



Implementation of Legal Protection for Indonesian Migrant Workers Before Departure by the Regional Government of Indramayu Regency

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Abstract

Background. The movement of Indonesian people to work abroad as Indonesian Migrant Workers (PMI) is a significant socio-economic phenomenon, especially in Indramayu Regency. However, the position of migrant workers is still vulnerable to human rights violations, even before departure.

Method. This study uses the empirical juridical method, which examines the provisions of applicable laws and regulations and relates them to the conditions that occur in the field.

Results. The results of the study show that the Indramayu Regency Government has implemented legal protection for Indonesian Migrant Workers (PMI) prior to departure in accordance with applicable law. However, the implementation is not optimal, as many prospective migrant workers still depart via non-procedural routes.

Conclusion. The efforts of the Indramayu Regency Regional Government in overcoming obstacles are carried out through increasing socialization and community education, strengthening coordination between the Manpower Office, the Indonesian Migrant Worker Protection Service Center (BP3MI), village governments, Indonesian migrant worker placement companies (P3MI), and law enforcement officials, as well as increasing supervision of the recruitment and placement process of migrant workers. The village government also plays a role in data collection, document verification, and providing information to prospective migrant workers.

Keywords: Legal protection, Indonesian migrant workers, before departure



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INTRODUCTION

An important phenomenon in Indonesia's socio-economic reality is the shift of Indonesian citizens to work abroad as Indonesian Migrant Workers (PMI). Indonesia is one of

the largest sending countries of migrant workers in the world.¹ Migrant workers not only make a significant contribution to the country's economy but also help address the employment opportunity gap at the local level. However, migrant workers are vulnerable to human rights violations and exploitation, even before departure.²

As a country that has established the legal foundation and principles of welfare, Indonesia has a constitutional responsibility to ensure the protection of the human rights of all its citizens, including those working abroad. This commitment is realized through the enactment of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers,³ which emphasizes that protecting migrant workers is the duty of both the central and regional governments. Local governments play a strategic role because of their close administrative and social ties with prospective migrant workers, thus playing an important role in organizing, fostering, implementing, and protecting them.⁴

Indramayu Regency is known as one of the areas with a high rate of Indonesian Migrant Worker (PMI) departures. Factors such as the community's socio-economic conditions, the lack of job opportunities in the region, and the tradition of labor migration encourage some communities to choose migration as a solution.⁵ However, the large number of people who migrate raises many problems related to the protection of Indonesian Migrant Workers (PMI), both in the pre-placement stage. This requires an active and responsive role by the Indramayu Regency Regional Government in effectively carrying out legal protection obligations.

However, in practice, the implementation of legal protection for Indonesian Migrant Workers (PMI) at the regional level is not always optimal.⁶ Although the legal and regulatory framework has been available nationally, namely Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UU PPMI),⁷ in practice the protection relationship at the regional level is often hampered by limited institutional or institutional capacity, the low

¹ Wahid Erawan, "Strategy to Improve the Quality of Departure of Indonesian Migrant Workers (PMI)," *Comm-Edu (Community Education Journal)* 4, no. 1 (2021): 29, <https://doi.org/10.22460/comm-edu.v4i1.6928>.

² Bryan Firdaus Army Valentino et al., "Criminal Law Protection of Indonesian Migrant Workers Reviewed from the Perspective of Human Rights Protection," *Borobudur Law and Society Journal* 3, no. 3 (2024): 103–18, <https://doi.org/10.31603/11839>.

³ "Law (Law) Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers,"

⁴ Dudung Hidayat et al., "Local Government Supervision of Overseas Labor Supply Companies (Case Study In Cirebon Regency)," *Asian Journal of Social and Humanities* 2, no. 9 (2024): 1888–98, <https://doi.org/10.59888/ajosh.v2i9.325>.

⁵ Suci Setyafani, Cahyani Ginoga, and Abdul Mustopa Jawahid, "The Importance of Human Rights Protection for Indonesian Migrant Workers" 2, no. 2 (2020): 1–13.

