

## THE LEGAL PROTECTION FOR INDONESIAN MIGRANT WORKERS VICTIMS OF ONLINE SCAMS

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### Abstract

Protecting Indonesian migrant workers who become victims of online scams has emerged as a critical legal issue, particularly as fraudulent job advertisements in sectors such as technology and customer services are increasingly used as fronts for transnational cybercrime networks. Despite the existence of several regulatory instruments in Indonesia, including Law No. 18 of 2017 and Law No. 1 of 2024, migrant workers remain vulnerable to online fraud due to regulatory gaps, weak supervision, and the transnational nature of cybercrime. This study aims to examine the forms of legal protection available for Indonesian migrant workers who become victims of online scams. The research employs a normative juridical method by analyzing statutory regulations, legal principles, and relevant doctrines related to migrant worker protection and cybercrime. The findings indicate that legal protection is implemented through preventive and repressive mechanisms. Preventive measures include educational prevention, verification of recruitment processes, and supervision of placement agencies, particularly during the pre-placement stage. Repressive measures consist of non-judicial mechanisms, such as mediation and administrative sanctions, as well as judicial enforcement through criminal investigations and court proceedings. Furthermore, the application of extraterritorial jurisdiction under the Information and Electronic Transactions Law provides a legal basis for addressing cross-border cybercrime targeting Indonesian migrant workers. These findings highlight the importance of strengthening regulatory enforcement, inter-agency coordination, and international cooperation to ensure effective legal protection for migrant workers in the digital era.

**Keywords:** Legal Protection; Migrant Workers; Victims; Online Scams.

### A. Introduction

The advancement of information and communication technology has significantly affected various aspects of life, including social, economic, and employment interactions. These innovations have created new opportunities for people to access information, employment, and services across borders (Hugo, 2003; Zheng et al., 2022). However, they have also enabled irresponsible actors to exploit such technological convenience to commit technology-based crimes, including online scams and fraud. This issue becomes particularly concerning when it affects vulnerable groups, such as migrant workers. Migrant workers play an important role in the economies of both sending and receiving countries, contributing through remittances and by expanding international economic networks. Despite their significance, migrant workers often experience weak legal, social, and economic protections, making them more vulnerable to online fraud during recruitment, placement, or while working abroad (Asmorojati et al., 2022; Seng, 2010). In Indonesia, many fraudulent employment advertisements are posted online to attract job

seekers who intend to work abroad, reinforcing concerns regarding human trafficking and digital safety for vulnerable individuals. A significant number of migrant workers, whether they have followed proper procedures or not, face mistreatment by perpetrators who confiscate their identification documents, thereby hindering their ability to exercise their fundamental rights (Kumar and Choudhury, 2021; Maksum, 2021a; Seng, 2010).

Online scam crimes targeting migrant workers can take various forms, including fraudulent job vacancies, extortion through threats of disclosing personal data (sextortion), and financial manipulation through digital platforms. The consequences of these crimes extend beyond material losses, as they also undermine victims' sense of security, damage their reputations, and may even threaten their employment continuity. This situation highlights the importance of strengthening legal protection for migrant workers who become victims of online scams, a phenomenon that increasingly affects individuals in Indonesia and across the world (Elliott, 2022; Sulaksono, 2018). International reports have indicated that the Cambodian government has been negligent in addressing human rights violations associated with scam centers. Amnesty International has alleged that the government has failed to adequately respond to such abuses. Authorities have identified 53 active locations where victims, including children, were forced to participate in "pig-butcher" scam schemes, subjected to torture such as electric shocks, and detained in prison-like conditions (Han and Button, 2025). It is estimated that this industry accounts for more than half of the country's GDP (Runturambi and Arifin, 2025a).

The growing proportion of migrant populations presents significant challenges for planning and governance, particularly regarding the inclusion of migrants in social protection systems and the provision of housing and basic services. Access to certain public services often requires proof of a local address, such as eligibility for subsidized food distribution in India or access to public education in Indonesia. Social housing programs also frequently exclude migrants, forcing many low-income migrant workers to live in informal settlements where security of tenure and access to essential services, such as water and sanitation, remain limited (Anaf et al., 2022; Goodwin-Gill, 1989). Regions with high migrant densities therefore need to address these challenges more comprehensively by developing stronger policy frameworks for migrant inclusion. Such frameworks may include flexible healthcare systems, rental housing projects and dormitories, innovative technologies for delivering basic services, and programs aimed at raising awareness among local officials regarding migrant inclusion (Randolph and Naik, 2017).

