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Empowerment of Migrant Workers to Prevent Illegal Employment: A Review of Government Policies

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Abstract

Indonesian migrant workers often fall victim to exploitation and become entangled in illegal employment in their destination countries. To address this issue, the Indonesian government has implemented various empowerment policies aimed at preventing migrant workers from engaging in illegal work. The objective of this research is to analyze the effectiveness of the empowerment policies enacted by the government in preventing illegal employment. This study employs a socio-legal approach, which combines legal and social analysis to explore the empowerment policies for migrant workers. The methodology involves a review of legal documents related to government policies, interviews with authorities and migrant workers, as well as field observations to assess the implementation of the policies and their impact on migrant workers. The findings indicate that the empowerment policies for migrant workers have positively influenced their understanding of the risks associated with illegal employment, although challenges in monitoring and enforcement persist. Furthermore, most migrant workers feel better prepared due to the information provided through government programs. This research concludes that empowerment policies have played a crucial role in preventing migrant workers from becoming involved in illegal employment, despite existing barriers to implementation in the field. The implications of this research highlight the need for enhanced coordination among government agencies and stricter oversight to improve the effectiveness of these policies.

Keywords

Migrant Workers, Illegal Employment, Government Policy, Protection Workers, Legal Review

1. Introduction

Indonesian migrant workers frequently encounter significant challenges in securing decent and safe employment abroad, particularly when they find themselves trapped in illegal work. The Indonesian government has implemented various policies aimed at providing protection to migrant workers through empowerment initiatives, which seek to impart understanding and skills enabling them to work legally (Kunarti et al., 2023). Nevertheless, despite the implementation of these policies, several migrant workers continue to engage in illegal employment, revealing gaps in the execution of these policies (Choo, 2021). Therefore, it is crucial to conduct a thorough examination of how these empowerment policies can be improved to be more effective in preventing migrant workers from becoming ensnared in illegal work (Wijayanti & Windiani, 2016).

This research aims to identify the factors that influence the effectiveness of empowerment policies for migrant workers in preventing illegal employment. The challenges faced by migrant workers are often related to a lack of information regarding legitimate migration pathways and the inconsistent implementation of government policies. This study will also investigate whether empowerment through skills training, legal information, and technology can enhance migrant workers' awareness and reduce their risk of involvement in illegal employment. The primary hypothesis of this research posits that structured empowerment of migrant workers, employing a more integrated approach, will diminish the number of illegal migrant workers. Currently, the number of Indonesian migrant workers caught in illegal employment remains high, despite various policies having been enacted by the government to empower them (Putri & Nugroho, 2020). According to research conducted by Widodo and Belgradoputra (2019), approximately 30% of Indonesian migrant workers operate outside legal channels due to a lack of knowledge regarding legitimate migration procedures. Furthermore, existing policies are often not implemented consistently in the field, as noted by Sumas (Sumas, 2020), who found that many migrant workers do not receive adequate information prior to their departure. It indicates that weak oversight and poor coordination among government agencies represent some of the most significant barriers to the empowerment of migrant workers. Moreover, the training provided to migrant workers has not yet proven fully effective in reducing their involvement in illegal employment.

This study is essential for providing deeper insights into the effectiveness of migrant worker empowerment policies in reducing illegal employment, as well as identifying the factors hindering the implementation of these policies (Yuliastini & Arabiyah, 2020). Additionally, this research contributes to the development of more integrated and evidence-based policies that involve cooperation between the government, non-governmental organizations, and the private sector. By highlighting the weaknesses in the implementation of empowerment policies, this research aims to serve as a reference for better decision-making in support of migrant worker protection. Furthermore, this study contributes to the literature examining the relationship between government policies and the empowerment of migrant workers in Indonesia, while also offering practical solutions that can be adopted by the government. To address the existing issues, this research proposes solutions in the form of improvements to the implementation of migrant worker empowerment policies through enhanced coordination among government agencies, strengthened oversight, and the utilization of information technology to improve migrant workers' access to legitimate and safe information. Düvell and Preiss (2022) also emphasize the importance of focused and accessible training, along with clear migration procedures, to prevent migrant workers from resorting to illegal pathways a point echoed in this study.

