

Protecting Indonesian Migrant Workers from Recruitment Exploitation: A Human Rights Assessment of Overseas Employment Governance

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Abstract

Indonesian migrant workers contribute significantly to household incomes and the national economy but may face exploitation during recruitment and overseas employment. Excessive recruitment fees, deceptive contracts, document retention, and inadequate access to remedies can create serious human rights risks. This article examines Indonesia's governance of migrant worker recruitment from a human rights perspective. Using normative juridical and policy analysis, the study evaluates migrant worker legislation, recruitment regulation, licensing mechanisms, pre-departure protection, and complaint procedures. The article argues that effective protection requires accountability throughout the recruitment chain rather than relying exclusively on workers' ability to identify abusive practices. The study proposes a rights-based recruitment framework incorporating transparent fee structures, standardized contracts, licensing oversight, joint liability for recruitment intermediaries, accessible complaint mechanisms, and stronger bilateral cooperation with destination countries. Particular attention is given to the vulnerability created by debt-financed migration and information asymmetry between workers and recruitment agencies. The article concludes that Indonesia's migrant worker policy should prioritize prevention of exploitation and access to remedies while strengthening accountability for private recruitment actors.

[Pekerja migran Indonesia memberikan kontribusi signifikan terhadap pendapatan rumah tangga dan perekonomian nasional, tetapi mungkin menghadapi eksploitasi selama perekrutan dan pekerjaan di luar negeri. Biaya perekrutan yang berlebihan, kontrak yang menipu, penahanan dokumen, dan akses yang tidak memadai terhadap upaya hukum dapat menciptakan risiko hak asasi manusia yang serius. Artikel ini mengkaji tata kelola perekrutan pekerja migran di Indonesia dari perspektif hak asasi manusia. Dengan menggunakan analisis yuridis dan kebijakan normatif, studi ini mengevaluasi undang-undang pekerja migran, peraturan perekrutan,

mekanisme perizinan, perlindungan sebelum keberangkatan, dan prosedur pengaduan. Artikel ini berpendapat bahwa perlindungan yang efektif membutuhkan akuntabilitas di seluruh rantai perekrutan, bukan hanya bergantung pada kemampuan pekerja untuk mengidentifikasi praktik-praktik yang melanggar hak asasi manusia. Studi ini mengusulkan kerangka kerja perekrutan berbasis hak yang mencakup struktur biaya yang transparan, kontrak standar, pengawasan perizinan, tanggung jawab bersama bagi perantara perekrutan, mekanisme pengaduan yang mudah diakses, dan kerja sama bilateral yang lebih kuat dengan negara tujuan. Perhatian khusus diberikan pada kerentanan yang disebabkan oleh migrasi yang dibiayai utang dan asimetri informasi antara pekerja dan agen perekrutan. Artikel ini menyimpulkan bahwa kebijakan pekerja migran Indonesia harus memprioritaskan pencegahan eksploitasi dan akses terhadap upaya hukum sambil memperkuat akuntabilitas bagi pelaku perekrutan swasta.]

Keywords: Migrant workers, recruitment, labor rights, human trafficking, Indonesia

Introduction

International labor migration has become an important livelihood strategy for many Indonesian households, particularly in regions where domestic employment opportunities are limited or wages are perceived as insufficient. Working abroad can provide access to higher income, remittances, professional experience, and improved economic opportunities for workers and their families. Yet the benefits of migration are distributed unevenly because the migration process itself is mediated by recruitment companies, local brokers, government agencies, employers, and destination-country institutions. These intermediaries can facilitate lawful mobility, but they can also create conditions in which prospective workers become dependent on actors who control information, documentation, transportation, financing, and access to employment. The governance of migration must therefore be assessed not only according to whether workers successfully cross international borders but also according to whether the process leading to departure respects their rights. Research on Indonesian migration to Singapore demonstrates that private recruitment agencies occupy a central position within Asian migration governance, effectively sharing responsibility with states for organizing labor mobility (Yeoh, Cheong, and Vu 2017).

Recruitment is particularly important because vulnerabilities created before departure can persist throughout the employment relationship. Workers who incur substantial recruitment debts may become less able to reject abusive employers, challenge unlawful wage deductions, or terminate exploitative employment because returning home may leave them unable to repay loans. Recruitment fees can therefore transform economic vulnerability into a mechanism of labor control.

