

LICS 2026

Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Legal Protection for Female Migrant Workers from the Threat of Modern Slavery

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Abstract. *Indonesian female migrant workers often occupy a highly vulnerable position within the vortex of transnational crime, trapped in modern slavery practices hidden behind the domestic work sector. This vulnerability is triggered by the shackles of structural poverty, administrative manipulation in the form of withholding identity documents, and debt bondage imposed by human trafficking syndicates. This article aims to evaluate the effectiveness of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (TPPO) in providing real protection for female migrant workers. Through a normative legal research method with a statute approach and a conceptual approach, this study finds that although Indonesia's regulations have shifted toward full state protection, implementation in practice is still hindered by sectoral ego between institutions, weak local government supervision, and difficulties in proving transnational criminal acts across jurisdictions. The analysis shows that an aggressive legal reconstruction strategy is needed, including strengthening protection functions at the village government level, using the TPPO Law to financially cripple rogue recruitment corporations, and firm bilateral diplomacy through the implementation of a moratorium on sending workers to countries that do not have adequate human rights protection instruments. In conclusion, migrant worker protection must be reconstructed through a multi-layered defense system from upstream to downstream, prioritizing human dignity over foreign exchange earnings, in order to break the chain of modern slavery that destroys the future of Indonesian women.*

Keywords: *Protection; Restitution; Slavery; Trafficking; Workers.*

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1. Introduction

The decision to migrate across national borders in search of work is often not a choice born from dreams of a luxurious life, but rather a last resort in response to the pressing burden of economic hardship in the homeland. In Indonesia, this phenomenon of cross-border labor migration has a very distinctive character, namely being dominated by women. These women leave with a noble motivation: to fight for their children's education, pay off accumulating family debts, and build a better economic foundation in their hometowns. The perseverance of these strong women not only impacts their families, but also directly contributes to the national macroeconomy by providing foreign exchange in very large amounts each year. Thanks to trillions of rupiah in money they send home (remittances), the state grants them the honorary title of "Devising Heroes."

However, this heroic and proud title is unfortunately inversely proportional to the bitter reality they face in destination countries. Many of these female migrant workers are absorbed into and must work in the domestic sector or as domestic workers (PRT). Working in the domestic sector has very specific vulnerability characteristics, because this sector is highly closed and operates entirely behind the thick walls of employers' homes. No labor inspectors can enter to audit working conditions within such private spaces. This spatial and social isolation directly weakens the bargaining position of female migrant workers, placing them on the front line of vulnerability, and opening wide the door to inhumane exploitation practices.

In the dynamics of global crime and labor relations today, exploitation of female migrant workers has mutated into what is known in international legal terminology as modern slavery. This contemporary form of slavery is no longer represented by the use of iron chains, literal physical confinement, or open human trading practices in slave markets as in the dark past of civilization. Instead, modern slavery operates through administrative shackles, legal entrapment, and psychological manipulation designed in a much more refined and silent manner, yet with equally devastating consequences for victims' lives and dignity.

Modern slavery practices in the domestic sector take various systematic forms of restraint. The first step usually taken by employers or recruitment agents in destination countries is the withholding of passports and all identity documents belonging to workers. Without identity documents, migrant workers lose their de facto citizenship status and access to escape. In addition, they are often bound through debt bondage, where placement costs are manipulated so that workers never receive net wages for months, are forced to work in inhumane hours without rest days, are prohibited from communicating with the outside world, and are ultimately vulnerable to physical violence and severe sexual harassment.

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This layered suffering is worsened by immigration systems in several destination countries that are structurally very detrimental to workers. Female migrant workers often cannot escape to seek help because their work visa status is deliberately tied exclusively to their employer (such as in the Kafala system in the Middle East). In this hegemonic system, the employer has full control over the worker's legal status. If a migrant worker who is being abused dares to flee the employer's house, local law will automatically revoke their visa and label them as undocumented workers. Fear of being arrested by local authorities, imprisoned in a foreign country, and deported forces migrant workers to remain trapped in cycles of exploitation without access to justice.

In response to this ongoing humanitarian tragedy, the Government of the Republic of Indonesia has not remained silent regarding the suffering of its citizens abroad. This protection commitment is demonstrated through legal reform with the enactment of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. The birth of this law marks an important paradigm shift, replacing the old law (Law No. 39 of 2004), which was philosophically considered to have failed because it was too business-oriented in placement and highly beneficial to private labor recruitment companies. Through Law 18/2017, the state fully assumes protection responsibility, streamlines bureaucracy, and seeks to prohibit worker placement to countries that do not have equivalent human rights protection instruments.