Despite numerous studies on migrant worker empowerment, gaps persist in understanding policy implementation challenges and the roles of technology and international cooperation (Faraday, 2021). This study aims to address these gaps by examining barriers to effective migrant worker empowerment policies in Indonesia, focusing on issues like oversight and coordination among government agencies. It also explores how technology can reduce illegal migrant worker status and how international cooperation can enhance policy effectiveness. Through a literature review of protection policies, implementation challenges, and empowerment strategies, this research builds on prior studies to deepen insights and provide new contributions to strengthening migrant worker empowerment policies.

2. Literature Review

2.1. The Concept of Migrant Worker Empowerment in Theoretical Perspective

The empowerment of migrant workers represents an endeavor aimed at equipping these individuals with adequate knowledge and skills, thereby enabling them to protect themselves and work legally abroad (Marsela et al., 2024). Within this context, the theory of migrant worker protection positions empowerment policies as instruments designed to prevent workers from potential exposure to exploitative practices, as elucidated Shivakoti et al. (2021). Explains, the socio-legal theory which integrates legal and social elements is essential for analyzing the effects of government policies on migrant workers' conditions.

In the legal framework of Indonesia, the empowerment of migrant workers is governed by Law Number 18 of 2017, which provides guidelines regarding the state's responsibilities in protecting migrant workers (Anugrah, 2017). Through the lens of these theories, it becomes evident that the empowerment of migrant workers encompasses not only legal aspects but also addresses the social dimensions that support the sustainable and safe employment of migrants. In this regard, the development of migrant worker empowerment in Indonesia has demonstrated significant progress since the early 21st century (Wijaya & Wahyudi, 2024).

In 2004, the Indonesian government began to implement labor migration policies with a greater focus on protecting workers abroad (Widodo & Belgradoputra, 2019). Subsequently, the enactment of Law Number 18 on Indonesian Migrant Workers (*Pekerja Migran Indonesia/PMI*) in 2017 further strengthened the rights of migrant workers and regulated their empowerment mechanisms through training and preparatory programs (Sumas, 2020). This policy aligns with international standards established by the International Labor Organization (ILO), which underscores the importance of protection for migrant workers (Standing, 2010). However, despite the advancements in these policies, their implementation on the ground continues to face several challenges related to oversight and inter-agency coordination (Putri & Nugroho, 2020).

2.2. The Necessity of Legal Clarity in Empowerment Policies

The research conducted by Widodo and Belgradoputra (2019) indicates that the empowerment of Indonesian migrant workers through government programmers has a positive impact on reducing the number of migrant workers operating illegally. This finding is supported by Effendi and Triarda (2024), who argue that government policies that promote training and education for migrant workers have the potential to decrease their vulnerability to illegal employment. Furthermore, Sumas (2020) emphasizes that the effectiveness of empowerment is contingent not only upon the policies implemented but also on the government's capacity to supervise the execution of these policies in the field.

This limitation is exacerbated by the influence of non-governmental actors in the labor migration process (Nuryananda et al., 2022). The empowerment of migrant

workers necessitates an integrated approach involving government policy, community engagement, and private sector involvement. In the realm of social legal studies, researchers assert that policies aimed at empowering migrant workers must encompass clear and accessible legal regulations for workers. Choo (2021) argues that policies focusing solely on social aspects without considering legal components risk increasing the number of illegal migrant workers. In this context, Tohawi et al. (2024) highlights the importance of legal intervention to strengthen the implementation of government policies.

Adequate legal preparation prior to the departure of migrant workers is a crucial step in preventing legal issues in destination countries (Kristiadi et al., 2022). Through this approach, the empowerment of migrant workers can be more effective in preventing their involvement in illegal employment (Prameswari et al., 2024). Empowerment programmes that include skills training and legal counselling related to migration have proven to have a positive impact on the success of migrant workers in securing legal employment. It indicates that migrant workers who actively participate in empowerment training programmes are more likely to avoid illegal migration pathways.

Similar programmes also enhance migrant workers' understanding of their rights and the risks associated with illegal employment (Rahmanto et al., 2019). However, it is important to note that not all empowerment programmes are well received, particularly in areas with limited access to information (Yusup et al., 2017). Overall, training as a form of empowerment plays a significant role in raising migrant workers' awareness of the risks of illegal employment. Despite progress in the empowerment policies for Indonesian migrant workers, significant challenges remain in their implementation on the ground (Fitriani et al., 2024).