⁶ Iman Jalaludin and Mima Delita Anggraeni, "Disparity in Migrant Worker Protection at the Regional Level: An Analysis of Administrative Law on Regulations in Kuningan and Indramayu" 4, no. 4 (2024): 1–9.

⁷ Law (UU) Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers.

level of public education, especially in terms of the law and the rights of Indonesian Migrant Workers (PMI),⁸ Lack of optimal coordination between public service units or agencies in the region.

Based on this reality, it is important to conduct research that not only examines the normative aspects of laws and regulations, but also examines how the law is implemented in practice. Therefore, this study uses an empirical juridical approach to analyze the form of implementation of legal protection for Migrant Workers before departure by the Indramayu Regency Regional Government, as well as examine the efforts made to overcome these obstacles.

LITERATURE REVIEW

Legal Protection Theory

Character: Philipus M. Hadjon

Subject Line: Legal protection is an effort to protect people's rights through legal instruments, both preventively and repressively.⁹

According to Philipus M. Hadjon, legal protection consists of: preventive legal protection, which is the protection provided before the violation of rights; and repressive legal protection, which is the protection provided after the violation of rights. Relevant to the research, this theory is used to analyze the form of legal protection provided by the Indramayu Regency Regional Government to prospective Indonesian Migrant Workers (PMI) before departure, such as: Socialization, document verification, job training, Education on the rights and obligations of Indonesian Migrant Workers (PMI), Supervision of the placement process.

The Theory of the State of Law (Rechtsstaat)

Character: Friedrich Julius Stahl

Points of Thought:

⁸ <https://Itsapmi.jabarprov.go.id>, "Problems and Strategies for the Empowerment of Indonesian Migrant Workers (PMI) Post-Placement" (<https://Itsapmi.jabarprov.go.id>, 2025), <https://Itsapmi.jabarprov.go.id/postingan/permasalahan-dan-strategi-pemberdayaan-pekerja-migran-indonesia-pmi-purna-penempatan-689c1660e6e566815aa9c98f>.

⁹ Kornelis Antonius et al., "Analysis of Legal Protection Theory According to Philipus M Hadjon in Relation to the Imposition of Castal Punishment for Sexual Offenders," no. 2023 (2024): 1–19, <https://doi.org/10.11111/dassollen.xxxxxxx>.

The state of law requires that all government actions must be based on the law and aimed at protecting the human rights of citizens.¹⁰

The elements of the state of law, according to Stahl, are: protection of human rights, division of powers, Government based on law, and an administrative judiciary. Relevance to the Research: This theory is used to explain that the protection of Indonesian Migrant Workers (PMI) is a constitutional obligation of the state as mandated in Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, and Law Number 18 of 2017.

Legal Effectiveness Theory

Character: Soerjono Soekanto

Points of Thought:

The effectiveness of the law is influenced by five factors: legal factors, law enforcement factors, facilities and Infrastructure, community factors, and legal cultural factors.

Relevance to Research:

This theory is used to identify: obstacles to the implementation of the protection of Indonesian Migrant Workers (PMI) before departure; the level of success in the implementation of the PMI Law in Indramayu Regency; The factors that cause legal protection to have not been optimal. This theory is very relevant to answering the formulation of the second problem.

Public Policy Implementation Theory

Character: George C. Edwards III

Points of Thought:

The success of policy implementation is influenced by communication, resources, the implementer's disposition or attitude, and bureaucratic structure.

Relevance to the Research: This theory is used to assess the implementation of migrant worker protection policies by the Indramayu Regency Regional Government, especially the role of the Manpower Office, inter-agency coordination, budget availability, and quality of service to prospective Indonesian Migrant Workers.

¹⁰ Ihsan Dzuhur Hidayat and Fatma Ulfatun Najicha, "Protection of Indonesian Migrant Workers/Indonesian Workers by Local Governments," *Journal of Law* 10, no. 1 (2021).

