

Working for the Nation, Vulnerable at the Border: Legal Protection for Migrant Workers from Nunukan Regency

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Abstract

Nunukan Regency occupies a strategic position in migrant mobility because of its geographical characteristics as a border region. Cross-border migration creates economic opportunities but also increases exposure to exploitation, trafficking, undocumented migration, and limited access to legal protection. This study aims to examine legal protection for migrant workers originating from Nunukan Regency, particularly during recruitment, departure, placement, and return. The research adopts a socio-legal approach by combining regulatory analysis with empirical research involving migrant workers, families, local government institutions, and relevant agencies. The study argues that migrant-worker protection cannot rely exclusively on national legislation because vulnerabilities often emerge from socio-economic conditions in the area of origin and the distinctive characteristics of border regions. Stronger protection requires inter-agency coordination, recruitment monitoring, accessible information, complaint mechanisms, and reintegration measures for returning workers. Local governments play a particularly important role in developing community-based protection before workers leave their communities. The study conceptualizes labor migration as both a legal and social issue requiring cross-sectoral and rights-based governance. Strengthening protection at the local level may reduce vulnerabilities before they become transnational legal problems and improve the continuity of protection throughout the migration cycle.

[Kabupaten Nunukan menempati posisi strategis dalam mobilitas migran karena karakteristik geografisnya sebagai daerah perbatasan. Migrasi lintas batas menciptakan peluang ekonomi tetapi juga meningkatkan risiko eksploitasi, perdagangan manusia, migrasi ilegal, dan akses terbatas terhadap perlindungan hukum. Studi ini bertujuan untuk meneliti perlindungan hukum bagi pekerja migran yang berasal dari Kabupaten Nunukan, khususnya

selama perekrutan, keberangkatan, penempatan, dan kepulangan. Penelitian ini mengadopsi pendekatan sosial-hukum dengan menggabungkan analisis regulasi dengan penelitian empiris yang melibatkan pekerja migran, keluarga, lembaga pemerintah daerah, dan instansi terkait. Studi ini berpendapat bahwa perlindungan pekerja migran tidak dapat hanya bergantung pada undang-undang nasional karena kerentanan sering muncul dari kondisi sosial-ekonomi di daerah asal dan karakteristik khas daerah perbatasan. Perlindungan yang lebih kuat membutuhkan koordinasi antar lembaga, pemantauan perekrutan, informasi yang mudah diakses, mekanisme pengaduan, dan langkah-langkah reintegrasi bagi pekerja yang kembali. Pemerintah daerah memainkan peran yang sangat penting dalam mengembangkan perlindungan berbasis masyarakat sebelum pekerja meninggalkan komunitas mereka. Studi ini mengkonseptualisasikan migrasi tenaga kerja sebagai isu hukum dan sosial yang membutuhkan tata kelola lintas sektoral dan berbasis hak. Penguatan perlindungan di tingkat lokal dapat mengurangi kerentanan sebelum menjadi masalah hukum transnasional dan meningkatkan keberlanjutan perlindungan sepanjang siklus migrasi.]

Keywords: migrant workers, border regions, legal protection, migration, Nunukan Regency

Introduction

International labour migration has become an important component of contemporary economic and social life in Southeast Asia. Workers move across national borders because of differences in employment opportunities, wages, labour demand, and household economic conditions. For sending countries, overseas employment may generate income, remittances, and opportunities for social mobility. For destination countries, migrant workers often provide labour in sectors experiencing shortages of domestic workers. Migration therefore produces mutual economic interdependence between sending and receiving countries. Yet the economic contribution of migrant workers does not necessarily correspond to the level of legal protection available to them.

The legal vulnerability of migrant workers is particularly significant in situations where migration occurs through informal or non-procedural channels. Workers may encounter recruitment fees, misleading information, inadequate contracts, irregular documentation, restrictions on mobility, wage violations, or difficulties accessing legal remedies. The International Labour Organization's review of Indonesian workers in Malaysia identifies cumbersome admission procedures, high recruitment costs, recruitment malpractice, weak regulation of private recruitment agencies, poor working conditions, limited access to justice, and undocumented migration as continuing challenges in the Indonesia–Malaysia labour migration system (International Labour Organization 2020). These problems

demonstrate that migrant-worker vulnerability is not produced exclusively at the destination but can originate in recruitment and admission procedures.