A similar situation has been observed in Indonesia. Based on data from the Ministry of Foreign Affairs of the Republic of Indonesia, through the Indonesian Embassy in Cambodia, during the first three months of 2025 the Indonesian Embassy in Phnom Penh handled 1,301 cases involving Indonesian citizens experiencing problems in Cambodia. This number represents a 174 percent increase compared with the same period in the previous year. On average, the embassy handles approximately 20–25 new cases every weekday. These data reflect a significant rise in the challenges faced by Indonesian citizens abroad, particularly those related to the illegal recruitment of migrant workers and their exploitation through online scam schemes.

The Indonesian Employment Scam Detection Dataset (IESD) proposes context-aware behavioral characteristics to identify fraudulent online employment opportunities. The researchers evaluated the proposed attributes using six machine learning techniques: neural networks, support vector machines, logistic regression, decision trees, naïve Bayes, and k-nearest neighbors. By incorporating behavioral characteristics, the study achieved an accuracy rate of 90% (Akram et al., 2024). The tests conducted in this research provide valuable insights for job seekers and relevant institutions to better understand the patterns of fraudulent employment postings and their broader social implications. Consequently, such insights may help reduce individuals' vulnerability to job-posting scams (Runturambi and Arifin, 2025a).

Other data indicate the widespread circulation of hoax information related to the Minister of the Protection of Indonesian Migrant Workers (P2MI). One example involved a claim that the

Minister of P2MI, Mukhtarudin, had announced a compensation fund of IDR 20 billion for migrant workers. Individuals seeking assistance were instructed to register through a WhatsApp number provided in the online post. Furthermore, a post circulated on Facebook included a link claiming to provide access to social assistance for Indonesian migrant workers on the condition that users submit their passport identification details. The link was likely a phishing attempt, as the site requested visitors to enter personal information such as their name and province of origin. No official information from the government confirmed the existence of such social assistance requiring the submission of passport identification numbers.

According to information published by Ministry of Communication and Digital Affairs of the Republic of Indonesia (Komdigi), at least eleven fraudulent reports have been recorded involving scams conducted in the name of Indonesian migrant workers. In response, the Minister of P2MI, Abdul Kadir Karding, emphasized the increasing number of cases involving migrant workers who are illegally recruited through social media and digital platforms. Based on monitoring conducted by the Ministry of P2MI, approximately 23 to 27 social media sites or accounts are identified and acted upon each month due to indications that they facilitate the illegal recruitment of migrant workers. These cases generally involve fraudulent job postings in the technology or customer service sectors that serve as a cover for international cybercrime syndicates. Victims, many of whom are migrant workers, are recruited through social media or online advertisements with promises of high salaries and comprehensive facilities. However, upon arrival in Cambodia, they are forced to work in scam centers to conduct online fraud, including investment scams and “pig-butcher” schemes. Victims frequently experience intimidation, physical violence, unlawful detention, and even trafficking to other syndicates if they are considered unproductive (Syadani et al., 2025; Runturambi and Arifin, 2025a).

This phenomenon not only causes personal harm to victims but also carries cross-border legal implications. Indonesia has established several legal instruments, including Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers (PPMI Law), as well as legislation addressing cybercrime, such as Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE Law) and its subsequent amendments. The most recent amendment, Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 on Information and Electronic Transactions, introduces several significant changes to the previous regulatory framework. Nevertheless, addressing cross-jurisdictional cases, such as those occurring in Cambodia, requires more intensive coordination among governments, law enforcement authorities, and international institutions. The sharp increase in cases during early 2025 serves as a warning that legal protection for migrant workers who become victims of online scams must be prioritized. This research is therefore important to examine the effectiveness of existing regulations, identify practical obstacles encountered in implementation, and formulate protection strategies that are adaptive to the evolving nature of cybercrime (Hariati Hussin, 2013; Uluwiyah, 2021; Lazarus et al., 2025).

From a legal perspective, the protection of migrant workers who become victims of online scams constitutes a strategic issue that requires serious attention. Although Indonesia already possesses several legal instruments, including PPMI Law and ITE Law and its amendments, the effective implementation of these regulations in protecting victims of online scams continues to face various challenges. These challenges include limited access to cross-border legal assistance, insufficient inter-agency coordination, and the relatively low level of legal awareness among migrant workers themselves. This research focuses on the protection of migrant workers who become victims of scams in Indonesia. It aims to provide a factual and current assessment of the implementation of the Regulation of the Minister of Manpower No. 9 of 2024 concerning the Strengthening of the Role of Job Placement Officers, the Empowerment of Indonesian Migrant Workers and Their Families, the Supervision of Institutions Related to the Placement and Protection of Indonesian Migrant Workers, Community Participation in Manpower Supervision, and the Requirements for Business Partner.