Farbenblum (2017) identifies excessive fees, misinformation, weak agency accountability, and inadequate enforcement as recurring structural problems within migrant recruitment systems across Asia. In the Indonesian context, these risks are reinforced by the use of local sub-agents who may operate outside effective government supervision. The result is a governance chain in which the worker may know the local broker but have little knowledge of the recruitment company ultimately responsible for placement. This fragmentation complicates accountability because responsibility can be shifted between actors when abuse occurs.

Indonesian law has responded to these problems through a significant normative transformation. Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers replaced the earlier placement-centered framework and explicitly strengthened the state's responsibility throughout the migration cycle. Izzati (2019) argues that the legislation represents a shift from a model emphasizing placement toward one that places greater emphasis on protection and expands the role of government. The framework encompasses pre-placement, placement, and post-placement protection and distributes responsibilities among central government, regional authorities, and other institutions. Al Farisi et al. (2022) similarly emphasize that the effectiveness of the new framework depends upon coordination among multiple institutions because migrant-worker protection cannot be achieved by a single agency.

The central problem, however, is the distance between normative protection and practical protection. A sophisticated legal framework can remain ineffective if workers do not receive accurate information, recruitment companies are inadequately monitored, placement fees remain opaque, and complaint mechanisms are difficult to access. Recent Indonesian scholarship concerning overcharging demonstrates that the implementation of zero-cost recruitment continues to face institutional coordination problems between relevant authorities (Uliarina and Ramadhani 2024). Other research similarly identifies conflicting norms concerning placement financing as a factor that may facilitate excessive charges, exploitation, and even practices approaching trafficking in persons (Octaviani and Layang 2022).

This article argues that recruitment exploitation should be treated as a human rights governance problem rather than simply a contractual or administrative violation. The state has an obligation to prevent foreseeable abuses, regulate private recruitment actors, ensure that workers have meaningful information and bargaining capacity, and provide accessible remedies when violations occur. A rights-based approach consequently requires accountability across the entire recruitment chain, including local brokers, licensed recruitment companies, employers, financial intermediaries, and government institutions. The article further argues that preventing exploitation requires changing the economic structure of recruitment itself. As long as workers are expected to finance substantial recruitment costs while possessing limited information and bargaining power,

formal consent to recruitment arrangements may not represent genuine freedom of choice.

This research employs a normative juridical method combined with policy analysis. The normative component examines Indonesian legislation and regulatory instruments governing migrant worker recruitment, placement, protection, licensing, financing, and remedies. The principal legal framework includes the 1945 Constitution, Law No. 39 of 1999 concerning Human Rights, Law No. 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons, Law No. 6 of 2012 ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, and Government Regulation No. 59 of 2021 concerning the Implementation of the Protection of Indonesian Migrant Workers. The analysis also considers regulations concerning recruitment agencies, placement fees, government responsibilities, and pre-departure services.

The policy analysis is supported by peer-reviewed literature concerning migrant recruitment governance, recruitment agencies, labor trafficking, debt-financed migration, migrant-worker protection, and access to justice. The study uses these sources to identify structural relationships between recruitment practices and later exploitation rather than treating individual violations as isolated incidents. Particular attention is given to the relationship between recruitment fees and indebtedness, the role of private recruitment agencies and sub-agents, institutional fragmentation, non-procedural migration, corporate liability, and transnational remedies. The research does not employ quantitative primary data; its objective is instead to develop a legally and analytically grounded framework for assessing whether Indonesia's recruitment governance is capable of preventing human rights violations before migrant workers enter employment abroad.

Recruitment Exploitation as a Human Rights Problem

The recruitment stage should be understood as part of the employment relationship rather than as a preliminary administrative process that ends once a worker leaves Indonesia. Recruitment determines the employer, occupation, wages, contractual conditions, destination, migration costs, and often the worker's level of indebtedness. It also determines the information available to the worker concerning employment conditions and legal rights. Consequently, abuse during recruitment can establish the structural conditions under which exploitation later occurs. Farbenblum (2017) demonstrates that recruitment misconduct across Asian labor corridors frequently includes excessive charges, misinformation, weak licensing, inadequate contracts, and limited enforcement. These problems are especially serious when recruitment is mediated through several layers of agents because the worker may not know which actor has legal responsibility for the placement.

The Indonesian case illustrates this problem through the role of local brokers or *calo*. Recruitment may begin at village level through an intermediary who

identifies prospective workers and connects them to a larger recruitment company. Yeoh, Cheong, and Vu (2017) show that migration governance involving Indonesian domestic workers in Singapore cannot be adequately understood by looking only at formal state institutions because private recruitment agencies and brokers constitute an important part of the migration infrastructure. This intermediary structure can facilitate migration, particularly where prospective workers have limited knowledge of official procedures, but it can also make accountability difficult. A worker may make payments to one intermediary, sign documents through another, and eventually enter into an employment relationship arranged by a third party. Such fragmentation creates information asymmetry and makes it difficult for workers to identify who is responsible when promised employment conditions are not delivered.