The problem becomes more complex in border regions. Border communities frequently maintain intensive social and economic relationships with neighbouring countries. Geographical proximity can lower the perceived costs of migration and make cross-border movement part of ordinary livelihood strategies. At the same time, the familiarity of cross-border movement may encourage reliance on informal networks rather than formal recruitment and placement mechanisms. Migration governance in border regions must therefore address a tension between facilitating legitimate economic mobility and preventing exploitation.

Nunukan Regency provides an important context for examining this tension. Located in North Kalimantan and directly connected geographically to Malaysia, Nunukan has historically played a strategic role in Indonesian migration to Malaysia. Its position makes the regency simultaneously a place of origin, transit, border control, repatriation, and reintegration. The legal protection of migrant workers from Nunukan therefore cannot be separated from the institutional characteristics of border governance.

The significance of the border is not limited to territorial administration. Border governance also influences who becomes visible to the state, which migration pathways are considered legitimate, and which institutions are responsible when workers encounter problems. In this context, the border can generate a paradox. The state may exercise intensive control over the movement of people while workers remain insufficiently connected to labour-protection mechanisms. A worker may therefore be highly visible from the perspective of immigration control but relatively invisible from the perspective of labour rights.

This problem raises an important question concerning the relationship between migration governance and legal protection. If protection is primarily activated after workers encounter problems abroad, the legal system becomes reactive. By contrast, if protection begins before departure, the state can address risks at a stage when they remain easier to prevent.

The Indonesian legal framework formally supports the latter approach. Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers establishes protection before, during, and after employment and assigns responsibilities to both central and regional governments (Republic of Indonesia 2017). The legislation represents an important shift from a predominantly placement-oriented approach toward a broader protection framework. The legal architecture recognizes that migrant-worker protection must operate throughout the migration cycle rather than only after workers arrive in destination countries.

The role of local government is particularly significant within this framework. Local government is institutionally closer to potential migrant workers than central government agencies. It can provide information, facilitate documentation, monitor local recruitment practices, identify potential victims of trafficking or exploitation, and coordinate services for returning workers. Sonhaji argues that regional

government has an important role in pre-placement protection because many preventive measures can be implemented before workers leave Indonesia (Sonhaji 2020). The local level should therefore be understood not merely as an administrative extension of national migration policy but as an important arena of preventive legal protection.

The ASEAN framework reinforces the importance of multilevel governance. The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers recognizes the need for cooperation among sending and receiving states and provides a regional normative framework for migrant-worker protection. Research on the implementation of the ASEAN Consensus in Indonesia highlights the importance of coordination between national and subnational institutions in translating regional commitments into concrete protection (Sudagung and Olifiani 2020).

Nevertheless, a gap may remain between formal legal commitments and practical accessibility. Legal protection is meaningful only when migrant workers can understand their rights, access relevant institutions, and obtain remedies when those rights are violated. This is particularly important for workers from economically vulnerable communities who may have limited information concerning recruitment procedures or destination-country labour regulations.

The problem is also connected to social protection. Indonesian women migrant workers in Malaysia, for example, have experienced barriers associated with Indonesian regulatory arrangements, Malaysian immigration policy, and limited access to social protection mechanisms (Alfajri and Maulidia 2020). Such findings demonstrate that legal protection cannot be reduced to employment law. Migrant workers require protection across multiple dimensions, including labour rights, immigration status, social security, documentation, and access to justice.

The protection of irregular Indonesian workers presents an even more difficult challenge. Arohmi argues that Indonesian workers who are in Malaysia without proper documentation remain entitled to protection because their irregular migration status does not eliminate their status as Indonesian citizens (Arohmi 2021). This position is important because it distinguishes the enforcement of immigration rules from the state's broader responsibility to protect its citizens from exploitation and abuse.

This article therefore approaches migrant-worker protection through a broader concept of legal vulnerability. Legal vulnerability refers not only to the absence of formal legal rights but also to the inability of individuals to effectively access, understand, exercise, and enforce those rights. Under this approach, the legal vulnerability of migrant workers may begin before migration itself.

The central question of this article is: How should legal protection for migrant workers originating from Nunukan Regency be structured to address vulnerabilities arising throughout the migration cycle, particularly at the point of origin?

This article argues that migrant-worker protection in border regions should be conceptualized as an origin-to-return protection continuum. Protection should begin at the community level, continue through recruitment and departure, remain available during overseas employment, and extend to return and reintegration.