As a complement to these administrative protection instruments, Indonesia is also equipped with a strong criminal law instrument, namely Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (TPPO). This regulation serves as a legal weapon to imprison intellectual actors, illegal recruitment syndicates, and placement corporations proven to deliberately deceive and trap Indonesian citizens into forced labor abroad. This law imposes very severe criminal sanctions and also obliges perpetrators to pay restitution (compensation) for the suffering experienced by victims of exploitation.

However, in empirical reality on the ground, the existence of these progressive regulatory frameworks has not been able to magically eliminate modern slavery practices. Human trafficking syndicates are highly resilient and continue to find loopholes in increasingly strict regulations. When official placement channels to certain countries are closed (moratorium), these syndicates drastically change their modus operandi. They smuggle female migrant workers into conflict countries using pilgrimage visas, visitation visas, or tourist visas that are later altered upon arrival. They also systematically falsify identity documents, manipulate ages, and exploit unofficial "rat routes" that are beyond immigration surveillance radar.

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On the other hand, law enforcement officials in the country often face procedural deadlocks when attempting to follow up on reports of abuse and exploitation. Handling transnational crime cases is highly complex because the locus delicti is outside Indonesian jurisdiction. Police and prosecutors in Indonesia struggle to collect valid evidence, examine witnesses, and seize perpetrators' assets due to weak mutual legal assistance agreements with legal authorities in destination countries where the exploitation occurs. Differences in legal systems and the reluctance of receiving countries to prosecute their own citizens further obstruct efforts to achieve justice for Indonesian migrant workers.

Considering the continued prevalence of abuse and exploitation cases that claim lives and destroy the futures of female migrant workers, a comprehensive, critical, and problem-solving-oriented academic study is required. The protection of all Indonesian people and the entire homeland is an absolute mandate of the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, which requires the state not to be absent in humanizing every life of its citizens. This article is specifically prepared to systematically analyze these complex issues. The discussion will focus on an in-depth analysis of modern slavery vulnerabilities faced by female migrant workers, evaluating the effectiveness of existing legal frameworks, and ultimately formulating strategic solutions for protection and law enforcement from upstream in workers' villages to downstream in destination countries.

2. Research Methods

The research method used in writing this article is normative legal research, or what in legal academic tradition is often referred to as doctrinal research. The selection of this method is based on the research objective, which focuses its critical study on the examination of legal texts, the discovery of legal principles, and the analysis of norms that exist within the structure of laws and regulations, both at the national level and in international legal instruments.[3] To examine the root of the problem in depth, this study applies two main approaches:

- a) **Statutory Approach:** This approach is used to comprehensively examine the entire hierarchy of positive regulations related to the governance of migrant worker placement and criminal sanctions for human trafficking, in order to identify gaps and weaknesses in their implementation.
- b) **Conceptual Approach:** This approach is applied to analyze theoretical foundations, the philosophy of human rights protection, and to unpack the meaning of the term modern slavery so that there is no ambiguity in law enforcement.

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The data used in this research is entirely secondary data collected through library research. These data sources are then hierarchically classified into several levels of legal materials. Primary legal materials, which are binding and serve as the main analytical tools in this study, include:

- a. The 1945 Constitution of the Republic of Indonesia (UUD 1945), particularly Article 28G paragraphs (1) and (2), which absolutely guarantee every person's right to personal protection, honor, dignity, and the right to be free from torture or degrading treatment.
- b. Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (PPMI), which serves as the main legal framework in shifting the paradigm of labor placement from a business-oriented (private) approach to a full protection-oriented approach by the state from before departure, during placement, until return to the home country.
- c. Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (TPPO), used as a basis for analyzing the application of criminal sanctions and legal penalties for illegal recruitment syndicates as well as the fulfillment of restitution rights for exploited migrant workers.
- d. Law Number 6 of 2012 concerning the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which affirms Indonesia's obligation to comply with international human rights standards in protecting its citizens abroad.
- e. Law Number 39 of 1999 concerning Human Rights, examined to strengthen the legal construction that slavery and forced labor in any form constitute a serious violation of citizens' constitutional rights.

