
Legal and Economic Protection of Returning Migrant Workers in Indonesia: A Transcendental Justice Perspective**Ratu Sa'bani^{1*}, Yulias Erwin², Nurjannah Septyanun³**^{1,2,3}Master of Laws, Postgraduate Program, Muhammadiyah University of Mataram, Mataram, Indonesiaratu0410@gmail.com^{1*}, yulias@ummat.ac.id², nurjannahs@ummat.ac.id³**Abstract**

The objective of this study is to examine how legal protection policies and economic rights for returned Indonesian migrant workers are formulated and implemented in Indonesia. This research employs a normative legal approach framed by the concept of transcendental justice an approach that goes beyond formal legal analysis to include moral, spiritual, and humanitarian values in assessing and shaping policies. The findings reveal two key conclusions. First, the protection of Indonesian migrant workers after placement is a state responsibility that must be implemented comprehensively and sustainably, covering legal, social, and economic dimensions. Such protection should not be limited to formal regulations but must be translated into real actions such as reintegration programs, skills training, access to business capital, and the active involvement of both central and local governments and related institutions to ensure the well-being and economic independence of returning migrant workers. Second, the current implementation of legal and economic protections remains ineffective. Although regulations like Law No. 18/2017 exist, their enforcement is weak, uneven, and poorly targeted. Many returning workers lack proper support, meaningful training, social security access, and economic recovery. These shortcomings rooted in poor inter-agency coordination and weak accountability indicate that existing protections fall short of realizing true, dignity-based, and holistic justice.

Keywords: Legal Protection, Post-Placement Indonesian Migrant Workers, PMI Economic Rights, Transcendental Justice<https://creativecommons.org/licenses/by-sa/4.0/>

INTRODUCTION

The principal role of the legal system is to furnish equitable protections to all individuals in society, devoid of prejudice. Legal regulations should be implemented uniformly, irrespective of social stratification, economic circumstances, or individual origins (Goldthorpe, 1960; Parsons, 1970; Pistor, 2002). Consequently, the state has actualized the principle of fairness and equality of status for all citizens under the law (equality before the law). This phase seeks to guarantee that the rights of marginalized groups are not neglected or compromised by individuals wielding greater power or authority. Labor law, with relation to migrant workers, aims to safeguard individuals in precarious situations from exploitation by inequitable systems and structures. It is essential to recognize that genuine justice cannot be comprehended exclusively through formal legal frameworks; it must instead be rooted in moral, spiritual, and human principles, collectively termed transcendental justice in this context (Forst, 2002; Teubner, 2009; Waldron, 2000).

The movement of cross-border workers has emerged as a global phenomenon. Human migration in Southeast Asia has persisted for ages. During the era of conventional monarchy, population migration was prevalent, as the comprehension of national borders in political and economic contexts was still malleable rather than fixed. This condition demonstrates that the state, as a political entity, exhibited many strengths with a significantly different level of flexibility than the contemporary conception of the state. In contemporary times, migration serves as both an economic outcome and a social construct, engendering multifaceted risks for migrant workers during their tenure abroad and upon their repatriation (Dimitriadis, 2021; Kunz, 2020; MZARA & JERRY, 2023).

To tackle the issue of local unemployment, the nation has prioritized the program for deploying Indonesian migrant workers overseas as a strategic option. This initiative not only yields economic advantages for the nation through foreign exchange revenue but also fortifies diplomatic connections and improves labor competitiveness. For people, pursuing migrant labor has prospects for increased income and enhanced familial welfare. Nonetheless, beneath these advantages exist considerable problems, particularly for migrant workers who have repatriated to their home country (former migrant workers). In numerous instances, the economic prosperity they had attained proved ephemeral, particularly in the absence of long-term planning and durable governmental safeguards (Kassens-Noor, 2016; Nell, 2009).

According to data from the Ministry of Home Affairs of the Republic of Indonesia, statistics indicate that in December 2021, there were 6,860 placements of Indonesian Migrant Workers (PMI). The figure climbed in December 2022, with 25,495 placements. This condition signifies a substantial increase of up to 271%. In December 2023, the placement figures declined by 31% to 17,454 placements (Noor et al., 2025; Utami, 2024). This variation signifies the volatility of PMI placement dynamics, which will directly or indirectly affect the influx of returnees and the possible susceptibility of former PMI workers within the nation.