This regulation was introduced in response to the increasing prevalence of fraudulent practices in the recruitment of migrant workers, particularly those conducted through digital media and non-procedural channels. In practice, many prospective migrant workers continue to be recruited through fraudulent job offers, unlicensed recruitment agents, and unverified online platforms, indicating persistent vulnerabilities despite the updated regulatory framework. This study also compares its findings with several previous studies, including research conducted by (Podungge and Prasetyoningsih, 2025), which focuses on Minister of Manpower Regulation No. 4 of 2023 concerning Social Security for Indonesian Migrant Workers. This regulation functions as a technical instrument implementing social protection principles specifically for migrant workers.

For instance, the principle of cooperation is reflected in a contribution scheme designed to ensure relatively affordable costs, while the principle of portability is demonstrated through the continuity of social security benefits even when migrant workers change their country of placement. Furthermore, the principle of mandatory participation is emphasized through the requirement that migrant workers enroll in the social security program prior to departure. In contrast, this study focuses on the gap between legal norms and the implementation of Minister of Manpower Regulation No. 9 of 2024 in practice, particularly regarding the effectiveness of verification, supervision, and prevention mechanisms during the pre-placement stage. This condition indicates that the existence of regulatory frameworks has not fully addressed the complexity of scam practices that are increasingly adaptive, transnational, and technology based. As a result, victims continue to face the risk of losing their rights to protection, job security, and access to justice (Lazarus et al., 2025; Chen et al., 2023).

Accordingly, research that reflects current conditions is both relevant and urgent to assess the normative and empirical effectiveness of Minister of Manpower Regulation No. 9 of 2024, as well as to identify structural weaknesses in the legal protection of migrant workers who become victims of scams. Such an approach is important to ensure that policy recommendations and protection mechanisms are not merely abstract but are responsive to ongoing legal and social realities. This article examines several legal parameters using a legal research method. Specifically, it employs normative juridical research (Murtadho & Assaris, 2024), which focuses on the study of legal norms within positive law, including those contained in statutory regulations and court decisions, as well as norms that are binding within society, including customary practices. Normative legal research is used to analyze applicable legal norms, legal principles, and doctrines related to the protection of migrant workers who become victims of online scams through non-procedural recruitment mechanisms. Accordingly, methodologically, this article is grounded in a normative juridical research approach.

## **B. Discussion**

### **1. Legal Protection Concept**

The concept of legal protection refers to a form of service that must be carried out by law enforcement authorities or security institutions to provide a sense of security, both physically and psychologically, for victims and witnesses against threats, disturbances, terror, and violence from any party during the stages of investigation, prosecution, and examination in court proceedings. The rule of law should not merely serve short-term interests but must also be grounded in long-term considerations (Rahardjo, 2014). According to (Hadjon, 1987), legal protection encompasses all efforts undertaken by the state to ensure legal certainty, achieve justice, and safeguard the rights of legal subjects. Legal protection can take two forms: preventive protection, which aims to prevent disputes or violations, and repressive protection, which focuses on dispute resolution and the restoration of rights. In the context of migrant workers, legal protection is particularly important given their vulnerability to rights violations due to geographical distance, their legal status in destination countries, and their limited access to information (Hugo, 2003; Lenard, 2022).

The concept of legal protection for migrant workers therefore requires integrated preventive and repressive measures. Preventive measures include the provision of information, recruitment screening, and pre-placement briefings, while repressive measures involve access to law enforcement and mechanisms for restoring rights when violations occur. Cases involving Indonesian citizens who become victims of online scams in Cambodia illustrate the relevance of these two dimensions. The use of online recruitment methods and the transfer of victims to scam centers reflect failures in preventive mechanisms, such as weak verification of recruiters and limited digital literacy among prospective workers. At the same time, practices of detention and exploitation demand repressive legal measures across jurisdictions, which have not yet been implemented optimally. In Indonesia, mechanisms for resolving employment-related disputes are regulated under Law No. 2 of 2004 concerning Industrial Relations Dispute Settlement. This law establishes a multi-stage process for resolving employment disputes, beginning with bipartite negotiations between workers and employers. The parties are required to engage in at least two rounds of discussions to reach a mutually agreed resolution (Palmer, 2024).