Recruitment fees are particularly significant because they can convert migration from an opportunity into a debt obligation. The problem is not limited to the absolute amount of a fee but concerns the relationship between the fee, expected wages, worker income, and financing mechanism. Where workers borrow money to finance migration, debt may be repaid through wage deductions after arrival. The worker consequently enters the destination country with an immediate financial obligation and reduced bargaining power. Research on Asian migrant labor shows that debt can simultaneously facilitate mobility and restrict freedom, because workers may be formally free to leave employment while practically constrained by the need to repay migration-related debt (Hoang 2020).

The Indonesian legal response has increasingly recognized the problem of excessive placement costs. Uliarina and Ramadhani (2024) examine the application of the zero-cost principle for Indonesian migrant workers and identify institutional coordination as a major challenge. Their analysis indicates that legal protection can become ineffective when different government institutions possess overlapping responsibilities but lack sufficiently integrated enforcement mechanisms. The problem is therefore not simply that recruitment agencies violate cost rules; it is that workers may have difficulty identifying where to complain, authorities may lack a unified cost structure, and enforcement may occur only after financial harm has already been experienced. A rights-based system should therefore make recruitment costs transparent before workers sign agreements and should impose meaningful consequences when agencies or intermediaries collect unauthorized payments.

The question of who should bear recruitment costs is also connected to the principle of decent work. Where workers must finance recruitment, the economic value of migration is partially transferred from workers to intermediaries before employment begins. This is particularly problematic when the worker's future income is the basis for financing recruitment costs. The worker effectively pledges future labor in order to obtain access to employment. De Sena (2021) identifies the relationship between recruitment fees, indebtedness, and impairment of migrant rights as a structural issue in Asian migration systems. Debt is not necessarily

equivalent to forced labor, but excessive debt can increase workers' exposure to coercion when combined with document retention, wage withholding, threats, or restrictions on mobility.

Recruitment deception provides another mechanism through which consent can be undermined. Prospective workers may receive inaccurate information about wages, job descriptions, working hours, accommodation, or employer identity. When workers make migration decisions based on false information, their formal agreement to employment conditions cannot be considered equivalent to informed consent. Research on recruitment deception identifies misinformation, recruitment fees, identity-document confiscation, debt, and psychological manipulation as interconnected mechanisms through which recruiters can transform vulnerability into exploitation (Barrientos et al. 2023). The Indonesian regulatory framework should consequently treat misleading recruitment information as a substantive rights violation rather than a minor contractual dispute.

The problem becomes more serious when recruitment exploitation intersects with trafficking. Not every recruitment-fee violation constitutes human trafficking, and legal analysis should avoid automatically classifying all labor migration abuses as trafficking. However, deceptive recruitment, debt, document confiscation, coercion, and abuse of vulnerability can form part of trafficking processes. Indonesian research on non-procedural placement confirms that excessive placement fees, falsification of migrant identity, and inadequate training can occur within recruitment practices associated with trafficking risks (Utami 2024). The distinction between ordinary recruitment misconduct and trafficking is therefore important, but it should not prevent authorities from recognizing early indicators of exploitation before workers become trapped in coercive employment relationships.

Regulatory Governance and Accountability Across the Recruitment Chain

Law No. 18 of 2017 represents a major conceptual change in Indonesia's migrant-worker governance because it expands the role of government and recognizes protection as a continuing responsibility. Izzati (2019) observes that the legislation reduces the previously dominant role of private actors by strengthening government involvement in placement and protection. This shift is important because recruitment is not a neutral market transaction. The state authorizes recruitment agencies, regulates placement procedures, establishes documentation requirements, and determines which migration channels are lawful. When private actors cause harm within this regulated system, the state cannot simply characterize the matter as a private dispute. Regulatory authorization creates a corresponding responsibility to supervise the conduct of authorized actors.

Recruitment licensing should therefore be designed around worker protection rather than merely market regulation. Farbenblum (2017) argues that licensing systems in origin countries often focus on the financial stability and organizational

capacity of recruitment agencies without adequately conditioning licensing on compliance with worker-protection obligations. A rights-based licensing model should instead make licensing and renewal conditional upon a demonstrated record of compliance, resolution of complaints, transparent fee practices, proper contract management, and effective remediation. Agencies with repeated violations should face suspension, financial penalties, loss of license, and, where appropriate, criminal prosecution.

