communities, recruitment agencies, and employers to ensure that human trafficking and exploitation are actively recognized and prevented.

4. Improved data collection and reporting

Increased data collection and documentation of cases involving women migrant workers will help identify trends and hotspots of exploitation. This data can then be used to inform policy decisions, direct resources to high-risk areas, and evaluate the effectiveness of existing protections.

CONCLUSION

This research is expected to have a significant impact on the legal protection of Indonesian women migrant workers in the future by identifying gaps in the implementation of Law No. 18 of 2017 and providing recommendations for strengthening regulations, stricter supervision, and increasing socialization and education for migrant workers. This positive impact will contribute to the creation of a safer and more secure work environment, as well as reduce the risk of violence and exploitation abroad. Insights for future research include an analysis of the social and economic impacts of these protection policies, comparisons with practices in other countries, and an evaluation of the effectiveness of training and counseling programs for migrant workers. Longitudinal research can also be conducted to monitor the development of legal protection and its impact on the welfare of women migrant workers over time so that the contribution of this research is not only useful for policy development but also for increasing awareness and protection of the rights of women migrant workers as a whole.

CONFLICT OF INTEREST

The authors have stated that they do not have any conflicts of interest.

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