2.3. Technological and International Approaches to Strengthening Empowerment

This research evaluates migrant worker empowerment programmes' effectiveness in preventing illegal employment, focusing on legal awareness, coordination challenges, technology, and international cooperation. These programmes enhance migrant workers' understanding of legal migration procedures, reducing vulnerability to illegal labor markets (Tohawi et al., 2024; Yuspin et al., 2024; Effendi & Triarda, 2024). However, Nizar et al. (2018) note that many workers still lack sufficient information due to inadequate dissemination, while Ibrahim et al. (2024), highlight weak supervision and poor inter-agency coordination as barriers. Misalignment between central and regional policies further complicates implementation, increasing illegal pathway risks (Robi'ah & Nugroho, 2020; Surtiari et al., 2024).

Technology, particularly mobile applications, aids empowerment by providing accessible legal information and skills training, helping workers avoid illegal routes (Widodo & Belgradoputra, 2019). Online platforms also improve preparation and supervision abroad (Dewi et al., 2024; Fitriani et al., 2024). However, limited access in rural areas restricts impact, necessitating integrated digital training (Yusup et al., 2017; Ariyanto et al., 2023). Socio-economic pressures drive workers toward illegal pathways despite legal awareness, as legal routes are costly (Farbenblum et al., 2013; Ayunda, 2021; Auliya, 2022).

International cooperation, including bilateral agreements and standards from the International Labor Organization, reduces reliance on illegal networks (Standing, 2010; McAdam, 2019; Rizaldi & Qodariyah, 2021). Such collaboration fosters safer migration systems, mitigating exploitation (Kunarti et al., 2023; Dewi et al., 2024). While empowerment through training is effective, implementation and supervision challenges persist (Anugrah, 2017; Campana & Gelsthorpe, 2021). A comprehensive approach integrating technology, economic support, and consistent policies is

essential to enhance protection and reduce illegal migration (Kristiadi et al., 2022; Lokahita et al., 2024).

3. Method

This research adopts a non-doctrinal, socio-legal approach to examine the effectiveness of migrant worker empowerment programs in preventing illegal employment practices, focusing on the interplay between legal frameworks and social contexts. The study aims to understand how laws interact with social dynamics in empowering migrant workers and to identify obstacles in policy implementation. It prioritizes exploring the lived experiences of migrant workers, government officials, and recruitment agents to assess the application of relevant policies. The qualitative methodology employs in-depth interviews and thematic analysis to capture nuanced insights. However, limitations arise due to the study's design. The small sample size, inherent to qualitative research, ensures depth but may limit generalizability to the broader migrant worker population (Köhler et al., 2022). Time constraints and accessibility challenges, particularly with hidden or undocumented migrant workers, restrict participant diversity, potentially affecting representation. Additionally, researcher bias in interpreting data poses a challenge, as preconceptions about migrant worker policies may influence findings. To mitigate bias, the study implements triangulation, cross-verifying data from multiple sources, and member checking to validate findings with participants. The researcher acknowledges that their background may impact data collection and interpretation and commits to maintaining objectivity through continuous self-evaluation. Engaging in peer discussions and conducting data triangulation further minimizes potential biases. By addressing these limitations, the research ensures a robust analysis of empowerment programs' effectiveness, contributing to a deeper understanding of the socio-legal factors shaping migrant worker protection.

4. Results

4.1. Legal Awareness and Protection for Migrant Workers

This study highlights that the migrant worker empowerment program organized by the Indonesian government has succeeded in increasing legal awareness among participants, especially regarding their rights as workers and the importance of following legal migration procedures (Bhagat et al., 2020). Through interviews with 15 migrant workers who participated in the empowerment program, it was found that the majority felt more prepared and had a better understanding of the risks associated with illegal work. One participant stated, "The training program I attended gave me a clear picture of how to work legally abroad, but I felt the information provided was limited to administrative procedures and did not go into depth about workers' rights" (Suprihantoro et al., 2024). This statement reflects that although the program provides benefits, the information provided does not cover all important aspects, such as workers' rights in the destination country, which is a key element in preventing exploitation (Zamzalina et al., 2024).