The hiring of Indonesian citizens as migrant laborers overseas is, in fact, a temporary remedy for unemployment. Nonetheless, from a long-term viewpoint, the durability of their well-being is significantly reliant on the post-placement mentoring system. In this context, the transcendental justice approach is crucial to ensuring that state policies regarding Indonesian migrant workers extend beyond just legal and procedural considerations to encompass spiritual, ethical, and moral elements. The state is obligated not merely to implement positive legislation but also to uphold noble principles that ensure the dignity, self-esteem, and welfare of its citizens, particularly those in vulnerable circumstances (Shultziner & Rabinovici, 2012; Spicker, 2013).

A significant number of Indonesian migrant workers, both now employed overseas and those who have repatriated, frequently exhibit inadequate financial planning. This resulted in

challenges for some in maintaining economic stability in their country of origin. Upon depleting their resources, they were compelled to pursue new employment, which was frequently challenging to locate in their region of origin. Consequently, many were compelled to revert to physical labor or to move once more. This establishes a perpetual cycle of migration. From a transcendental justice standpoint, this signifies a systemic failure to uphold fundamental human rights and dignity, which the state is obligated to safeguard fully. Despite the government's initiation of several empowerment programs for former Indonesian migrant workers, their execution remains suboptimal. Significant barriers, including inadequate inter-agency collaboration, constrained finances, insufficient access to information, and low financial literacy, provide substantial challenges. Numerous repatriated migrant workers are uninformed about government initiatives owing to insufficient outreach efforts. Consequently, the program intended as a safety net upon return was not fully implemented. Legal protection laws and assurances for the realization of the economic rights of Indonesian migrant workers post-placement encounter considerable obstacles (Yulianti et al., 2024). The execution and supervision of policy have been suboptimal. Moreover, the majority of returning migrant workers originate from migrant pocket regions such as West Nusa Tenggara, which are characterized by restricted access to information and services. In this context, a policy reconstruction is required that is not only legally valid but also fundamentally and transcendently equitable (Ariyanto et al., 2023; Zamzalina et al., 2024).

The transcendental justice framework establishes divine ideals, ethics, and humanity as the cornerstone of all public governance. This notion necessitates that the state be not merely juridical, but also possess a tangible presence in the social and economic spheres of its citizens, particularly among vulnerable populations such as former migratory workers (Day, 2024). The state must regard them as bearers of human dignity, rather than mere instruments of policy. Only through this comprehensive strategy can equitable and sustainable legal protection and the realization of economic rights for former Indonesian migrant workers be achieved.

The author is compelled to do a comprehensive study on the legal protection and realization of economic rights for Indonesian migrant workers post-placement, employing a transcendental justice framework that integrates legal, economic, and social dimensions. This research seeks to investigate the implementation of legal protection measures and economic rights for repatriated Indonesian migrant workers. This research elucidates the practical implementation of the policy and proposes ideas for its reconstruction to enhance justice, dignity, and intrinsic fairness within the context of transcendental justice.

RESEARCH METHOD

This study employs a normative legal research method with a transcendental justice approach. The normative method focuses on analyzing laws and regulations related to the legal and economic protection of returning Indonesian migrant workers, while the transcendental justice approach expands the analysis beyond legal-formal boundaries by incorporating moral, spiritual, and humanitarian values. This approach seeks not only to examine the consistency of laws on paper but also their actual implementation in ensuring justice that respects human dignity (Ali, 2021; Marzuki, 2021). The research uses qualitative data, primarily from secondary sources such as legislation (including Law No. 18 of 2017), government regulations, academic literature, journal articles, and institutional reports.

Data collection is conducted through literature review and document analysis, focusing on both the content of legal norms and their real-world application. The data are analyzed descriptively and critically to identify gaps between law and practice, assess policy effectiveness, and evaluate whether the current legal framework aligns with the principles of transcendental justice truth, compassion, and social balance. The ultimate goal is to develop a

model of legal and economic protection for returning migrant workers that is not only compliant with legal standards but also substantively just, humane, and empowering for the reintegration process.