The Indonesian experience shows why licensing must extend beyond the formal recruitment company. The use of sub-agents can create a significant accountability gap because local intermediaries may recruit workers without being directly visible to central regulators. If a licensed agency uses an intermediary who charges unauthorized fees or provides false information, the agency should not be able to avoid responsibility simply by claiming that the intermediary was independent. The recruitment company benefits economically from the intermediary's activities and should therefore bear responsibility for ensuring that its recruitment chain complies with legal and human rights standards. This principle is consistent with the broader development of business and human rights due diligence, under which companies are increasingly expected to identify and address human rights risks within their business relationships.

The issue of corporate accountability is particularly important when recruitment agencies become involved in trafficking. Palmer (2020), examining the Indonesian context, demonstrates that recruitment agencies can be held accountable as corporate actors when their activities facilitate trafficking. The significance of corporate liability lies in its ability to move beyond the prosecution of individual brokers. If a recruitment company systematically benefits from abusive recruitment practices, punishment of one employee may not address the organizational structure that generated the abuse. Corporate accountability should therefore include financial sanctions, license consequences, restitution for victims, and, where legally appropriate, criminal responsibility.

The governance problem is further complicated by institutional fragmentation. Indonesian migrant-worker protection involves central ministries, the Indonesian Migrant Workers Protection Agency, local governments, village institutions, diplomatic missions, recruitment agencies, and destination-country authorities. Al Farisi et al. (2022) argue that effective protection requires an integrated ecosystem in which data and information are shared across institutions. Without coordination, workers may receive different information from different authorities, while complaints may move slowly between agencies. Fragmentation can also create opportunities for responsibility shifting. A worker who reports recruitment overcharging may be redirected between agencies because no single institution considers itself responsible for the entire recruitment process.

A rights-based recruitment system therefore requires a clear institutional division of responsibilities combined with interoperable information systems. Registration should begin before departure and should include the identity of the

worker, recruitment company, local intermediary, employer, destination, employment contract, recruitment costs, and emergency contacts. This information should be accessible to relevant authorities and, in appropriate form, to workers themselves. Data integration should not become a surveillance mechanism against migrants; it should function as a protection infrastructure. Workers should be able to verify whether an agency is licensed, whether an employment offer is registered, what costs are legally permissible, and where they can obtain assistance.

The regulatory system should also distinguish between formal legality and substantive compliance. A recruitment company may possess a valid license and still engage in abusive practices. Licensing therefore cannot be the endpoint of regulation. It should be complemented by periodic audits, worker interviews, financial reviews, complaint monitoring, and inspections of recruitment facilities. The state should also examine the practices of sub-agents and training centers associated with licensed companies. A formal license should not create a presumption that workers are protected; instead, it should create an enforceable regulatory relationship in which the agency remains accountable for its conduct.

Recent research on migrant-worker protection in Indonesia similarly identifies a gap between comprehensive regulation and practical enforcement. Hartono and Samsuria (2021) argue that Law No. 18 of 2017 provides a broader protective framework, including protection for workers and families, but implementation remains a significant challenge. Ibrahim (2023) likewise finds that Government Regulation No. 59 of 2021 provides an important framework but requires effective implementation and institutional coordination. The legal architecture is therefore not fundamentally absent; the more persistent problem concerns administrative capacity, enforcement, and the accessibility of protection to workers themselves.

Pre-Departure Protection, Information Asymmetry, and Worker Agency

The period before departure is a critical point for prevention because many recruitment abuses can be detected before the worker crosses the border. Accurate information concerning employment conditions, recruitment costs, destination-country law, employer identity, working hours, wages, and complaint mechanisms can significantly reduce information asymmetry. Yet information is meaningful only when workers can understand and use it. A formal orientation session is insufficient if workers receive technical information that they cannot realistically verify or if they are pressured to sign documents immediately before departure. Pre-departure protection should therefore be designed around worker agency rather than administrative compliance.

Research on Indonesian migrant-worker protection before departure emphasizes the importance of strengthening regulation and information mechanisms. The regulatory framework has increasingly introduced measures aimed at protecting workers before deployment, including requirements

concerning documentation, training, and placement costs. However, effective protection requires coordination among agencies and access to reliable information at the community level. The village is particularly important because recruitment often begins there. If official institutions are absent while brokers are physically present, prospective workers are likely to rely on brokers for information regardless of whether those brokers are authorized.