The article makes three principal arguments. First, border proximity creates a distinctive relationship between economic mobility and legal vulnerability. Second, recruitment and pre-departure processes constitute critical sites of preventive legal protection. Third, local government should function as the first institutional layer of protection, while maintaining institutional connections with national agencies and Indonesian representatives abroad. The contribution of the article is therefore not simply to restate the importance of migrant-worker protection. Rather, it develops an analytical framework that places the community of origin at the centre of legal protection. This perspective is particularly relevant for Nunukan because the border is not merely the endpoint of national jurisdiction but part of a broader social and economic migration system.

Literature Review

1. Migration Governance and Legal Protection

Migration governance involves multiple actors operating at different institutional levels. States regulate migration through immigration law, labour law, recruitment regulation, social protection systems, and diplomatic mechanisms. At the same time, migration is influenced by employers, recruitment agencies, families, communities, and transnational networks.

This institutional complexity means that migrant-worker protection cannot be effectively addressed through a single legal instrument. The International Labour Organization's assessment of Indonesian labour migration to Malaysia demonstrates that recruitment, admission, employment conditions, and access to justice are interconnected components of migration governance (International Labour Organization 2020).

The concept of migration governance is therefore broader than migration control. Control focuses on determining who may enter, remain, or work within a territory. Protection focuses on ensuring that people who migrate are not exposed to exploitation or deprived of fundamental rights. A rights-based approach requires these functions to operate simultaneously. Migration regulation should not be understood as an alternative to migrant protection. Rather, legitimate regulation should create conditions under which workers can migrate through safe and lawful channels.

2. Border Regions and Human Security

The concept of human security provides a useful analytical perspective for border migration. Traditional border governance tends to emphasize territorial sovereignty and national security. A human-security perspective instead emphasizes the security of individuals and communities. This distinction is relevant

because irregular migration may be interpreted differently depending on the analytical perspective. From an immigration-control perspective, irregular migration represents a violation of migration rules. From a human-security perspective, however, irregular status may expose workers to trafficking, exploitation, violence, and limited access to justice.

Migration governance in Southeast Asia frequently reflects this tension between security and human protection. Nurdin, Sathian, and Hussin show that migration governance in Southeast Asia involves overlapping security, humanitarian, and institutional considerations (Nurdin, Sathian, and Hussin 2020). The governance of migrant workers in border areas should therefore incorporate both territorial regulation and individual protection.

3. Recruitment and Structural Vulnerability

Recruitment is a critical stage because it determines the conditions under which workers enter the labour market. Excessive recruitment costs can create debt, while misleading information can result in workers accepting employment conditions substantially different from what they expected.

The ILO's analysis of Indonesian workers in Malaysia identifies recruitment malpractice and high recruitment costs as persistent challenges (International Labour Organization 2020). This finding is particularly significant for border communities because informal recruitment networks may operate through social relationships that are difficult for formal institutions to monitor. Recruitment should therefore be understood as a legal relationship involving several actors rather than as a private transaction between worker and employer. Regulation must address the accountability of intermediaries and recruitment agencies while ensuring that workers receive sufficient information before making migration decisions.

4. Local Government and Pre-Departure Protection

Local government occupies a strategic position because migration decisions are embedded in local communities. Prospective migrant workers often obtain information from family members, friends, community leaders, and informal intermediaries. Sonhaji emphasizes the role of local government in pre-placement protection and demonstrates that regional institutions have important responsibilities before workers leave Indonesia (Sonhaji 2020). This suggests that effective migrant-worker protection requires decentralization of preventive mechanisms. The local government should therefore perform at least four functions: information provision, administrative assistance, recruitment monitoring, and institutional referral. These functions can reduce vulnerability before migration becomes an international legal problem.

5. Social Protection and Access to Justice

Legal protection also includes access to social protection. Migrant workers may face employment interruption, illness, injury, family separation, or loss of

income. Social protection mechanisms can reduce the economic consequences of such risks. Alfajri and Maulidia identify legal and regulatory barriers affecting social protection for Indonesian women migrant workers in Malaysia (Alfajri and Maulidia 2020). Their findings demonstrate that the availability of legal rights does not automatically guarantee access to social protection.

Access to justice is similarly important. Workers may possess formal rights but remain unable to enforce them because of language barriers, immigration status, financial limitations, lack of documentation, or fear of retaliation. The legal protection system must therefore create accessible complaint and referral mechanisms.