RESULTS AND DISCUSSION

Legal Protection Policy and Economic Rights of Indonesian Migrant Workers After Placement in Indonesia.

Indonesian migrant workers have the right to receive protection as a form of respect for human rights. The most basic protection is provided through the establishment of various regulations, which serve as the legal basis for protecting them. Among these are Law Number 6 of 2012 concerning the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, as well as various other regulations such as Government Regulations, Presidential Regulations, and technical regulations from relevant institutions, for example, BP2MI Regulation Number 7 of 2022, which has been partially amended by BP2MI Regulation Number 8 of 2023 (Nuraeny, 2017a; Wijayanti & Windiani, 2016a).

The definition of the protection of Indonesian Migrant Workers according to Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers is any effort to protect prospective Indonesian Migrant Workers and/or their families to ensure the fulfillment of their rights throughout the entire sequence of activities before, during, and after work, in various legal, dignity, human rights, as well as economic and social aspects (Hartono & Samsuria, 2021; Widyawati, 2018a). Indonesian migrant workers play an important role in development and economic activities, both individually and collectively. They contribute significantly to increasing productivity and societal well-being. As the main driver of the economic system, labor is an abundant resource in Indonesia. However, this is also reflected in the still high unemployment rate and the limited job opportunities available.

According to Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Article 1 paragraph 5 states that the protection of Indonesian Migrant Workers includes all efforts to safeguard the interests of Prospective Migrant Workers, Migrant Workers, and their families. This protection aims to ensure their rights are fulfilled at all stages, including before departure, during their work abroad, and after returning to Indonesia, covering legal, economic, and social aspects.

As a state of law, Indonesia has an obligation to protect the rights of all its citizens, as stated in the 1945 Constitution, which declares that the state protects the entire Indonesian nation. This means that every citizen is entitled to legal protection and a decent life. This protection also applies to Indonesian migrant workers working abroad. In Article 1 paragraph (2) of Law No. 18 of 2017, it is stated that Indonesian Migrant Workers are Indonesian citizens who will, are, or have worked abroad for wages.

The issue of Indonesian migrant workers is not just about placing workers abroad, as was the focus of the previous law. However, Indonesian migrant workers need to be viewed within the context of overall national development. So far, development has focused on only one sector, neglecting other sectors such as education, health, social, and cultural aspects of society. Similarly, labor sector development has overlooked these factors, even though all these components need to be seen as a unified system of national development.

The problems faced by Indonesian migrant workers are a shared responsibility of both society and the government. Both need to work together to overcome this problem so that national and state life can become better. The government must also be more serious in addressing the various issues experienced by migrant workers, so that their designation as

foreign exchange heroes does not become just a slogan (Arrazi et al., 2024). In addition to providing protection to Indonesian Migrant Workers and/or Prospective Migrant Workers, the Law also guarantees the right to protection for their family members. Those included in the category of Indonesian Migrant Worker's family are husbands, wives, children, or parents as determined by the court, whether they live in Indonesia or reside with the Migrant Worker in the destination country.

Protection for families is effective from the time Indonesian Migrant Workers begin working abroad. Based on the provisions of Law Number 18 of 2017, families of Indonesian Migrant Workers have several rights, including:

- a) obtain information regarding the conditions, problems, and repatriation process of migrant workers;
- b) receive all property belonging to migrant workers who died abroad;
- c) obtain copies of documents and employment agreements belonging to prospective or Indonesian migrant workers; and
- d) access communication facilities to contact family members working abroad.

