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

Harmonization of ILO Labor Standards and National Law in Breaking the Chain of Illegal Migrant Worker Recruitment Syndicates

Oktalian Darmawan

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: boss.okta@gmail.com

Abstract. *Economic globalization has positioned labor migration as a vital element in the dynamics of the international labor market; however, it has also created opportunities for exploitation through illegal recruitment practices. Human trafficking syndicates often take advantage of regulatory gaps between the national laws of sending countries and international labor standards, particularly conventions established by the International Labour Organization (ILO). This phenomenon causes migrant workers to become trapped in conditions of forced labor and modern slavery that degrade human dignity, thereby requiring comprehensive regulatory harmonization so that legal protection can be effectively realized across jurisdictions. This study aims to analyze the urgency and mechanisms of harmonizing ILO labor standards within Indonesia's national legal system as an instrument for breaking the chain of illegal recruitment syndicates. Through a normative-juridical approach using statutory and comparative methods, this study examines the alignment between Indonesian legal instruments and international standards in order to close operational loopholes exploited by recruitment syndicates that utilize non-procedural channels. Its primary focus is on how to integrate ILO migrant worker protection principles into nationally binding norms to strengthen the enforceability of law against actors involved in human trafficking. The results indicate that harmonizing ILO labor standards is an absolute prerequisite for creating a safe and equitable migration ecosystem for Indonesian migrant workers. Integrating international conventions into national law will not only provide higher standards of protection but also narrow the operational space for illegal recruitment syndicates through globally standardized oversight. This study recommends strengthening integrated data-based verification systems, implementing stricter corporate liability for recruitment agencies, and enhancing bilateral cooperation based on ILO migrant worker protection principles as key instruments in eradicating human trafficking practices at their roots.*



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1. Introduction

Transnational labor migration has become one of the unavoidable global dynamics supporting economic growth in various parts of the world. Millions of workers move across national borders in search of better livelihoods, making significant contributions to the foreign exchange earnings of sending countries while filling labor market gaps in destination countries. However, this large-scale migration flow is often accompanied by illegal recruitment practices carried out by organized syndicates. These practices systematically exploit the vulnerabilities of migrant workers, ranging from document forgery to job promises that do not match the realities encountered in the workplace.

Indonesia, as one of the countries with the largest No.s of migrant workers, consistently faces serious challenges related to the proliferation of illegal recruitment syndicates operating domestically. These syndicates often infiltrate bureaucratic loopholes, exploit prospective workers' lack of knowledge, and use intimidation and fraud to send workers abroad through unofficial channels. Their actions not only violate national law but also constitute a clear form of fundamental human rights violations, as they deprive workers of their freedom and dignity from the recruitment stage onward.

The failure to break the chain of illegal recruitment syndicates is often caused by a lack of alignment between international legal standards established by the International Labour Organization (ILO) and the realities of national law in practice. ILO standards, such as Convention No. 181 on Private Employment Agencies, are designed to ensure that labor placement is conducted fairly, transparently, and without imposing fees on workers. Unfortunately, many aspects of this convention have not been fully incorporated into Indonesian legislation, creating opportunities for rogue agencies to continue operating under the guise of legitimate companies.

This misalignment is exacerbated by weak oversight conducted by government agencies over labor recruitment companies at the regional level. Field brokers often operate without official permits, gather prospective workers in substandard shelters, and illegally manage deployment processes without following established procedures. The lack of data integration among the Ministry of Manpower, the police, and immigration offices enables these syndicates to operate freely, making comprehensive efforts to prevent human trafficking difficult from upstream to downstream.



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Within the framework of international law, it is important to recognize that migrant worker protection is not merely a domestic matter but a shared responsibility governed by global standards. The International Labour Organization has established various norms aimed at protecting workers' dignity, preventing forced labor, and ensuring that recruitment systems do not become gateways for human trafficking. If Indonesia can fully harmonize these standards within its national legislation, migrant worker protection will have a much stronger foundation and enable the imposition of harsher sanctions against syndicate perpetrators.

Furthermore, the adverse impacts of illegal recruitment syndicates are not only felt by individual workers but also damage the country's international reputation. Destination countries often pay close attention to the quality of Indonesia's labor migration system, and widespread illegal recruitment practices can reduce other countries' confidence. This, in turn, hinders opportunities for migrant workers to be placed in safer and more formal sectors, ultimately limiting citizens' chances of obtaining decent employment abroad.

The harmonization of ILO standards into national law also plays an important role in providing legal certainty for migrant workers themselves. With aligned regulations, migrant workers will better understand the rights they possess from the earliest stages before departure, including the right to reject suspicious offers and the right to report indications of fraud. International standards provide objective benchmarks regarding what may and may not be done during the recruitment process, thereby equipping workers with tools to monitor labor recruitment agencies.