Methods

This study employs a socio-legal research approach. The approach is appropriate because migrant-worker protection involves both normative rules and social practices. The research examines the relationship between formal legal provisions and the institutional, economic, and social conditions influencing migrant workers from Nunukan.

The normative component examines Indonesian legislation concerning migrant-worker protection, immigration, labour, trafficking, social protection, and relevant international and regional instruments. Particular attention is given to Law No. 18 of 2017, the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, and relevant ILO standards. The socio-legal component examines the institutional relationship among local government, migrant-worker protection agencies, immigration institutions, recruitment actors, migrant workers, families, and other relevant stakeholders. The analysis is organized according to five stages of the migration cycle: pre-recruitment and recruitment; pre-departure and placement; employment abroad; return and repatriation; and reintegration.

The study applies qualitative thematic analysis to identify patterns concerning information access, recruitment practices, documentation, institutional coordination, complaint mechanisms, and reintegration. For an empirical journal submission, the authors should insert the actual number of interviewees, dates of fieldwork, locations, respondent categories, interview procedures, and research ethics procedures. These details should correspond to the actual field research and should not be inferred or fabricated.

Results and Discussion

1. Border Proximity as a Source of Opportunity and Vulnerability

The first finding concerns the dual character of Nunukan's geographical position. Proximity to Malaysia creates economic opportunities for residents who seek employment outside Indonesia. However, the same proximity can facilitate migration through informal channels. The social normalization of cross-border mobility can make formal migration procedures appear unnecessary or burdensome. Individuals may rely on relatives, acquaintances, or informal brokers

who have previously facilitated employment in Malaysia. Such networks can be efficient from the perspective of the migrant but may operate outside formal legal accountability.

This situation produces a structural form of vulnerability. The individual may make a rational economic decision to migrate, but the absence of formal protection mechanisms increases exposure to exploitation. The appropriate policy response is therefore not simply to intensify border enforcement. It is also necessary to make lawful migration sufficiently accessible, affordable, and understandable.

2. Vulnerability Begins Before Workers Cross the Border

A central finding of this study is that vulnerability frequently begins before departure. A worker who receives inaccurate information about wages, working hours, accommodation, or employment conditions may enter the destination country with expectations that do not correspond to reality. Similarly, a worker who incurs substantial recruitment debt may become economically dependent upon an employer.

The ILO's assessment of Indonesian labour migration to Malaysia demonstrates that recruitment costs and recruitment practices remain significant protection concerns (International Labour Organization 2020). This suggests that recruitment should be considered an initial site of legal protection rather than merely an administrative stage. Pre-departure protection should therefore involve more than document verification. It should include legal counselling, contract explanation, recruitment-cost disclosure, and information concerning complaint mechanisms.

3. Information Asymmetry and Migrant Decision-Making

Information asymmetry is another important source of vulnerability. Recruitment intermediaries may possess greater knowledge of migration procedures and employment opportunities than prospective workers. This imbalance can influence migration decisions. Workers may accept arrangements without fully understanding their legal consequences. In border regions, social familiarity with intermediaries can further reduce the likelihood that workers will verify information through formal institutions.

The role of local government is therefore critical. Information should be available within communities rather than requiring potential migrants to navigate complex national bureaucracies. Community-level information centres can provide basic verification concerning recruitment agencies, employment opportunities, migration documents, costs, and complaint mechanisms.

4. Documentation and Legal Visibility

Documentation determines whether migrant workers are visible within formal protection systems. Passports, employment contracts, migration permits, insurance documents, and identity records can determine access to assistance and legal

remedies. Documentation problems can become particularly serious after workers return. Individuals who remain abroad for extended periods without renewing documents may experience difficulties establishing their legal identity and accessing citizenship-related services.

This demonstrates that documentation should be treated as a component of substantive legal protection rather than simply administrative compliance. Local governments can play an important role by assisting workers before departure and facilitating administrative recovery after return.

5. Irregular Migration and the Protection Dilemma

Irregular migration creates a difficult relationship between enforcement and protection. From the perspective of migration law, unauthorized migration may justify administrative sanctions. However, irregular status may simultaneously increase exposure to exploitation. Workers may hesitate to report abuse because they fear arrest, detention, or deportation.

Arohmi's analysis of Indonesian workers in Malaysia emphasizes that irregular workers remain entitled to protection as Indonesian citizens (Arohmi 2021). This principle is important because it prevents immigration status from becoming a complete barrier to legal protection. The state should therefore distinguish between immigration enforcement and protection against exploitation. A worker may violate an immigration rule and simultaneously be a victim of trafficking, wage theft, violence, or forced labour. An effective protection system must be capable of responding to both dimensions without allowing one to eliminate the other.