Returned Indonesian Migrant Workers (IMW) are individuals who have concluded their employment abroad and have returned to their country of origin. Limited economic access, a lack of productive skills, and unresolved legal issues are among the numerous challenges that this group may encounter upon their return home. Consequently, returned PMI protection policies are a critical component of the state's endeavors to guarantee the well-being of its citizens in accordance with the principles of human rights protection and social justice. The primary legal foundation for PMI protection is Law Number 18 of 2017, which pertains to the protection of Indonesian migrant workers. This legislation explicitly mandates that PMI receive protection prior to, during, and following their overseas employment. Upon their return to Indonesia, the state is obligated to provide legal protection, access to training, and support for social and economic reintegration, as stipulated in specific articles, including Articles 40 and 42. This underscores the fact that PMI that has been returned is still subject to state policy. Capacity and skills development are essential components of safeguarding returned PMI. The government has granted migrant workers the right to enroll in vocational training and job certification programs through Minister of Manpower Regulation Number 4 of 2023. This policy establishes a legal foundation for the provision of free training and access to work competency certification institutions. It is imperative to bolster the economic independence of returned migrant workers and to enhance their competitiveness in the domestic employment market and as entrepreneurs.

In addition to national regulations, numerous regional governments have implemented specific policies in the form of Regional Regulations (Perda) or Regional Head Regulations (Perkada) to provide assistance to returned migrant laborers. Programs such as local potential-based training, ex-migrant cooperatives, and returned migrant worker identity certificates are available in certain regions. This strategy is a decentralized approach to migrant worker protection that complements national policies. Its objective is to ensure that local requirements are met and that protection is more contextual.

It is evident from the aforementioned regulations and policies that the protection of returned migrant laborers is comprehensive, encompassing legal and economic aspects in an integrated manner. Not only is the state accountable for resolving legal issues following the return, but it also provides economic empowerment through training, business capital, and skills training. This method is not only concerned with the fulfillment of the rights of migrant laborers, but it also serves as a component of a national development strategy that is founded on social justice and human resources.

The Indonesian Migrant laborers Protection Agency (BP2MI) is a critical institution that is responsible for safeguarding migrant laborers. Additionally, BP2MI operates a program that aims to educate the public on the plight of migrant laborers and to empower them upon their retirement abroad. The Migrant Worker Family Community (KKBM) is the name of this initiative. Additionally, the Desmigratif program in villages must be broadened to encompass more than just data collection. Budgetary constraints have prevented the implementation of any programs for retired migrant laborers this year. Nevertheless, BP2MI remains committed to fostering partnerships with state-owned enterprises (BUMN), corporations, and other institutions.

The implementation of legal protection policies and economic rights for Indonesian migrant workers following their placement in Indonesia.

The constitutional mandate for the protection of Indonesian migrant workers (PMI) is not solely focused on legal-formal aspects; it also necessitates the fulfillment of substantive rights that are indicative of genuine justice. In this context, the transcendental justice approach is crucial as an ethical and philosophical framework that directs policy direction to not only administratively protect but also genuinely humanize Indonesian migrant workers, particularly in the post-placement phase (Widyawati, 2018b).

Progressive legal thinkers, including Satjipto Rahardjo, have developed transcendental justice, which rejects an exclusively positivist perspective. He desires the law to be a moral force that advocates for humanity. This method motivates policymakers to inquire not only whether the regulations are already in place, but also whether this policy enhances the dignity of Indonesian migrant laborers.

It is clear that the state has endeavored to establish a comprehensive legal framework, which encompasses protection prior to, during, and following placement, by examining Law No. 18 of 2017 regarding the Protection of Indonesian Migrant Workers. Nevertheless, a discrepancy exists between the actuality on the ground and the regulation, particularly in the context of post-placement protection (Nuraeny, 2017b).

In a state of economic and psychological distress, numerous returning migrant laborers return to their home country. The majority do not receive psychosocial support, have limited access to relevant skills training, and receive minimal support for establishing a business or returning to work. Their reintegration into social and economic life is frequently not conceived as a comprehensive process, but rather as a purely procedural one.

This condition suggests that Indonesian migrant workers have not been completely humanized by current policies, as seen from a transcendental justice perspective. The policies have not yet been implemented as instruments for the restoration of dignity and social rehabilitation. In reality, transcendental justice necessitates that laws and policies be capable of restoring the dignity of humanity, which has been subjected to structural oppression. The recognition that migrant workers are not solely economic objects, but complete human subjects with physical, emotional, spiritual, and social needs is the foundation for humanizing policies. All post-placement policies should prioritize the restoration of the dignity of Indonesian migrant laborers (Wijayanti & Windiani, 2016b).