In general, forms of protection during the employment period include processes of data collection and registration conducted by labor attachés or authorized diplomatic officials, as well as monitoring and evaluation of employers, types of work, and working conditions. Such protection also includes facilitating the fulfillment of migrant workers' rights, resolving employment-related problems, and providing consular services, including mediation, advocacy, and legal assistance. Legal assistance may involve the provision of legal representation by advocates appointed by the central government and/or Indonesian diplomatic missions. Protection also extends to guardianship in accordance with local laws and the facilitation of repatriation. These forms of protection are implemented without eliminating the criminal and/or civil liability of Indonesian migrant workers and must be carried out in accordance with applicable legal provisions (Widodo and Belgradoputra, 2019).

Furthermore, it appears that the Indonesian government has adopted a human capital approach as part of its strategy for managing overseas workers. By formally recognizing domestic workers as "skilled professionals," policymakers have assumed that migrant domestic workers, who are increasingly referred to as "domestic professionals," will be better positioned to secure more favorable employment contracts abroad. The growing emphasis on progressive protection strategies is reflected in the expansion of pre-departure education and training programs, which are widely considered effective approaches for supporting migrant workers with limited skills in Asia. These initiatives have been implemented with varying degrees of intensity across different contexts (Chang, 2018).

Based on existing laws and regulations, the legal framework of destination countries, as well as relevant international legal norms and practices, protection during the post-employment stage includes several measures. These include the provision of repatriation facilities to the worker's place of origin, settlement of outstanding rights owed to Indonesian migrant workers, assistance in managing cases involving sick or deceased workers, and the implementation of social rehabilitation, social reintegration, and empowerment programs for migrant workers and their families. One proposed protective mechanism involves the development of automated identification systems, which could significantly reduce the monitoring and regulatory burden on law enforcement institutions (Mahbub et al., 2022). All forms of post-employment protection are implemented by the central government in coordination with regional governments.

## **2. Legal Inequality for Indonesian Migrant Workers in Online Scam Exploitation**

Legal inequality does not necessarily mean that written law explicitly discriminates. Rather, it refers to situations in which the application and impact of the law are not experienced equally by all individuals. In such circumstances, legal subjects are normatively treated equally under the law, yet in practice they do not possess the same capacity to access legal protection, enforce their

rights, or obtain justice due to differences in social, economic, educational, and bargaining conditions. Consequently, certain groups remain in a weaker legal position and are more vulnerable to rights violations, even though their rights are formally guaranteed by laws and regulations (Palmer and Missbach, 2019; Passacantando et al., 2023; Kusdarini et al., 2021).

Under PPMI Law, the government is obligated to provide protection at the pre-placement stage, during the placement period, and after placement. As stipulated in Article 9 of Government Regulation No. 10 concerning the procedures for the placement of Indonesian migrant workers, the pre-placement stage consists of ten activities: (1) provision of information, (2) registration, (3) selection, (4) medical and psychological examinations, (5) completion of the placement agreement, (6) registration for social security, (7) issuance of a work permit, (8) pre-departure orientation, (9) signing of the employment contract, and (10) departure for the destination country (Anaf et al., 2022).

PPMI Law comprehensively regulates the protection of the rights of Indonesian migrant workers and the responsibilities of the state toward its citizens who work abroad. This law emphasizes that migrant workers are legal subjects who must be protected before, during, and after employment to prevent exploitation, human trafficking, forced labor, and other forms of rights violations. Substantively, the PPMI Law regulates the rights and obligations of migrant workers and their families, the governance of lawful and humane placement mechanisms, and the roles and authorities of the central government, regional governments, and Indonesian diplomatic missions abroad (Wulandari, 2019). The law also emphasizes preventive protection through education and training, social security, and access to accurate employment information, as well as repressive protection through legal assistance, mentoring, and case handling when migrant workers become victims of legal violations.