In addition, another urgent challenge is the need to reorient policies on migrant worker recruitment from a sectoral-bureaucratic approach toward a protection-oriented perspective. The state must be present as an active supervisory actor, not merely as a provider of departure permits. Through comprehensive standards harmonization, the state's role can be focused on strengthening labor inspection functions, improving access to justice for victims of recruitment fraud, and reforming online reporting systems capable of reaching even village-level communities.

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Future challenges will become increasingly complex with the digitalization of recruitment processes, which are often misused by syndicates. Therefore, legal harmonization must not only address conventional norms but also respond to cyber-related challenges by providing clear regulations regarding the governance of online job vacancy information. By integrating ILO standards on fair recruitment into national digital regulations, the state will gain a new instrument for filtering illegal job advertisements that are frequently disseminated through social media.

This article specifically examines how the harmonization of ILO labor standards can be concretely implemented within Indonesia's legal system to break the chain of illegal recruitment syndicates. The main focus includes evaluating existing regulations, identifying disparities between international standards and national law, and formulating recommendations for the government to strengthen the protection framework for migrant workers. Through a holistic approach, it is hoped that the syndicate networks that have harmed thousands of workers each year can be dismantled and that labor migration systems can become pathways to prosperity rather than suffering.

2. Research Methods

This study is a doctrinal normative legal research focusing on the examination of legal principles and the synchronization of statutory regulations. The approaches used are the statutory approach and the comparative approach.

Legal Materials:

- a) The 1945 Constitution of the Republic of Indonesia.
- b) Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers.
- c) Law No. 21 of 2007 concerning the Eradication of the Criminal Act of Human Trafficking.
- d) ILO Convention No. 181 concerning Private Employment Agencies.
- e) ILO Convention No. 97 concerning Migrant Workers.
- f) Other relevant laws and regulations concerning overseas labor placement.

3. Results and Discussion

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3.1. The Urgency of Harmonizing ILO Standards in the Regulation of Labor Recruitment in Indonesia

The harmonization of ILO standards into the national labor law system is a crucial prerequisite for creating an orderly migration system. So far, many recruitment practices considered “common” at the local level by small agencies are, in fact, serious violations under ILO conventions. ILO standards emphasize that recruitment costs must not be borne by workers, a principle that is often violated through non-transparent wage deduction schemes. By firmly adopting the Employer Pays Principle in national legislation, Indonesia can close the door to syndicates that use debt as a means of controlling migrant workers from the recruitment phase onward.

Furthermore, this harmonization will provide a much stronger legal basis for taking action against rogue recruitment agencies. Currently, sanctions for agencies engaged in illegal recruitment are often merely administrative or relatively minor, providing little deterrent effect. ILO standards provide guidance that violations of workers’ rights during the recruitment process should be categorized as serious offenses. By referring to these international standards, lawmakers in Indonesia can formulate stricter and more measurable criminal sanctions for company directors proven to facilitate illegal recruitment channels.

Another urgency lies in the creation of globally standardized oversight. Human trafficking syndicates often exploit disparities in standards between countries to relocate their operations. If Indonesia and major destination countries implement uniform ILO labor standards in recruitment regulations, the operational space for syndicates will become increasingly limited. This standardization ensures that every agency in Indonesia working with overseas partners is bound by the same protection protocols, enabling earlier detection of document manipulation or non-procedural worker deployment by both parties.

This harmonization will also facilitate coordination among domestic institutions. There are often overlaps in authority between the Ministry of Manpower, the police, and migrant worker protection agencies due to differing interpretations of protection standards. By adopting ILO norms, a clear operational definition of fair recruitment will be established. This common legal language is essential to ensure that all law enforcement officials share the same understanding in identifying unlawful acts committed by illegal recruitment syndicates.

It is also important to note that harmonization does not simply mean adopting international legal texts without adjustment. Indonesia must conduct thorough

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assessments to accommodate ILO standards while considering the sociological realities of its society. For example, consideration must be given to how a recruitment system that has long depended on “village brokers” can be transformed into a transparent, state-supervised digital recruitment system. Harmonization should include transforming agency business models so that they act more as partners of the state in worker protection rather than rent-seekers exploiting prospective migrant workers.

In the context of human rights protection, ILO standards provide a very clear framework regarding workers’ rights to transparent and written contracts. Syndicates often recruit prospective workers without clear employment contracts, leaving them without evidence to claim their rights once they arrive abroad. By integrating ILO standards into national migration legislation, every recruitment process must conclude with the signing of a contract approved by Indonesian labor authorities. This contract should serve as a binding document and be internationally recognized as proof of a lawful employment relationship.