Regrettably, the majority of programs are still top-down, formalistic, and disconnected from the practical requirements of PMI. PMI is not the primary protagonist in the development of reintegration programs, and the training is conducted solely to satisfy administrative requirements without any genuine needs assessment. This is indicative of a participation deficit, which in transcendental justice is a form of neglect toward the human dimension of law. Transcendental justice incorporates the spiritual dimension of justice and substantial well-being in addition to legal justice. In this context, spirituality is not limited to ritualistic religious

practices; it also incorporates noble values such as compassion, empathy, recognition of human dignity, and an emphasis on public virtue.

The response is still suboptimal when asked whether these values are reflected in the current policies for protecting returning migrant laborers. Numerous policies are devoid of spiritual significance. The evaluation of success is frequently solely quantitative, which includes the number of trainings, the amount of assistance, and the figures on reintegration programs. However, it fails to consider qualitative factors such as whether migrant workers feel valued, whether they believe they are returning home as dignified citizens, or whether the reintegration process fosters a sense of spiritual empowerment and belonging. Additionally, substantial welfare has not been fully realized. Despite the fact that some MSMEs receive economic assistance or training, the approach remains unsustainable and short-term. PMI frequently experience a lack of assistance in establishing self-reliance, and access to business financing is restricted, particularly for individuals from underdeveloped regions or without a higher education.

Well-being is not solely concerned with material aspects within the context of transcendental justice; it also involves the restoration of hope, self-esteem, and the purpose of life. Reintegration should provide Indonesian migrant laborers with the opportunity to reassess their social and spiritual roles in society. Consequently, policies should not only concentrate on employment assimilation rates or training, but also on the transformation of PMI's lives after placement.

Transcendental Justice Perspective in the Protection of Indonesian Migrant Workers

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A fundamental shift in the policy paradigm is necessary to establish a really equitable and transcendent model of protection for returning Indonesian migrant workers (PMI purna penempatan), prioritizing the individual rather than treating them solely as a statistical entity. This paradigm must acknowledge PMI as esteemed citizens entitled to justice, well-being, and substantial reintegration. An optimal protection model must be founded on five interconnected concepts. Initially, humanization involves the complete acknowledgment of the dignity and citizenship of migratory laborers. Secondly, participation, wherein PMI are actively engaged in the design, implementation, and evaluation of reintegration programs, ensuring that the policies accurately represent their lived experiences. Third, emancipation, which transcends transitory aid to facilitate enduring economic and social empowerment. Fourth, spiritual and social restoration, which recognizes the pain and exploitation experienced by numerous workers and offers avenues for rehabilitation through counseling, moral support, and community-oriented care. Fifth, sustainability, characterized by long-term, multi-sectoral strategies integrated within systems that harmonize legal, economic, educational, and social frameworks. This model necessitates the active involvement of civil society, NGOs, religious leaders, and local communities to establish a nurturing reintegration framework that reinstates the self-esteem and confidence of returning workers, ensuring they are received not merely as returnees, but as esteemed members of the nation.

CONCLUSION

The legal and economic protection of returning Indonesian migrant workers must be understood not only as a statutory obligation but as a moral and humanitarian imperative grounded in the principles of transcendental justice. While Law No. 18 of 2017 and other supporting regulations provide a formal legal framework for protection, the implementation remains fragmented, largely procedural, and insufficient in addressing the real needs of returnees.

The findings of this study indicate a disconnect between policy and practice, where many former migrant workers are left without meaningful access to training, economic reintegration, psychosocial support, or social empowerment. From the perspective of transcendental justice, current policies have yet to fully humanize migrant workers. Legal protections must evolve into holistic frameworks that recognize PMI as complete human beings possessing spiritual, emotional, and social dimensions not merely economic agents. A transformative policy paradigm is therefore necessary one that is built upon the principles of humanization, participation, emancipation, spiritual restoration, and sustainability.

This model requires the collaborative involvement of state institutions, civil society, local governments, religious leaders, and the migrant workers themselves. Only through such an integrated and value-based approach can the reintegration process truly restore the dignity, rights, and welfare of returning migrant workers and affirm their rightful place as honored citizens of the nation.

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