The information asymmetry is not simply an informational problem; it is a bargaining-power problem. Recruitment agencies and employers generally possess greater knowledge about wages, employment conditions, destination-country rules, and the costs associated with migration. Workers may know only that a particular job promises substantially higher income than local employment. Farbenblum (2017) emphasizes that recruitment contracts often fail to protect workers because the bargaining relationship is structurally unequal and workers lack effective enforcement mechanisms. A rights-based contract therefore requires more than formal consent. It requires understandable terms, verified information, independent advice, and a realistic opportunity to refuse unfavorable conditions without losing previously paid money.

The standardization of employment and placement contracts can reduce some risks, but standardization should not become another administrative formality. Contracts should be written in language understandable to workers and should clearly identify the employer, workplace, wage, working hours, accommodation, deductions, recruitment costs, and procedures for termination. Workers should receive copies before departure and retain access to them digitally or physically. Contract substitution should be treated as a serious violation because it directly undermines informed consent. If a worker agrees to one job in Indonesia but is presented with different terms after arrival, the worker's apparent consent to the destination employment should not be considered sufficient to legitimize the changed arrangement.

Pre-departure protection should also address debt financing. Workers who borrow money to finance recruitment should be informed about the total amount they will owe, interest rates, repayment periods, and expected net wages after deductions. A worker who is told only the gross monthly salary may make a fundamentally different decision from a worker who understands that most of the first several months of wages will be deducted to repay recruitment-related debt. Hoang (2020) demonstrates that debt can simultaneously increase the capacity to migrate and constrain workers' subsequent freedom. The regulatory objective should therefore be to prevent migration debt from becoming a mechanism of dependency.

The zero-cost principle provides a particularly important policy direction. Uliarina and Ramadhani (2024) identify problems in implementing the zero-cost approach, while Nugraheni and Muttaqin (2022) argue that restricting placement-fee waivers to certain categories of positions is difficult to reconcile with a comprehensive conception of migrant-worker protection. The underlying principle

is straightforward: workers should not be placed in a position where the cost of obtaining employment becomes a substantial financial burden. Where legitimate recruitment costs exist, the system should clearly identify who is responsible for paying them and prohibit unauthorized deductions.

Worker agency also requires access to independent advice. Recruitment companies should not be the sole source of information about recruitment companies themselves. Prospective workers should have access to government or independent civil-society counseling concerning contract terms, recruitment costs, destination-country law, and complaint procedures. Such services should be available before contracts are signed and before money is transferred. The ability to seek independent advice is especially important in cases where workers are recruited through family or village networks because social trust can make workers less likely to question claims made by intermediaries.

Gender should also be integrated into pre-departure protection. Indonesian women are heavily represented in domestic and care work migration, sectors in which workers may live inside employers' homes and have limited opportunities to contact external institutions. Recruitment practices can therefore intersect with gender-specific vulnerabilities, including sexual harassment, reproductive coercion, restrictions on mobility, and dependence on employers for accommodation. The protection of women migrant workers should consequently include gender-responsive risk assessment and confidential reporting mechanisms. Recruitment agencies should not be permitted to treat gender-related risks as matters that begin only after workers reach destination countries.

The experience of Indonesian domestic workers in Asia demonstrates why pre-departure conditions matter. Research on recruitment and migration governance in Singapore shows that recruitment agencies can become central actors in determining how workers enter the labor market and how their employment relationships are structured. Recruitment is therefore not simply a process of matching workers with employers; it is a process through which labor-market relationships are produced. Yeoh, Cheong, and Vu (2017) argue that the migration industry should be incorporated into analyses of governance because states often rely on private intermediaries to organize labor mobility.

Remedies, Transnational Accountability, and a Rights-Based Recruitment Framework

A recruitment governance system cannot be considered rights-compatible if workers have rights on paper but cannot obtain remedies when those rights are violated. Access to remedy is particularly difficult for migrant workers because recruitment disputes can cross jurisdictions. A worker may have paid a fee in Indonesia, signed a placement agreement with an Indonesian agency, entered an employment contract with a foreign employer, and experienced abuse in a destination country. Each part of the relationship may be governed by different legal

rules and institutions. The fragmentation of legal responsibility can discourage workers from pursuing claims because they may not know which jurisdiction is competent or whether they can afford legal representation.