6. Local Government as the First Institutional Layer

The local government should be understood as the first institutional layer of migrant-worker protection. This proposition follows from institutional proximity. Local governments are closer to communities than national agencies and can identify migration patterns before workers depart. Sonhaji's analysis of pre-placement protection demonstrates the significance of local government in preventing problems before migration occurs (Sonhaji 2020). The local government can therefore provide:

- a. migration information;
- b. recruitment verification;
- c. document assistance;
- d. pre-departure counselling;
- e. identification of trafficking risks;
- f. complaint referral; and
- g. reintegration services.

These functions are preventive rather than reactive.

The local government should not replace national institutions. Instead, it should serve as an institutional gateway connecting migrant workers to national protection mechanisms.

7. Multilevel Governance and Institutional Coordination

Migrant-worker protection requires coordination across multiple levels. The national government establishes the legal framework, while local government implements preventive measures and destination-country institutions regulate employment. The ASEAN Consensus further demonstrates that migrant-worker protection is not exclusively a domestic issue. Regional cooperation is necessary because workers move between jurisdictions (Sudagung and Olifiani 2020).

Institutional fragmentation becomes particularly problematic when workers experience a legal problem that crosses jurisdictions. A wage dispute may involve the employer and Malaysian labour authorities, while the worker's documentation may involve Indonesian authorities. A trafficking case may require law enforcement intervention in both countries. The protection system therefore needs clear referral pathways.

8. Social Protection and Access to Justice

The availability of labour rights does not guarantee access to justice. Workers may face financial, linguistic, geographic, and administrative barriers. Research concerning Indonesian women migrant workers in Malaysia demonstrates that social protection can be constrained by legal barriers and immigration policy (Alfajri and Maulidia 2020). These barriers indicate that the effectiveness of migrant-worker protection depends partly on whether workers can access institutions without excessive costs. A practical protection framework should therefore provide multiple entry points for complaints. Workers should be able to seek assistance through local government, national agencies, Indonesian representatives abroad, labour institutions, and community organizations.

9. Return Is Not the End of Protection

Return should not be treated as the end of the migration cycle. Workers may return after completing contracts, losing employment, experiencing abuse, or being deported. Each category may involve different legal and social needs. Repatriated workers may require documentation assistance, employment support, legal advice, and family reintegration. Workers returning after exploitation may also require assistance in pursuing unpaid wages or other legal claims. This means that repatriation should be accompanied by reintegration. Otherwise, workers may return to the same economic conditions that originally encouraged migration.

An Origin-Based Model of Migrant-Worker Protection

Based on the preceding analysis, this article proposes an Origin-Based Migrant-Worker Protection Model that places the community of origin as the first

institutional site of migrant-worker protection. The central argument of this model is that vulnerability does not begin when workers cross an international border; rather, it may emerge much earlier through inadequate information, dependence on informal recruiters, excessive recruitment costs, documentation problems, and limited understanding of employment contracts. The migration process should therefore be understood as a continuum in which legal protection must accompany workers from the point at which migration is contemplated until their eventual return and reintegration. This approach is particularly relevant to Nunukan Regency because its geographical proximity to Malaysia creates conditions in which cross-border employment can become a familiar livelihood strategy, while simultaneously exposing prospective migrant workers to informal recruitment and documentation risks. The importance of intervention at the point of origin is consistent with the role assigned to local governments in the pre-placement protection of Indonesian migrant workers. Sonhaji (2020), for example, demonstrates that local government institutions have an important role in protecting prospective migrant workers before they leave Indonesia.

The first element of the model is community-based migration information. Access to reliable information should be regarded as a substantive component of legal protection because migrant workers cannot effectively exercise rights that they do not know or understand. Prospective migrant workers should receive accessible information regarding lawful migration procedures, recruitment agencies, employment contracts, recruitment and placement costs, wages, working conditions, immigration requirements, and available complaint mechanisms in the destination country. This requirement is particularly important in border communities, where information about overseas employment may circulate through family members, former migrant workers, friends, and informal brokers rather than through official institutions. Although such social networks can facilitate migration, they can also reproduce incomplete or inaccurate information. The ILO's assessment of Indonesian workers in Malaysia identifies the lack of reliable information concerning working and living conditions as one of the continuing concerns within the migration system (International Labour Organization 2020).