Theory of Government Authority

Characters: Philipus M. Hadjon and Bagir Manan¹¹

Points of Thought:

Government authority is obtained through: attribution, delegation, and mandate.

Authority must be exercised in accordance with the principle of legality.

Relevance to the Research: This theory is used to analyze the basis of the authority of the Indramayu Regency Regional Government in providing protection to migrant workers based on Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Law Number 23 of 2014 concerning the Regional Government, and Implementing Regulations related to PMI.

Concept Framework

Legal Protection Concept

Legal protection refers to all efforts by the state to guarantee, protect, and fulfill citizens' rights through applicable legal instruments. Indicators: legal certainty, guarantee of rights, prevention of violations, and complaint mechanism.

The Concept of Indonesian Migrant Workers (PMI)

According to Article 1, number 2 of Law Number 18 of 2017, Indonesian migrant workers are any Indonesian citizen who is doing or has done work by receiving wages outside the territory of the Republic of Indonesia. Indicators: prospective migrant workers, placed Indonesian migrant workers, and retired Indonesian migrant workers. This study focuses on prospective migrant workers before departure.

The Concept of Protection Before Work (Pre-Placement)

Based on Law Number 18 of 2017, protection before work includes: document verification, counseling and work information, education and job training, social security, health checks, and pre-departure orientation. Research indicators: service availability, service quality, and regulatory compliance.

The Concept of Local Government

¹¹ Faculty of Law and Krisnadwipayana University, "THEORY OF AUTHORITY IN LICENSING By: Grace Sharon SH., MH. (," 1945.

The local government is headed by the regional head, an element of the local government organizer, who leads the implementation of government affairs within the region's authority. Indicators: Manpower Office, Indonesian Migrant Worker Service Unit (PMI), Indonesian Migrant Worker Protection Program (PMI), Indonesian Migrant Worker Placement Supervision (PMI).

The Concept of Obstacles to the Implementation of the Protection of Indonesian Migrant Workers (PMI)

Barriers are factors that reduce the effectiveness of implementing legal protection for prospective Indonesian Migrant Workers (PMI). Indicators: limited human resources, budget limitations, lack of socialization, low legal awareness of prospective Indonesian Migrant Workers (PMI), and non-procedural placement practices.

Grand Theory, Middle Theory, Applied Theory

1. Grand Theory, Theory of the State of Law (F.J. Stahl); Middle Theory, Legal Protection Theory (Philipus M. Hadjon); Applied Theory, Theory of Legal Effectiveness (Soerjono Soekanto); Policy Implementation Theory (George C. Edwards III); The Theory of Government Authority (Philipus M. Hadjon and Bagir Manan)

Previous Research

Prasetio, Indrianto (2022) Legal Review of the Protection of Indonesian Migrant Workers from Indramayu Regency Based on Law Number 18 of 2017.¹² Ibrahim, I. (2024). Migrant Worker Protection Policy in Indramayu Regency (Study on the Pe-ri Program of Indramayu Regency)¹³

¹² indrianto Prasetio And the Faculty of Law, "Indonesian Migrant Workers from Indramayu Regency Based on Law Number 18 of 2017 Indonesian Migrant Workers from Indramayu Regency Based on Law Number 18 of 2017," 2022.

¹³ Ibrahim Ibrahim, "Migrant Worker Protection Policy in Indramayu Regency (Study on the Pe-RI Program of Indramayu Regency)," *ASPIRATION* 14, no. 2 (August 25, 2024): 76–85, <https://doi.org/10.31943/aspirasi.v14i2.124>.

RESEARCH METHODS

Types of Research

This research uses a legal approach in the form of an empirical juridical method, which examines the provisions of applicable laws and regulations and relates them to the conditions that occur in the field.¹⁴

Research Approach

- Statute approach

The statutory approach is a method for researching legal regulations related to the issue under study. In this approach, the researcher examines laws, local regulations, and other regulations to determine the legal basis, principles, and norms that govern the object of research.