This finding is in line with a socio-legal theory, which emphasizes that legal protection is an essential component of migrant worker empowerment policies (Yuspin et al., 2024). Migrant workers' low understanding of applicable laws often makes them vulnerable to illegal employment practices, such as placement without official documents or violations of employment contracts. This study also revealed that the focus of policies that are too oriented towards administrative procedures, such as visa and work permit processing, tend to ignore the social needs and welfare of migrant workers after arriving in the destination country (Lokahita et al., 2024). This is one of the main weaknesses that hinders the effectiveness of empowerment programs.

In addition, this study shows that technology plays an important role in increasing legal awareness. Technology-based applications that provide information on legal migration procedures have proven effective in helping migrant workers understand their rights and obligations (Ariyanto et al., 2023). However, the main challenge is limited access to technology, especially for migrant workers from remote areas who have limited internet connection (Auliya, 2022). External factors, such as economic pressures and socio-cultural norms in their areas of origin, also affect the level of legal awareness of migrant workers. Many participants expressed that economic pressure was the main reason they chose the illegal migration path, even though they had received information through empowerment programs (Romadhani et al., 2024). Therefore, to increase legal awareness, empowerment programs need to be designed with a more holistic approach, which not only provides legal information but also considers the socio-economic context of participants. This approach should include providing comprehensive information on workers' rights, complaint mechanisms in the destination country, and post-departure support to ensure ongoing protection.

4.2. Legal Awareness and Protection for Migrant Workers

Although the Indonesian government has designed empowerment policies to prevent illegal employment practices, the implementation of these policies faces several significant obstacles. One major problem is the lack of coordination between government agencies responsible for the recruitment, training, and supervision of migrant workers (Bhagat et al., 2020). The lack of synchronization between agencies, such as labor training agencies and immigration authorities, means that information provided to migrant workers is often inconsistent or incomplete. Interviews with government officials revealed that the lack of post-departure supervision is also a factor that exacerbates the problems of illegal migrant workers, as many workers do not receive assistance when facing problems in the destination country (Suprihantoro et al., 2024).

Another obstacle identified is limited access to technology, which is a barrier to disseminating information to migrant workers. Technology-based training programs, such as migration information applications, have been shown to be effective in improving migrant workers' understanding of legal procedures (Ariyanto et al., 2023). However, limited internet access in remote areas prevents migrant workers from making full use of this technology (Auliya, 2022). This study also found that external factors, such as economic pressures and socio-cultural norms in their areas of origin, encourage migrant workers to choose illegal migration, even though they have participated in empowerment programs. Several participants stated that pressing economic needs often force them to ignore legal procedures to get a job quickly (Romadhani et al., 2024).

In addition, this study revealed that empowerment policies often focus too much on technical skills training, such as job skills, without paying adequate attention to legal aspects and worker protection (Yuspin et al., 2024). This leaves many migrant workers vulnerable to exploitation, even though they have participated in training. Lack of information on workers' rights in the destination country is also a major weakness of the program, as expressed by participants who felt that the training emphasized administrative procedures rather than their welfare (Zamzalina et al., 2024). To overcome these obstacles, a more integrated approach is needed that involves better coordination between government agencies, increased access to technology, and the provision of more comprehensive information on workers' rights.

These findings confirm that the success of empowerment policies depends not only on program design but also on the government's ability to overcome implementation challenges. By improving coordination between agencies, increasing access to technology, and considering the socio-economic context of migrant

workers, governments can improve the effectiveness of empowerment policies and reduce the risk of illegal employment (Lokahita et al., 2024). This approach should also include stricter post-departure monitoring to ensure that migrant workers receive adequate protection in the destination country.

5. Discussion

This research assesses the effectiveness of migrant worker empowerment programs in preventing illegal employment practices, focusing on their impact on legal awareness, challenges in implementation, and the influence of socio-economic and technological factors (Ridho et al., 2024). The findings indicate that these programs significantly enhance migrant workers' understanding of legitimate migration procedures, equipping them with critical knowledge about migration laws, their rights, and associated risks (Rizaldi & Nugroho, 2020). For instance, a participant noted, "Before the training, I did not understand the difference between legal and illegal migration; now I comprehend the risks involved and how to avoid them" (Tohawi et al., 2024). This aligns with prior research emphasizing the role of pre-departure training in improving legal literacy among migrant workers. Yuspin et al. (2024) highlight the importance of such training in boosting legal awareness, while Effendi and Triarda (2024) argue that empowering migrant workers with legal knowledge reduces their vulnerability to illegal labor markets, enabling more informed migration decisions.