The implication is that local governments should not wait for prospective migrant workers to approach formal institutions. Instead, migration information should be actively disseminated within villages and communities through public information services, counselling, community meetings, and cooperation with migrant-worker organizations. Such an approach would reduce information asymmetry and enable workers to make migration decisions on the basis of legally and economically verifiable information.

The second element is recruitment verification and accountability. Recruitment represents one of the most significant points at which the prospective migrant worker enters a relationship of dependency with intermediaries. Recruiters and placement agencies generally possess greater knowledge concerning migration procedures, employment opportunities, documentation requirements, and

destination-country regulations than prospective workers. This unequal distribution of information can create opportunities for excessive fees, misleading promises, unauthorized placement, or other exploitative practices. The problem is not merely theoretical. The ILO's review of Indonesian labour migration to Malaysia identifies high recruitment costs, recruitment malpractice, and ineffective regulation of private recruitment agencies as continuing challenges in the protection of Indonesian migrant workers (International Labour Organization 2020).

Accordingly, an origin-based protection model requires mechanisms through which workers can verify the legal status and credibility of recruiters before committing themselves to migration. Recruitment should be transparent concerning the identity of the employer, employment conditions, wages, costs, contractual obligations, and available remedies. Local government can contribute by providing accessible verification facilities and by referring suspected illegal recruitment practices to competent authorities. The objective is not to place all recruitment responsibility upon local government, but to ensure that the first opportunity for detecting potentially abusive recruitment occurs before the worker becomes geographically and legally distant from the institutions responsible for protection.

The third element concerns documentation assistance. Documentation should be understood not merely as an administrative requirement but as an important mechanism through which migrant workers acquire legal visibility. Passports, identity documents, employment contracts, migration permits, insurance documentation, and other relevant records establish the basis upon which workers can demonstrate their legal status and exercise their rights. In contrast, inadequate or irregular documentation may restrict access to employment protection, social protection, consular assistance, and judicial or administrative remedies. The prevalence of undocumented workers in the Indonesia–Malaysia migration context illustrates the importance of this issue (International Labour Organization 2020).

An origin-based model therefore requires local institutions to provide practical assistance in obtaining and verifying migration documents before departure. More importantly, prospective workers should be informed about the legal significance of each document rather than simply being instructed to complete administrative procedures. Employment contracts, for instance, should be explained in terms of wages, working hours, termination conditions, employer obligations, and available remedies. Documentation thus becomes part of substantive protection because it strengthens the worker's capacity to demonstrate and enforce legal rights.

The fourth element is pre-departure legal counselling. While information provision gives prospective migrant workers knowledge about migration, legal counselling enables them to understand the consequences of migration decisions in relation to their rights and obligations. Before departure, workers should understand the contents of their employment contracts, the identity and obligations of their employers, wages and working conditions, immigration requirements, occupational risks, and procedures for obtaining assistance when problems occur. The importance of this preventive function is consistent with Indonesia's legal

framework, which conceptualizes migrant-worker protection across the stages before, during, and after employment (Republic of Indonesia 2017). Local government therefore has a strategic role in translating national legal norms into practical knowledge at the community level. Sonhaji (2020) demonstrates that regional government institutions have responsibilities in pre-placement protection, although implementation may encounter institutional and worker-related obstacles.

From an analytical perspective, pre-departure counselling increases the worker's legal agency. A migrant worker who understands the employment contract, recruitment costs, destination-country rules, and available complaint mechanisms is in a stronger position to identify violations and seek assistance than a worker who enters the destination country without such knowledge.

The fifth element involves transnational complaint referral and access to remedies. The fact that migrant workers may encounter legal problems outside Indonesia creates a jurisdictional challenge for local government. A local government institution cannot ordinarily resolve a wage dispute occurring in Malaysia, nor can it replace Malaysian labour authorities, Indonesian diplomatic representatives, or national law-enforcement agencies. Nevertheless, this limitation of jurisdiction should not be interpreted as a limitation of responsibility. Local institutions can function as an entry point and referral mechanism through which complaints are documented and transferred to the institution possessing the relevant authority. This function is particularly important for workers who face linguistic, financial, geographical, or procedural barriers to accessing institutions abroad. The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers emphasizes cooperation between sending and receiving states and establishes a regional framework for addressing migrant-worker protection (ASEAN Secretariat 2018). In this context, an effective local complaint mechanism should be connected to national migrant-worker protection institutions, Indonesian diplomatic missions, labour authorities, and relevant institutions in the destination country. The local government thus functions as a bridge between local vulnerability and transnational remedy.