The long-term impact of this harmonization is an improved bargaining position for Indonesia in the eyes of destination countries. When our labor system aligns with international standards, we gain strong legitimacy to demand that destination countries also respect the rights of our migrant workers. Bilateral cooperation will no longer be merely an exchange of labor commodities but rather an agreement between countries highly committed to worker protection. This will strengthen Indonesia’s diplomatic leverage in protecting migrant workers from exploitative labor systems abroad.

Finally, harmonization represents a concrete manifestation of the state’s commitment to upholding justice. Ignoring international standards that have proven effective in protecting workers means allowing an outdated, syndicate-friendly system to continue. Legal harmonization is a tangible step toward breaking the cycle of exploitation that has persisted for years. The government must be willing to position these international standards as the primary guideline in building a migrant labor policy that is clean, safe, and oriented toward the welfare of Indonesian migrant workers.

3.2. Gaps in National Regulations and the Modus Operandi of Illegal Recruitment Syndicates

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Gaps in national regulations often serve as the “entry point” for syndicates to legitimize their recruitment practices. Labor recruitment companies frequently exploit the status of “branch offices” or “independent agencies” that are not centrally registered to conduct recruitment in various regions. Indonesian laws sometimes still contain ambiguities regarding the legal responsibility of parent companies for illegal acts committed by branch offices or unofficial field recruiters. Syndicates exploit this ambiguity to evade responsibility for the actions of recruiters, even though these individuals often operate under company management’s direction to generate profits.

A common *modus operandi* involves the use of “tourist departures.” Syndicates convince prospective workers that they can quickly obtain employment using tourist visas, thereby avoiding lengthy administrative procedures through official channels. Legal loopholes arising from the lack of full integration between immigration regulations and labor data make this practice difficult for the state to detect. Syndicates understand that as long as travel documents appear physically legal, field officers are often hesitant to intervene, allowing victims to be smuggled through these gaps.

Syndicates also exploit bureaucratic complexity to intimidate prospective workers. They frequently claim that official government procedures are extremely expensive and take years to complete, leading workers to believe that illegal channels are their only option. Regulations that are not always user-friendly for marginalized communities are manipulated by syndicates to legitimize illegal practices. This creates a perception that state procedures are merely obstacles, while syndicates are seen as practical “helpers,” even though they ultimately lead victims into conditions resembling modern slavery.

Weak law enforcement against village-level “sponsors” or brokers is another major issue. Legal action often targets large companies while field-level brokers remain untouched. Yet these brokers are the primary drivers of illegal recruitment in rural areas. Without regulations imposing strict sanctions on unauthorized intermediaries, syndicate networks will continue to thrive. Syndicates deliberately rely on local brokers so that, when problems arise, they remain insulated while the brokers often neighbors or relatives of the victims—face legal consequences.

Another common tactic is the falsification of medical records. To meet administrative departure requirements, syndicates frequently collaborate with unethical healthcare providers to falsify medical examination results. They can easily clear workers who are actually unfit or ineligible for certain jobs. This constitutes a serious legal violation but is rarely investigated thoroughly. The state

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lacks a strong centralized digital verification system for health documents, allowing syndicates to manipulate such records with ease.

Syndicates are also highly skilled in manipulating employment contracts. They prepare dual contracts: one submitted to labor authorities that complies with regulations, and another imposed on workers in the destination country containing lower wages and heavier workloads. Because the state lacks effective post-departure monitoring mechanisms, these fraudulent contracts are rarely exposed. Regulations remain weak in requiring companies to report the actual conditions of workers abroad, allowing syndicates to alter contracts at will without fear of inspection.

The lack of legal protection for victims who have been deceived also creates opportunities for syndicates. Rogue recruitment companies often disappear or change their names when victims seek compensation domestically. Existing regulations are not strong enough to ensure the swift seizure of company assets to compensate victims who have lost everything. Under such conditions, syndicates face little financial risk if caught, as they can quickly establish new companies under different identities and resume their activities.

Finally, these regulatory gaps are exacerbated by a legal culture among law enforcement that is not always sufficiently sensitive to human trafficking issues. Many cases that should be prosecuted under anti-trafficking laws are instead treated as labor disputes, resulting in much lighter sanctions. By reclassifying these crimes, syndicates can easily avoid severe penalties. As long as this legal classification loophole remains exploitable, illegal recruitment will continue to be a highly profitable business because the legal risks are disproportionate to the profits obtained.