As supporting instruments, the secondary legal materials used consist of legal literature books on labor law, national and international academic journals, reports from non-governmental organizations (NGOs) related to migrant worker issues, and other scientific publications relevant to the discourse on women's protection.

After all valid legal documents are collected, the data is then inventoried, reduced, and analyzed using a qualitative-deductive analysis technique. Through this technique, the researcher draws conclusions from general legal premises contained in legislation, then applies them to the real-world context of modern slavery cases experienced by migrant workers. This analysis aims to present logical, prescriptive, comprehensive, and easily understandable arguments in order to formulate

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3. Results and Discussion

3.1. Dimensions of Female Migrant Workers' Vulnerability to Modern Slavery

Indonesian female migrant workers face a double level of vulnerability that is far more complex and dangerous compared to male workers. This vulnerability does not arise suddenly in the destination country, but is deeply rooted in the social, economic, and patriarchal cultural structures in their places of origin. The shackles of structural poverty, limited access to adequate formal education, and restricted employment opportunities in rural areas often make women bear the heaviest burden of saving their family's economy. In desperation to escape debt pressure and living cost demands, women become the most easily deceived group by instant promises of financial prosperity abroad.

The first and most decisive phase of vulnerability begins during the recruitment process at the village level. In migrant worker stronghold areas, networks of illegal labor brokers operate very freely, infiltrating even family spaces. These brokers, who are often neighbors or people known to the victims' families, exploit rural women's lack of knowledge about safe and legal migration procedures. They come offering promises of fast document processing assistance and provide initial "living money" to the left-behind families. This advance payment practice is essentially the initial trap of debt bondage, deliberately designed to bind the victim's commitment so they will not cancel their departure.

Once victims fall into the recruitment trap, these criminal syndicates often use a manipulative modus operandi known as contract substitution or contract falsification. In Indonesia, during the administrative registration process, prospective workers are given contract documents stating that they will be employed in respectable public sectors, such as shop assistants, salon workers, or factory laborers with regular working hours and adequate wages. This administrative deception is carried out to mislead immigration officers domestically so that the departure appears legal and compliant with standard placement procedures for foreign workers.

However, the cruel reality is revealed upon arrival in the destination country. The initial contracts they signed are destroyed or unilaterally withheld by agents in the destination country. These contracts are then replaced by coercion into domestic work as household assistants, a job far from the original agreement. Even more tragically, they are forced to work without receiving any wages for months under the excuse of "deducting placement costs." This unilateral wage deduction is a form of debt bondage, where workers are continuously considered indebted to agents through fictitious interest and penalties that can never be repaid.

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This vulnerability to exploitation becomes even more extreme because the majority of female migrant workers are absorbed into the domestic sector, working and living inside employers' homes. The domestic sector has very specific and dangerous characteristics: it is a private space that is highly closed off from public oversight and state intervention. Unlike factories that have operational standards, working hours, and can be inspected at any time by labor authorities, employers' homes are "small states" where the employer acts as an absolute ruler. This spatial isolation destroys the bargaining position of female migrant workers, turning them into objects of total domination under employer control.

Isolation from the outside world becomes the main foundation that sustains modern slavery practices. To ensure migrant workers cannot escape, employers or agents immediately confiscate and withhold passports, visas, and communication devices as soon as the victims arrive at the house. Without identity documents, the legal status of migrant workers is instantly paralyzed. They become identity-less human beings in a foreign country, with no access to report to embassies, call their families, or seek help from local police if abuse occurs.

In this isolated and legally identity-less space, physical, verbal violence, and even sexual harassment are often systematically used as tools of obedience control. Employers are fully aware that these migrant workers have no power to resist or escape. Shouting, threats of forced deportation, wage deductions, starvation, and physical abuse are applied to discipline workers into working up to 18 hours a day without days off. This abuse is not merely an emotional outburst of employers, but a method of enslavement designed to break the victims' mental state so they accept suffering as an unchangeable fate.

This dimension of vulnerability reaches its peak when it intersects with immigration legal systems in destination countries that are biased toward employers, such as the Kafala system in the Middle East. Under this system, workers' legal status is entirely tied to the employer as their sponsor. If a female worker cannot endure the abuse and attempts to flee the house, the employer can immediately report her as an absconding worker. Automatically, the worker's visa status becomes illegal, turning her into a fugitive of local authorities. The threat of imprisonment and deportation becomes an invisible chain that forces female migrant workers to remain trapped in the hell of modern slavery.