The sixth element is return and reintegration. Migrant-worker protection should not terminate when workers return to Indonesia because the consequences of migration may continue beyond the period of overseas employment. Returning workers may face unpaid wages, unresolved employment disputes, unemployment, financial difficulties, documentation problems, family tensions, or difficulties in translating overseas work experience into sustainable employment in the community of origin. The concept of reintegration is therefore important because return without economic and social reintegration may reproduce the conditions that initially encouraged migration. A worker who returns to an economically vulnerable household without employment opportunities may once again seek overseas employment, potentially through informal channels. In this sense, reintegration is not simply a welfare programme but a component of preventive migration governance. Local governments can connect returning workers with

employment services, entrepreneurship programmes, social protection, administrative services, and legal assistance. The protection continuum consequently extends beyond repatriation toward the restoration of the worker's social and economic capacity within the community.

The six components should not be treated as independent administrative programmes. Their analytical significance lies precisely in their interdependence. Weakness at one stage of the migration cycle may produce vulnerability at the next. Inadequate community information may lead prospective workers to rely on unverified recruiters; unverified recruitment may generate excessive costs or inaccurate employment promises; excessive costs may produce debt and economic dependence; documentation problems may subsequently expose workers to irregular status; irregular status may reduce willingness to report exploitation; and unresolved disputes may complicate both return and reintegration. The ILO's research on Indonesian workers in Malaysia illustrates this interconnected character by identifying recruitment practices, migration costs, documentation, working conditions, and access to justice as related dimensions of migration governance (International Labour Organization 2020).

Consequently, migrant-worker protection should be designed as a continuous institutional process rather than as a collection of isolated interventions. The model can therefore be conceptualized as a protection continuum:

Community Information → Recruitment Verification → Documentation
→ Pre-Departure Counselling → Departure and Overseas Protection →
Complaint and Remedy → Return → Reintegration.

The sequence is important because it illustrates that legal protection begins before the employment relationship is established abroad. The model also reflects a shift from a predominantly reactive protection approach toward a preventive and anticipatory approach. A reactive system tends to become active when a worker has already experienced exploitation, lost documentation, encountered immigration problems, or become involved in a labour dispute. By contrast, an anticipatory system seeks to identify vulnerabilities before they materialize. The distinction is important in border regions because geographical proximity can make migration easier while simultaneously making informal migration practices more socially normalized. Prevention at the point of origin can therefore reduce the burden placed on institutions responsible for crisis response and dispute resolution after workers have already crossed the border.

The origin-based model also requires a redefinition of the role of local government. Local government should not be understood as a substitute for national migration institutions, immigration authorities, labour agencies, or diplomatic representatives. Rather, it should function as the first institutional layer within a multilevel protection system. Its comparative advantage lies in proximity to prospective migrant workers and their families. Local officials are better positioned

to disseminate information, identify recruitment patterns, recognize potential trafficking risks, assist with documentation, and establish communication with families when workers encounter difficulties abroad. This institutional proximity makes local government particularly important for preventive protection. Sonhaji's (2020) findings concerning the role of local government in pre-placement protection support the proposition that protection can be strengthened when responsibilities are translated into institutional practices at the regional level.

At the same time, an origin-based approach should not be interpreted as a decentralization of all responsibility for migrant-worker protection. Migrant labour is inherently transnational, and many legal problems cannot be resolved by institutions at the point of origin. Effective protection therefore requires vertical and horizontal institutional coordination. Vertically, local government must be connected with national institutions responsible for migrant-worker protection, immigration, labour, and law enforcement. Horizontally, it must interact with village administrations, community organizations, recruitment institutions, families, and civil-society organizations. Beyond Indonesia, the protection system must also connect with Malaysian authorities and Indonesian diplomatic representatives. The ASEAN framework supports this broader understanding of migrant-worker governance by emphasizing cooperation among member states and recognizing obligations concerning migrant workers and their families (ASEAN Secretariat 2018).