- Conceptual Approach

A conceptual approach is an approach used to examine concepts, theories, and doctrines developed in the science of law. This approach aims to gain a deeper understanding of the legal concepts at play, thereby providing a basis for analyzing the problem under study.

- Empirical Approach (field research)

The empirical approach involves collecting data directly in the field through interviews. This approach aims to determine how the law is applied in practice and to assess the consistency between the law's provisions and the realities of society.

Source of Legal Materials

- Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers
- Indramayu Regency Regional Regulation Number 3 of 2021 concerning the Protection of Indonesian Migrant Workers
- Books, legal journals, theses, and official documents

DISCUSSION

Implementation of Legal Protection for Indonesian Migrant Workers Before Departure by the local government of Indramayu Regency Analysis of Administrative Protection Is Still Descriptive

¹⁴ M.H. Ika Atikah, S.H., *Legal Research Methods* (Haura Utama, 2022), https://www.researchgate.net/publication/362889279_Metode_Penelitian_Hukum.

The village government and the Job Placement and Training Agency (BP3MI) verify documents for prospective migrant workers. However, it has not been analyzed whether this mechanism meets the objective of preventive legal protection, as proposed by Philipus M. Hadjon. According to Philipus M. Hadjon, preventive legal protection aims to prevent rights violations before legal action is taken. In the context of migrant workers, document verification is not only an administrative activity, but an instrument of state protection to ensure that prospective migrant workers obtain legal certainty regarding their identity, legal status, destination country, type of work, and employment relationship they will have.

Based on the results of the study, Indonesian migrant workers (PMI) are still departing through non-procedural routes. This situation shows that the administrative protection function is not yet fully effective. The existence of Indramayu Regency Regional Regulation Number 3 of 2021 and Indramayu Regency Regional Regulation Number 213 of 2024 normatively provides an adequate legal basis, but its implementation has not been able to prevent all illegal departure practices. Thus, it can be analyzed that there is a gap between legal norms (*das sollen*) and empirical reality (*das sein*), which indicates that administrative protection has not fully achieved its goal in preventive legal protection.

Analysis of the Implementation of Socialization and Information Dissemination

Socialization has been carried out at the village level, but it has not been distributed evenly. A more in-depth analysis should be attributed to George C. Edwards III's Policy Implementation Theory, particularly its communication aspect. According to Edwards III, the success of policy implementation is greatly influenced by the effectiveness of communication between policymakers and target groups. Policy information must be delivered clearly, consistently, and reach all target groups. The fact that some villages have not received socialization shows a weakness in the communication dimension. As a result, some residents do not understand the official procedures for the placement of Indonesian migrant workers (PMI) and are more easily influenced by the persuasion of illegal brokers or recruiters. This shows that the implementation of socialization has not fully met the principles of effective policy implementation, resulting in a high number of departures of Indonesian migrant workers who are not in accordance with procedures.

Job Education and Training Analysis

The interview results only explain the types of training provided. However, it needs to be analyzed that education and training are a form of preventive legal protection that aims to improve the legal capacity and skills of prospective migrant workers.

According to Law Number 18 of 2017, training aims not only to produce competent workers but also to foster legal awareness among prospective migrant workers. Therefore, training in the language and culture of the destination country, workers' rights and obligations, and dispute resolution mechanisms are part of legal protection aimed at reducing the risk of exploitation, human trafficking, and violation of employment contracts. From the perspective of the Legal State Theory (Rechtsstaat), the training is a manifestation of the state's obligation to protect the rights of citizens working abroad.

Analysis of Social Security as a Form of State Presence

This part is still very shallow because the local government only explains the obligation to register for social security. A stronger analysis is that social security is a concrete form of state protection against the social and economic risks faced by Indonesian Migrant Workers (PMI). Participation in the social security program marks a paradigm shift in the protection of Indonesian Migrant Workers (PMI), from an administrative approach to a *social rights protection* approach. Thus, social security not only functions as a risk compensation mechanism, but also as an implementation of the welfare state principle, which requires the state to ensure the protection of its citizens.