3.2. Evaluation of Law Number 18 of 2017 in Protecting Indonesian Female Migrant Workers

The enactment of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PPMI) was welcomed as a paradigm revolution and a turning point in Indonesia's labor history. For years prior, the legal regime under Law No. 39 of 2004 was proven to have

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failed because it treated migrant workers merely as export commodities. The old law gave excessive authority and role to private companies, namely Indonesian Migrant Worker Placement Companies (P3MI), to manage the entire process from upstream to downstream. As a result, profit-oriented motives overpowered humanitarian protection, leading to widespread exploitation and human trafficking practices legitimized through corporate licenses.

Through the enactment of the PPMI Law, the state explicitly reclaimed its constitutional mandate. This new law shifts the dominant role of protection from the private sector back to the state, ranging from central government to village-level administration. The PPMI Law formulates a protection concept that is holistic, comprehensive, and continuous. It explicitly mandates protection guarantees in three crucial phases: pre-employment protection (domestic), protection during employment (destination country), and social and economic protection upon return to the home country. This represents a major step forward to ensure the state is present at every stage of its citizens' journey.

One of the most important innovations and administrative breakthroughs mandated by the PPMI Law is the establishment of Integrated One-Stop Services (LTSA) in various migrant worker origin areas. The philosophy of LTSA is to integrate all document services such as employment registration, passport issuance by immigration, health checks, population verification, and social security enrollment into a single government building. The goal is clear: to cut bureaucratic complexity, accelerate legalization processes, and most importantly break the chain of dependency on illegal brokers who often charge unreasonable fees and mislead prospective workers.

However sophisticated a law may be formulated in Jakarta, the real test lies in its implementation on the ground. Empirical facts show that the implementation of the PPMI Law in various regions still faces a very steep and winding road. The decentralization of protection authority to local governments, especially at the district and village levels, has not been matched by adequate infrastructure readiness and institutional capacity. Many local governments complain that this new authority is not accompanied by sufficient budget allocation (APBD) to carry out training, data collection, and monitoring functions for citizens going abroad.

The unpreparedness of village and district governments in carrying out this mandate is once again exploited by human trafficking syndicates. While LTSA has not operated optimally or is considered too time-consuming by the public, illegal brokers reintroduce "fast-track" routes. They send female migrant workers abroad not through official labor procedures, but by abusing general immigration procedures. The use of tourist visas, pilgrimage visas, or Umrah visas to the

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Middle East has become a regulatory loophole that continuously penetrates the barriers of the PPMI Law, turning women once again into undocumented migrants without legal protection.

Another evaluative weakness of the PPMI Law regime lies in the weak enforcement against officially registered but rogue Indonesian Migrant Worker Placement Companies (P3MI). Although the law strictly regulates corporate obligations, in practice the sanctions imposed by the government when placement companies violate procedures (such as falsifying the age of workers or sending workers in poor health) tend to be very light. Dispute resolution is often handled through mediation and administrative law rather than firm criminal corporate accountability.

Sanctions imposed on such rogue corporations are usually limited to written warnings, temporary suspension of operations, or at most revocation of the Indonesian Migrant Worker Placement License (SIP3MI). These administrative penalties provide no substantial deterrent effect for business actors. Capital owners can easily establish new companies under different names and management to continue their illicit businesses. More tragically, license revocation does not address the need for justice for victims, as there is no legal obligation for corporations to compensate material losses and psychological suffering of exploited women abroad.

Overall, the evaluation of Law Number 18 of 2017 shows a dual reality. On one hand, it is a highly progressive and revolutionary legal framework in elevating the dignity of migrant workers. On the other hand, weak implementation at the local government level, the proliferation of smuggling modes through non-work visas, and lenient sanctions against violating corporations create significant loopholes in this protective framework. More than just written regulations are needed; the state requires strong political will, cross-ministerial synergy, and massive capacity building at the village level for the PPMI Law to truly function as a steel shield for Indonesian female migrant workers.

3.3. Reconstruction Strategy for Comprehensive Legal Protection

Facing the continuously evolving and increasingly sophisticated threat of modern slavery, a reactive legal approach will never be sufficient to protect female migrant workers. The state must no longer act merely as a fire extinguisher responding only after viral videos of abuse emerge on social media. To holistically protect migrant workers, the state must build a multi-layered protection and defense reconstruction strategy, spanning from upstream rural areas in Indonesia to downstream jurisdictions in destination countries. This policy demands integration of constitutional law, criminal law, and diplomatic expertise.