Indonesian law recognizes the importance of protection throughout the migration cycle, but implementation of complaint mechanisms remains uneven. Uluwiyah (2021) highlights the continuing importance of legal assistance for Indonesian migrant workers abroad, particularly where workers experience violations during employment. Access to legal assistance should not, however, begin only after serious abuse has occurred. Workers should be able to report recruitment problems before departure and seek assistance immediately upon arrival. Early intervention is especially important in cases involving recruitment fees, contract substitution, and document retention because these practices may become more difficult to challenge after workers are dependent on employers.

Complaint mechanisms must also be designed around the realities of migrant workers. A complaint system that requires repeated physical visits to government offices, complex written submissions, or knowledge of legal terminology may be inaccessible to workers. Effective mechanisms should permit complaints through multiple channels, including telephone, secure digital platforms, diplomatic missions, local government offices, and community organizations. Workers should be able to submit complaints confidentially and should receive information about the progress of their cases. Protection against retaliation is equally important because workers may fear dismissal, deportation, blacklisting, or threats from employers and recruiters.

The transnational nature of migrant employment also requires stronger bilateral cooperation. Indonesian authorities cannot fully protect workers abroad without cooperation from destination countries. Recruitment standards, employment contracts, complaint procedures, employer obligations, and repatriation arrangements should therefore be addressed through bilateral agreements. However, bilateral agreements should not be treated merely as diplomatic instruments. They should contain concrete mechanisms for information exchange, joint monitoring, recognition of complaints, cooperation in investigations, and access to judicial or administrative remedies. The experience of Indonesian workers in Suriname illustrates the continuing importance of diplomatic and consular institutions when workers encounter serious violations abroad (Wibisono and Sadiawati 2021).

Malaysia provides a particularly important example because of the large number of Indonesian workers employed there and the recurring governance problems associated with recruitment. Research on the admission and recruitment of Indonesian workers in Malaysia identifies high recruitment costs, recruitment malpractice, weak regulation of private agencies, poor working conditions, and limited access to justice as continuing challenges (ILO 2020). These findings demonstrate that improving Indonesian regulation alone cannot eliminate exploitation if destination-country recruitment systems and employer practices

remain weak. Bilateral cooperation must therefore address the entire migration corridor rather than only the country-of-origin stage.

Accountability should extend to employers and businesses at the destination. Recruitment agencies may facilitate exploitation, but employers can also benefit from recruitment systems that impose excessive costs on workers or conceal working conditions. Where employers use recruitment agencies, they should conduct due diligence concerning recruitment fees, contract terms, and worker treatment. This is particularly important in sectors with complex subcontracting structures. Stringer, Kartikasari, and Michailova (2021), studying Indonesian workers recruited into the fishing industry, demonstrate how recruitment agents can become embedded within broader labor chains in which exploitation is produced through relationships among recruiters, employers, and other actors.

Corporate accountability should therefore be linked to human rights due diligence. Recruitment companies should identify risks within their recruitment networks, monitor sub-agents, maintain records of fees, verify contracts, and provide remediation where harm occurs. Employers should not simply rely on the statement that a worker was recruited through a licensed agency. A license is not evidence that recruitment was rights-compatible. Similarly, agencies should not be able to escape liability by arguing that abuses were committed by sub-agents. Accountability should follow the economic benefit and degree of control exercised by each actor.

An effective remedy system should also include restitution. When workers have been unlawfully charged recruitment fees, the appropriate response should not merely be a warning to the recruitment agency. Workers should be entitled to reimbursement of unauthorized charges, compensation for related losses, and, where applicable, damages resulting from coercion or trafficking. The possibility of restitution can also create stronger incentives for agencies to comply with recruitment rules. Without financial consequences for abusive practices, regulatory sanctions may become a manageable cost of doing business.

The protection of non-procedural migrant workers presents another important challenge. Workers who leave Indonesia through unauthorized channels are often excluded from formal protection systems and may hesitate to approach authorities because they fear punishment or deportation. Yet irregular status should not eliminate fundamental human rights. Research concerning non-procedural Indonesian migrant workers identifies the relationship between undocumented migration and heightened trafficking vulnerability (Mahardika and Wicaksono 2020). A rights-based framework should therefore distinguish between immigration or administrative violations and victims' entitlement to protection from exploitation and trafficking.

This distinction is particularly important for trafficking victims. If workers fear that seeking assistance will expose them to immigration sanctions, traffickers and abusive employers gain additional power. Authorities should provide clear safeguards allowing potential victims to access protection, medical care, legal

assistance, and complaint mechanisms without immediate punitive consequences. Such measures are consistent with the principle that human trafficking should be treated primarily as a human rights and criminal justice issue rather than simply as irregular migration.