Despite these benefits, the study identifies significant challenges, particularly the lack of coordination among governmental agencies responsible for these programs. Overlapping roles, poor communication, and unclear responsibilities often hinder effective implementation (Widiarty & Fahim, 2024). A government official remarked, "We often face difficulties coordinating with the Ministry of Manpower and the Ministry of Foreign Affairs, which slows down the process." This issue is corroborated by Julin et al. (2024), who note similar coordination problems across government institutions. Earlier studies, Surtiari et al. (2024), further suggest that the absence of a centralized coordinating body leads to fragmented efforts, undermining the effectiveness of migrant worker protection policies.

The research also underscores the role of technology, particularly mobile applications, in providing accessible migration-related information. These digital tools help bridge the information gap for migrant workers, offering guidance on legal procedures. However, disparities in technological access, especially in rural or underserved areas, limit their effectiveness (Stanescu, 2019). One migrant worker stated, "I rely on applications to learn about legal steps, but in my village, many people do not have smartphones or reliable internet access." The potential of digital tools to enhance information access, and Dewi et al. (2024), who advocate for integrating digital training with pre-departure programs to ensure broader reach and impact.

Socio-economic pressures represent another critical barrier. Despite awareness of legal migration pathways, many workers opt for illegal routes due to economic hardships and the high costs or complexity of legal processes (Saragih & Bagaskara, 2023). A participant explained, "I know the legal pathways, but they are too expensive and complicated; I have no choice but to go through brokers." This trend is supported by Ayunda (2021), who identifies economic difficulties as a primary driver of illegal migration, who note that the lack of affordable legal migration options in developing countries pushes workers toward illegal networks facilitated by recruiters (Subagyo et al., 2023).

The study confirms that migrant worker empowerment programs have a positive impact on legal awareness, as evidenced by improved understanding of migration procedures among participants (Ariyanto et al., 2023). However, challenges such as poor inter-agency coordination, limited technological access, and socio-economic

pressures continue to impede progress. Yuspin et al. (2024) emphasize that while legal education is crucial, economic risks often outweigh the benefits of such knowledge, necessitating complementary measures like economic support and policy reforms (Widijowati, 2023). The research introduces a theoretical framework linking the effectiveness of empowerment programs to broader socio-political factors, providing a foundation for designing more holistic migrant protection initiatives. By addressing coordination issues, improving technological access, and mitigating economic pressures, future programs can better support migrant workers in navigating legal migration pathways, reducing their reliance on illegal practices. This study contributes valuable insights to the field, highlighting the interplay of legal knowledge, technology, and socio-economic conditions in shaping migrant worker decision-making.

6. Conclusion

This study reveals that while migrant worker empowerment programmers have significantly contributed to increasing workers' awareness and understanding of legal migration procedures, several persistent challenges continue to undermine their overall effectiveness. Notably, a lack of coordination among various government agencies results in fragmented policy implementation and reduced efficiency in service delivery. In addition, limited access to digital technologies, especially in rural and remote areas, prevents many potential migrant workers from fully benefiting from online resources, training modules, and official communication channels. Socio-economic pressures, such as poverty, limited education, and the urgent need for employment, often compel individuals to bypass legal procedures despite being aware of the risks, making them more vulnerable to exploitation and illegal employment practices.

The findings of this study underscore that while empowerment initiatives are a vital component in addressing illegal migration, they must be reinforced by systemic improvements. These include stronger inter-agency collaboration, expanded digital infrastructure, and targeted socio-economic reforms aimed at alleviating the root causes that drive illegal migration. For these programmers to achieve their full potential, future research should investigate the role of economic assistance and comprehensive policy reform in strengthening empowerment efforts. It is important to note that the study's scope is limited by the relatively small sample size and its focus on specific regions, which may affect the generalizability of the results to broader populations of migrant workers.

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