Analysis of the Function of One-Stop Integrated Services (LTSA) as an Instrument of Good Governance

The function of the One-Stop Integrated Service (LTSA) is to provide a service center. However, One-Stop Integrated Services (LTSA) can be analyzed using the principles of good governance. The existence of One-Stop Integrated Services (LTSA) reflects the implementation of the principles of Effectiveness, Efficiency, Transparency, and Accountability;

Legal certainty. By integrating multiple services in a single location, One-Stop Integrated Services (LTSA) reduce the bureaucratic inefficiencies often exploited by irresponsible parties. However, if there are still migrant workers departing illegally, the

effectiveness of One-Stop Integrated Services (LTSA) needs to be further evaluated regarding service accessibility and outreach to rural communities.

Construction and Supervision Analysis

According to the Theory of Authority by Philipus M. Hadjon and Bagir Manan, local governments are given attributional authority to provide guidance and supervision over the implementation of migrant worker protection measures. If there are still many undocumented departures of migrant workers, it is necessary to analyze whether this problem is not solely caused by weak government supervision, but also by external factors, such as illegal recruitment networks operating up to the village level.

Therefore, the effectiveness of supervision must be measured not only by the existence of supervisory agencies, but also by their ability to prevent violations of the law.

Based on the results of the study, the implementation of legal protection for Indonesian Migrant Workers (PMI) before departure in Indramayu Regency remains suboptimal, as some still depart through non-procedural routes due to a lack of understanding of official procedures and the influence of intermediaries or brokers.

Based on the results of the research, the author suggests that the Indramayu Regency Regional Government continue to improve the implementation of legal protection for Indonesian Migrant Workers before departure through the optimization of socialization to the village level or directly to the community itself. Socialization needs to be carried out on an ongoing basis so that the community understands the correct placement procedures, rights and obligations as migrant workers, as well as the risks that can arise when working through non-procedural channels.

Efforts of the Indramayu Regency Regional Government in Overcoming Obstacles to the Implementation of Legal Protection for Indonesian Migrant Workers before Departure

Analysis of Obstacles Based on Soerjono Soekanto's Theory of Legal Effectiveness. Legal Factors Normatively, regulations regarding Indonesian Migrant Workers (PMI) are actually adequate. There are: Law Number 18 of 2017 on the protection of Indonesian migrant workers; Indramayu Regency Regional Regulation Number 3 of 2021 on the protection of migrant workers. Therefore, the main obstacle does not lie in the lack of legal norms.

1. Law enforcement factors: The limited number of supervisory officers causes supervision of all villages in Indramayu Regency to be not optimal.
2. Facilities and Infrastructure Factors: Budget limitations and the size of the supervision area affect the effectiveness of the implementation of the protection of Indonesian Migrant Workers (PMI).
3. Community factors: low public legal awareness is the dominant factor that causes prospective migrant workers to choose non-procedural routes.
4. Cultural, legal, and cultural factors in using the services of brokers that have lasted for a long time cause people to consider official procedures unimportant.

This analysis shows that the biggest obstacle lies precisely in the factors of society and legal culture.

Analysis of Efforts to Strengthen Inter-Agency Coordination

In Edwards III's perspective, coordination is part of the bureaucratic structure. The collaboration among the Manpower Office, BP3MI, Village Government, and Police (P3MI) demonstrates efforts to build an integrated protection system. However, the effectiveness of such coordination must be measured by the end result: the reduction in the number of non-procedural migrant workers. If the number of illegal departures remains high, coordination needs to be strengthened through data-driven monitoring mechanisms and integrated reporting.

Analysis of the Role of Village Government

This section needs to be deepened because the village government is at the forefront of the protection of Indonesian Migrant Workers (PMI). From the perspective of authority theory, the village government serves a delegative function to assist in implementing protection for migrant workers.

Data collection and verification of prospective migrant workers are forms of preventive supervision that are very important because most of the recruitment process starts at the village level. Therefore, the success of protecting Migrant Workers is highly dependent on the village government's capacity to detect non-procedural departures in the early stages.