The proposed recruitment governance framework should consequently rest on several interconnected principles: transparency, prevention, accountability, worker participation, and remedy. Transparency requires publicly accessible information about licensed agencies, permissible fees, employers, contracts, and complaint channels. Prevention requires early identification of recruitment risks and effective enforcement before departure. Accountability requires that agencies and other responsible actors bear meaningful legal and financial consequences. Worker participation requires that migrants have a voice in the design and evaluation of recruitment policies. Remedy requires accessible, affordable, confidential, and transnationally coordinated mechanisms for obtaining redress.

The framework should also incorporate a presumption against worker-funded recruitment where such costs create substantial financial dependency. The Employer Pays Principle, while originating largely in international responsible-recruitment practice, offers a useful normative direction because it recognizes that employers and businesses benefiting from migrant labor should not externalize recruitment costs onto workers. Recruitment fees should be regulated through transparent cost structures and independently verified. Where workers are unlawfully charged, repayment should be automatic where possible rather than requiring workers to initiate lengthy legal proceedings.

Finally, Indonesia's recruitment governance should be evaluated according to outcomes rather than institutional activity. The number of workers registered, agencies licensed, or training sessions conducted does not necessarily demonstrate effective protection. More meaningful indicators would include reductions in unauthorized recruitment fees, contract substitution, recruitment-related debt, trafficking cases originating in recruitment processes, unresolved complaints, and repeat violations by agencies. Evaluation should also measure workers' understanding of their rights and their ability to obtain remedies. This would shift migration governance from a bureaucratic model of compliance toward a human rights model of measurable protection.

The central finding of this analysis is that recruitment exploitation cannot be adequately addressed by treating each violation as an isolated incident. Excessive fees, misinformation, document retention, contract substitution, and unlicensed brokerage are interconnected practices that arise from structural asymmetries within the migration industry. Farberblum's rights-based framework is particularly useful because it identifies recruitment governance as an institutional responsibility rather than merely a matter of individual worker caution. Workers should not be expected to protect themselves against powerful recruitment actors simply by reading contracts carefully or avoiding suspicious brokers. The state has greater regulatory capacity and therefore carries a corresponding responsibility to establish

conditions under which fair recruitment becomes the norm rather than the exception.

The second finding concerns the economic structure of recruitment. When workers pay substantial fees to obtain employment, migration becomes partially financed through future labor. This creates an important distinction between formal mobility and substantive freedom. A worker may voluntarily decide to migrate but later find it difficult to leave an abusive job because of debt obligations. The relationship between debt and freedom is therefore dynamic. Hoang's analysis demonstrates that debt can simultaneously enable migration and restrict agency, especially where migration occurs through commercial brokerage networks. Indonesian recruitment policy should consequently treat recruitment debt as a risk indicator requiring preventive intervention rather than as an ordinary private financial arrangement.

The third finding is that licensing alone cannot solve recruitment exploitation. A licensed recruitment company may still operate through informal sub-agents, charge unauthorized fees, or provide misleading information. Regulatory systems must therefore monitor the entire recruitment chain. This conclusion is consistent with Farbenblum's argument that licensing regimes are ineffective when they focus on the existence of agencies rather than their compliance with worker-protection obligations. It is also supported by Palmer's analysis of corporate trafficking liability in Indonesia, which demonstrates that recruitment agencies can constitute organizational actors in exploitation rather than merely neutral intermediaries.

The fourth finding concerns institutional coordination. Law No. 18 of 2017 creates a comprehensive protection architecture, but the distribution of responsibilities among national and local institutions can produce gaps in practice. Al Farisi et al. (2022) emphasize the importance of integrated information systems and coordinated protection services. The significance of this finding extends beyond administrative efficiency. Coordination directly affects human rights because a worker who cannot identify the responsible institution may effectively be deprived of a remedy. The government should therefore create a single protection architecture in which workers can access services without having to understand the internal division of bureaucratic responsibilities.

The fifth finding is that zero-cost recruitment should be treated as a substantive protection principle. Uliarina and Ramadhani (2024) show that implementation remains problematic, while Nugraheni and Muttaqin (2022) question whether limiting fee waivers to selected occupations is consistent with comprehensive migrant-worker protection. These findings suggest that the legal principle should be strengthened through transparent and enforceable rules. A system that formally prohibits excessive charges but allows workers to bear numerous indirect costs can reproduce the same vulnerabilities under a different label. The state should therefore establish clear cost structures and require agencies to disclose every payment demanded from workers.