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At the upstream level (domestic), the first and most fundamental defense fortress that must be strengthened is the function and authority of village governments. Through the optimization of the Productive Migrant Village program (Desmigratif), villages must no longer function merely as administrative record-keeping institutions. Village heads and their security apparatus must be reconstructed into the frontline of citizen protection. They must be granted strong legal authority supported by an integrated population database system to strictly verify any citizen applying to go abroad, ensuring departure only through official channels and companies, not illegal brokers.

Empowerment of village governments also includes establishing an early warning system based on community participation. Village governments, in collaboration with community leaders and local police units (Polsek), must be allowed to expel, detain, and report illegal labor brokers attempting to infiltrate or recruit in their areas. By cutting off broker operations at the grassroots level, human trafficking syndicates will lose access to their “raw materials” for exploitation. Villages must be transformed from mere labor suppliers into primary protection institutions that educate citizens about the dangers of illegal migration.

The next upstream strategy is radical reconstruction of criminal law enforcement. Police and prosecutors must no longer rely on administrative law instruments or immigration law alone in handling labor fraud cases. The state must boldly use the “heavy weapon” of Law Number 21 of 2007 on the Eradication of Human Trafficking (TPPO). This law must be used to prosecute and imprison not only field brokers but also intellectual actors, major sponsors, and directors of placement companies (P3MI) if they are proven to falsify identity documents, create debt bondage, or deceive migration purposes.

The implementation of the TPPO Law is vital because it carries very severe prison sentences and corporate asset forfeiture. Prosecuting syndicate leaders under the TPPO Law will deliver a powerful shock therapy effect to the entire labor placement industry. In addition, this regulation obliges the state and judiciary to seize assets of criminal corporations to fund restitution payments for female migrant worker victims. By impoverishing rogue placement corporations, exploitation crimes will cease to be economically profitable.

Moving to the downstream level (abroad), the Indonesian government must reconstruct its diplomatic architecture by strengthening and sharpening bilateral labor diplomacy. So far, Indonesia’s bargaining position has often appeared weak due to its focus on pursuing foreign exchange targets. Going forward, the state must adopt a human rights-centered diplomacy principle. Indonesia must set a firm legal standard: it will not send any migrant workers, especially women in the domestic sector, to countries that do not have national labor protection

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laws for foreign workers or that do not recognize domestic workers' basic rights as formal workers. As a manifestation of this diplomatic strength, Indonesia must firmly refuse to sign any Memorandum of Understanding (MoU) or placement agreement with any country unless the agreement contains binding legal clauses on human rights protection. These bilateral agreements must require destination countries to abolish oppressive sponsorship systems (such as Kafala), guarantee workers' rights to hold their own passports, provide weekly rest days, and ensure full access for workers to communicate with Indonesian embassies without employer interference. Embassies must also be granted access to conduct welfare inspections of citizens at any time. As the ultimate protection strategy and highest form of state sovereignty, the Indonesian government must have the political courage to use a moratorium instrument (temporary or permanent suspension of deployment). This moratorium must be imposed immediately, without compromise, on Middle Eastern countries or others proven to have records of severe human rights violations, modern slavery practices, and lack of fair legal protection for Indonesian domestic workers. Halting the supply of labor to human rights violator countries is Indonesia's strongest political message that the dignity and life of a female migrant worker are far more valuable and cannot be bought by any amount of foreign exchange.

4. Conclusion

The threat of modern slavery facing Indonesian female migrant workers is a humanitarian tragedy that must be stopped immediately. Vulnerability arising from economic hardship, manipulation by illegal recruitment agents, and the isolation of domestic work environments in destination countries has often caused migrant women to lose their fundamental rights. Although the state has enacted Law Number 18 of 2017, which philosophically restores protection responsibilities to the state, its implementation still requires significant improvement. To eradicate modern slavery, the state must strengthen screening and education at the village level, enforce maximum criminal sanctions under the TPPO Law against rogue placement corporations, and demonstrate firm diplomatic stances on the international stage. Protecting female migrant workers is not merely about facilitating their departure, but a sacred constitutional commitment to ensure they return home with dignity, prosperity, and their heads held high.

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