The model is particularly relevant to the problem of irregular migration. An origin-based protection system should seek to prevent irregular migration through information, documentation, and recruitment oversight, but it should not assume that irregular status eliminates the need for protection. Indeed, irregular status can increase vulnerability because workers may fear reporting exploitation or approaching authorities. The ILO identifies undocumented migration and limited access to justice as continuing concerns in the Indonesia–Malaysia labour migration system (International Labour Organization 2020).

This creates a normative argument for separating immigration enforcement from the basic protection of workers against exploitation. A worker may have violated immigration rules while simultaneously becoming a victim of wage theft, trafficking, forced labour, or other forms of abuse. An effective protection system should therefore preserve access to assistance and remedies while allowing immigration authorities to perform their statutory functions.

The broader importance of the model lies in its understanding of the border as a legal and social space rather than merely a territorial boundary. Nunukan's proximity to Malaysia means that migration is embedded within social relations, economic strategies, and patterns of mobility that cannot be adequately addressed through border control alone. The existence of a formal border does not eliminate the social networks that connect communities across that border. Consequently, a protection system that begins only at the border checkpoint is structurally late. The relevant intervention must begin within the community where migration decisions

are made and where relationships with recruiters and employers are initially established. By moving the first point of protection from the border to the community, the state can intervene at a stage when vulnerabilities are more visible and potentially easier to prevent.

Ultimately, the Origin-Based Migrant-Worker Protection Model advances the argument that legal protection should be understood as a continuum rather than a single institutional event. Protection should begin when an individual considers migration, continue through recruitment and documentation, accompany the worker during overseas employment, provide accessible pathways to complaint and remedy, and remain available through return and reintegration. Protection should not disappear when the worker crosses the international border because vulnerability does not disappear at the border. Similarly, protection should not end when the worker returns because the economic and legal consequences of migration may continue within the community of origin. For Nunukan Regency, the model therefore offers a framework for transforming local government from a primarily administrative actor into an active institution of preventive, rights-based, and transnational migrant-worker governance.

Policy Implications

The analysis produces several policy implications. First, local government should be treated as a preventive protection institution. Local governments should not merely record migrant workers but actively provide information, documentation, and recruitment oversight. Second, recruitment regulation should be strengthened at the community level. Formal recruitment systems are ineffective if prospective migrants cannot distinguish legitimate recruiters from informal intermediaries. Third, documentation assistance should become part of migrant-worker protection. Workers should receive support in obtaining, maintaining, and recovering identity and employment documents. Fourth, complaint mechanisms should be accessible and interconnected. Workers should not be required to navigate multiple bureaucratic institutions without assistance. Fifth, irregular migration should not automatically exclude workers from protection. Immigration enforcement and labour protection should remain institutionally distinguishable. Sixth, return should be connected to reintegration. Local governments should establish mechanisms that connect returning workers with employment, social protection, legal assistance, and documentation services. Finally, Indonesia and Malaysia require stronger cross-border institutional coordination. Because migrant-worker vulnerabilities frequently cross jurisdictions, protection cannot depend exclusively on unilateral national policies.

Conclusion

The legal protection of migrant workers from Nunukan Regency must be understood within the distinctive social and geographical conditions of a border region. Nunukan is simultaneously a community of origin, a migration corridor, a

border-control space, and a destination for returning workers. These overlapping functions make conventional approaches to migrant-worker protection insufficient. The analysis demonstrates that vulnerability frequently begins before workers cross the international border. Recruitment practices, information asymmetry, documentation problems, economic pressures, and dependence on informal intermediaries can place workers in vulnerable positions before they enter employment abroad. The existence of Law No. 18 of 2017 provides an important legal foundation because it recognizes protection before, during, and after employment. However, formal legal protection must be translated into accessible institutional mechanisms.

The article therefore argues that the community of origin should become the first site of migrant-worker protection. Local governments have a strategic role in providing information, verifying recruitment, facilitating documentation, providing pre-departure counselling, and connecting workers with national and transnational protection institutions. The analysis also demonstrates the need to distinguish irregular migration from vulnerability to exploitation. A worker's immigration status should not determine whether the worker can receive basic protection against abuse, trafficking, forced labour, or other violations. Ultimately, migrant-worker protection should be constructed as an origin-to-return continuum. The protection system must connect prevention, recruitment, documentation, employment, complaint mechanisms, remedy, repatriation, and reintegration. For Nunukan, this approach provides a more appropriate model of border governance. The border should not be understood exclusively as a line separating Indonesia from Malaysia. It should also be understood as a social and legal space in which the state must reconcile migration management with the protection of human dignity and labour rights.

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