The sixth finding concerns access to remedy. Migrant workers require remedies that are available both before and after departure. The conventional model often emphasizes protection after a worker arrives at a destination country, but recruitment violations can occur months before departure. By the time exploitation becomes visible abroad, the worker may already have accumulated debt, lost documents, or become dependent on an employer. Preventive complaint mechanisms are therefore essential. Workers should be able to report recruitment abuses confidentially without jeopardizing their migration opportunities or facing retaliation from recruiters.

The seventh finding concerns the relationship between recruitment and trafficking. Indonesian law appropriately distinguishes human trafficking as a serious criminal offense, but enforcement should pay greater attention to the recruitment stage as an early point of intervention. Research on non-procedural placement and trafficking demonstrates that overcharging, false information, document problems, and unauthorized recruitment can contribute to trafficking vulnerability. Preventive enforcement should therefore focus on disrupting exploitative recruitment networks before workers are transported into conditions of forced labor.

The eighth finding is that destination-country cooperation is indispensable. Recruitment exploitation frequently crosses borders, while legal authority remains territorially divided. Indonesian institutions can regulate Indonesian recruitment agencies, but they cannot independently regulate foreign employers or destination-country intermediaries. Bilateral agreements should therefore create enforceable cooperation mechanisms rather than merely expressing general commitments to worker protection. The experience of Indonesian migrant workers in Malaysia, Singapore, Suriname, and other destinations demonstrates that protection requires cooperation between origin-country institutions, destination-country authorities, diplomatic representatives, and private actors.

The ninth finding concerns the role of workers themselves. A genuinely rights-based governance framework should not treat migrants merely as recipients of government protection. Workers possess knowledge about recruitment practices that regulators may not observe directly. Their experiences can identify abusive sub-agents, hidden fees, contract substitution, and weaknesses in complaint systems. Worker organizations and civil society should therefore participate in regulatory monitoring and policy evaluation. This approach is consistent with rights-based recruitment governance, which emphasizes empowered migrant participation alongside enforceable legal rights and institutional accountability.

The final finding is that recruitment policy should be evaluated according to whether it reduces vulnerability rather than simply whether it facilitates migration. A high number of successful placements does not necessarily indicate effective governance if those placements are associated with excessive fees, debt, contract violations, or trafficking. The appropriate policy objective should be safe, informed, fair, and rights-compatible mobility. This requires a conceptual shift from

“successful placement” toward “successful protection.” Such a shift would place the prevention of exploitation at the center of Indonesia's overseas employment governance and would make recruitment regulation more consistent with the human rights obligations already recognized within Indonesian law.

Conclusion

Indonesian migrant-worker recruitment should be understood as a central component of human rights protection rather than as a technical stage preceding employment abroad. Excessive recruitment fees, misleading information, contract substitution, document retention, and unregulated brokerage can create vulnerabilities that persist throughout the migration process. Although Law No. 18 of 2017 represents an important shift toward stronger state responsibility, the continuing problems identified in recruitment financing, agency oversight, institutional coordination, and access to remedy demonstrate that formal legal protection has not yet eliminated structural vulnerabilities. The principal challenge is therefore not the complete absence of regulation but the effectiveness, coherence, and enforceability of existing rules.

A rights-based recruitment system should place prevention at the center of governance. Recruitment agencies and their sub-agents must be subject to meaningful licensing, monitoring, and accountability requirements, while recruitment costs should be transparent and, wherever possible, shifted away from workers. The state should integrate recruitment data, strengthen pre-departure counseling, provide independent information and legal assistance, and establish accessible complaint mechanisms. Corporate accountability should extend beyond individual brokers to recruitment companies and other actors that benefit from or exercise control over exploitative recruitment practices. Particular attention should be given to recruitment-related debt because excessive financial obligations can substantially reduce workers' bargaining power after arrival. Ultimately, Indonesia's migrant-worker governance should move from a placement-centered model toward a prevention-oriented and remedy-based framework. Protection must continue across the entire migration cycle, from village-level recruitment to return and reintegration. Bilateral cooperation with destination countries should complement domestic regulation by establishing mechanisms for information sharing, investigation, legal assistance, and compensation. Migrant workers should also be treated as rights-bearing participants in governance rather than passive beneficiaries. When recruitment becomes transparent, accountable, worker-centered, and independently monitored, overseas employment can provide economic opportunities without requiring workers to bear disproportionate human rights risks. The legitimacy of Indonesia's migration policy should therefore be measured not simply by how many workers are successfully placed abroad, but by whether those workers are able to migrate freely, work under fair conditions, and obtain effective remedies when their rights are violated.

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