Law Enforcement Analysis of Illegal Brokers and Recruiters

The existence of brokers is one of the main causes of the high number of illegal migrant workers. From a legal protection perspective, repressive actions by law enforcement against

brokers complement preventive protection. Without strict law enforcement, outreach and surveillance will not deter illegal recruiters.

The author also suggests that active community participation is needed to comply with the placement procedures set by the government. High public awareness of the importance of procedural placement will support the effectiveness of the implementation of legal protection for Indonesian Migrant Workers and minimize the occurrence of problems that can harm Indonesian Migrant Workers (PMI) in the future.

CONCLUSION

Based on the results of research and discussion on the implementation of legal protection for Indonesian migrant workers before departure by the local government of Indramayu Regency, it can be concluded as follows: The implementation of legal protection for Indonesian Migrant Workers (PMI) before departure by the Indramayu Regency Regional Government has basically been carried out in accordance with the provisions of laws and regulations, especially Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Indramayu Regency Regional Regulation Number 3 of 2021 concerning the Protection of Migrant Workers of Indramayu Regency, and Indramayu Regent Regulation Number 213 of 2024. The forms of protection provided include administrative protection and technical protection, such as document verification and validation, socialization and dissemination of information, education and job training, social security facilitation, fulfillment of the rights of prospective Indonesian Migrant Workers (PMI), services through the One-Stop Integrated Service (LTSA), as well as coaching and supervision of the placement process of Indonesian Migrant Workers (PMI). Judging from Philipus M. Hadjon's Legal Protection Theory, these various efforts constitute a form of preventive legal protection that aims to prevent violations of the rights of Indonesian Migrant Workers (PMI) before they work abroad. However, the implementation is not fully optimal because there are still Indonesian Migrant Workers (PMI) who depart through non-procedural routes due to low public understanding of official placement procedures, uneven socialization at the village level, and the influence of brokers or other parties who recruit illegally. This condition shows that, even when normative legal protection is available, its implementation still faces various obstacles in the field. Local government efforts to overcome obstacles to implementing legal protection for Indonesian migrant workers before departure. The Indramayu Regency Regional Government has made

various efforts to overcome obstacles to implementing legal protection for Indonesian Migrant Workers (PMI) before departure. These efforts are carried out through increasing socialization and education to the public regarding the placement procedures for Indonesian Migrant Workers (PMI) in accordance with legal provisions, strengthening coordination between the Manpower Office, BP3MI, village governments, Indonesian Migrant Worker placement companies (P3MI), and law enforcement officials, as well as increasing supervision of the recruitment and placement process of Indonesian Migrant Workers (PMI). In addition, the village government plays a role in collecting data, verifying initial documents, and providing the community with information on the correct placement procedure. The local government also seeks to strengthen supervision of illegal recruitment practices and encourage law enforcement against violators in the placement process of Indonesian Migrant Workers (PMI). Based on Soerjono Soekanto's Legal Effectiveness Theory, the main obstacle in the implementation of the protection of Indonesian Migrant Workers (PMI) does not only lie in the regulatory aspect, but is more dominantly influenced by community factors and legal culture, namely low public legal awareness and the still strong practice of using brokerage services in the departure process of Indonesian Migrant Workers (PMI). Therefore, increasing public legal awareness, strengthening village-based supervision, optimizing the function of LTSA, and strictly enforcing the law against illegal recruiters are strategic steps that need to be taken to realize effective legal protection for Indonesian Migrant Workers (PMI) from before departure. Thus, it can be concluded that the implementation of legal protection for Indonesian Migrant Workers (PMI) before departure in Indramayu Regency has been carried out in accordance with the applicable legal framework, but its effectiveness still needs to be improved through strengthening institutional coordination, improving the quality of socialization, optimizing supervision, and active participation of the community in supporting the placement of Indonesian Migrant Workers (PMI) in a procedural, safe, and dignified manner.

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