3.3. Policy Reconstruction Strategies to Break the Chain of Illegal Recruitment Syndicates

Breaking the chain of illegal recruitment syndicates requires a highly ambitious policy reconstruction strategy, particularly in restructuring the licensing and supervision systems for labor recruitment agencies. The state should eliminate overlapping licensing schemes and implement an integrated, high-risk licensing system. Every recruitment company should be required to place a substantial security deposit with the state as an operational requirement, which can be used at any time to compensate workers if the company violates the law. This measure would filter out companies lacking strong capital and good intentions, preventing



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the migrant labor industry from being dominated by small actors often linked to criminal syndicates.

The second strategy is the full digitalization of every stage of recruitment through a transparent national one-stop information system. Every step from registration and medical examinations to training and contract signing must be documented in a system that cannot be manipulated. Workers should have direct access to this system through mobile applications to monitor the status of their documents and employment contracts. With such digitalization, there would be no room for brokers or agents to conceal contracts or manipulate administrative processes behind the scenes, as all activities would be monitored by the state in real time.

Third, law enforcement should focus on pursuing intellectual masterminds rather than merely targeting field operatives. Authorities should maximize the use of anti-money laundering laws to trace financial flows generated from illegal recruitment and confiscate related assets. Profits from these syndicates are often invested in other legitimate businesses. By dismantling their financial networks, the state can deprive them of the resources needed to continue operating. Law enforcement agencies should establish specialized units staffed with financial experts capable of identifying hidden transaction patterns used by syndicate leaders.

Fourth, there is a need to establish truly proactive protection service centers in destination countries. Thus far, protection has often been limited to passive services provided through embassies or consulates. The role of labor attachés should be expanded to include authority to conduct periodic surprise inspections of workplaces and migrant worker housing. While this may pose diplomatic challenges, bilateral agreements should emphasize that protecting Indonesian citizens is non-negotiable. If destination countries deny monitoring access, Indonesia should be prepared to reconsider labor deployment arrangements as a means of asserting protective sovereignty.

Fifth, the active role of local governments at the village level should be strengthened as an early detection mechanism. Village heads and local officials must be empowered to monitor all recruitment activities occurring within their jurisdictions. Any individual or group seeking to recruit villagers for overseas employment should be required to report and obtain verification from local labor authorities. Where unauthorized recruitment occurs, residents should have access to secure reporting channels to inform district-level authorities, enabling intervention before victims are sent abroad.

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Sixth, public education and legal literacy programs for prospective migrant workers must be implemented on a massive scale and reach even the most remote areas. Education should no longer be limited to formal seminars in urban centers but should use communication approaches tailored to rural communities. Social media, local community organizations, and religious leaders should be mobilized to raise awareness about the dangers of illegal recruitment syndicates. Prospective migrant workers should be encouraged to remain skeptical of agencies' promises and to verify information with labor authorities before making decisions. Society itself must become part of the monitoring system.

Seventh, law enforcement must be fully aligned with international standards. Every national policy should refer to ratified ILO conventions. The government should enact a comprehensive framework law integrating labor, immigration, and anti-human trafficking provisions harmoniously. Such harmonization would eliminate opportunities for officials to evade responsibility or misinterpret legal provisions. Criminal and administrative sanctions must be clearly and firmly regulated so that every actor from brokers to company owners understands that illegal actions will result in severe legal consequences.

Finally, the state must demonstrate a long-term commitment to improving economic welfare in poverty-stricken regions. As long as rural communities remain trapped in severe economic hardship, they will continue to be easy targets for illegal recruitment syndicates. The government must implement genuine economic empowerment programs rather than merely offering training without follow-up support. By improving living standards in villages, Indonesia can dramatically reduce the supply of potential victims for human trafficking syndicates. Breaking the chain of illegal recruitment syndicates is a major undertaking requiring synergy among law enforcement, bureaucratic reform, and economic development policies that genuinely benefit ordinary people.

4. Conclusion

The problem of illegal migrant worker recruitment in Indonesia is a multidimensional issue that requires comprehensive solutions, ranging from regulatory reform and strengthened oversight to economic empowerment at the village level. Harmonizing ILO labor standards with national law is a strategic step that can no longer be postponed, as it is essential for closing the legal loopholes long exploited by syndicates engaged in human trafficking. Protection of migrant workers is not merely a formal obligation of the state but must be realized through concrete actions, including strict law enforcement, transparent digitalized deployment systems, and stronger protection diplomacy in destination countries.



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By breaking the chain of illegal recruitment syndicates, Indonesia can transform labor migration into a process that is safe, dignified, and capable of delivering prosperity for workers and the nation as a whole.

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