Furthermore, PPMI Law strengthens the principle of state responsibility and human rights-based protection by shifting the previous paradigm that viewed migrant workers primarily as economic commodities toward recognizing them as citizens with dignity. Under this framework, the state is required to play an active role through policy formulation, supervision, and law enforcement, including cross-border cooperation, to ensure the safety, welfare, and legal certainty of Indonesian migrant workers (Moyce and Schenker, 2018; Hartono and Samsuria, 2021; Kemala and Kusdarini, 2020). However, the development of information technology has created new forms of fraud, including online scams that specifically target vulnerable groups such as migrant workers. Indonesian migrant workers are defined as Indonesian citizens who work abroad for a certain period and receive wages in accordance with an agreed employment contract. This definition is stipulated in PPMI Law. According to Article 1(2), an Indonesian migrant worker is any Indonesian citizen who performs or has performed work for wages outside the territory of the Republic of Indonesia. Migrant workers play an important role in the national economy, both through remittances and through the strengthening of international economic relations.

Nevertheless, their position within foreign jurisdictions often places them in a vulnerable situation, exposing them to various forms of rights violations, including exploitation, violence, fraud, and cybercrime schemes such as online scams. The phenomenon of online fraud targeting Indonesian migrant workers represents a form of cybercrime that has expanded alongside the increasing use of digital technology in the recruitment and communication processes related to cross-border employment. Migrant workers frequently occupy a weak legal position due to limited digital literacy, restricted access to reliable information, and insufficient legal protection mechanisms. Fraud schemes are generally conducted through social media, instant messaging applications, or online platforms by offering high-paying jobs, rapid recruitment processes, and minimal requirements (Waridin et al., 2020; Runturambi and Arifin, 2025b; Han and Button, 2025). Such tactics encourage victims to transfer money, disclose personal data, or submit important documents. This situation is further exacerbated by structural factors, including economic pressure, inadequate supervision of online recruitment practices, and the transnational

nature of fraudulent networks, which complicate law enforcement efforts. Consequently, migrant workers experience not only financial losses but also legal uncertainty and barriers to accessing justice, illustrating a significant gap between the normative guarantees of legal protection and the reality of protection experienced in practice.

The issue of personal protection constitutes an important aspect of human security in achieving the principle of freedom from fear. Consequently, efforts are required to ensure adequate protection. The continuously evolving challenges related to human security demand appropriate policy adjustments to address emerging security threats. The phenomenon of online scams targeting migrant workers can be understood through several dimensions. *First*, recruitment through online advertisements containing false job information represents an initial stage of exploitation. This approach emphasizes the importance of protecting public security as well as fundamental rights and freedoms. In this context, the role of the government is to safeguard national institutions, legal systems, and individuals from external threats and conflicts. *Second*, victims are often placed in scam centers where they are compelled to conduct technology-based fraud. This perspective highlights the need to empower individuals and communities to respond effectively to global dynamics through appropriate policies, including the provision of education and access to reliable information. *Third*, victims may experience exploitation and forced labor accompanied by threats of violence. This situation illustrates the interconnected nature of issues related to human security, where rapid technological and social changes generate increasingly complex challenges.

The vulnerability of migrant workers to online scam crimes arises from a combination of social, economic, and legal factors (Chen et al., 2023). One significant factor is low digital literacy. Many migrant workers lack sufficient knowledge regarding digital security, making them more susceptible to fraud conducted through social media, instant messaging applications, or online advertisements. Another factor is their reliance on technology for communication. Due to their physical distance from family members, migrant workers often depend heavily on internet-based communication platforms, which creates opportunities for cybercriminals to exploit them. In addition, vulnerable and isolated working conditions contribute to this risk. Some migrant workers are employed in closed or remote environments, limiting their access to official information channels and legal assistance. Immigration status and language barriers also play a significant role. Limited proficiency in the language of the destination country and insufficient understanding of local legal systems make it difficult for migrant workers to identify fraudulent schemes or report them to authorities. Furthermore, online recruitment and exploitation practices frequently occur during the recruitment stage. Prospective migrant workers are often offered fictitious employment opportunities through online platforms or are directed toward illegal forms of work. One prominent example is the emergence of call center scam operations that have recently proliferated in several Southeast Asian countries, including Cambodia, Myanmar, and Laos.

### **3. Regulatory Framework for the Protection of Indonesian Migrant Workers**

The protection of migrant workers who become victims of online scams is regulated in several national legal instruments, including the following. *First*, Law No. 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation into Law. Law No. 6 of 2023 also amends several sectoral laws, including PPMI Law. Although the specific changes to individual provisions are not comprehensively detailed in concise sources, several important findings emerge from normative analysis. The Loss of Strict Licensing Requirements for P3MI. Previously, migrant worker placement companies (Perusahaan Penempatan Pekerja Migran Indonesia—P3MI) were required to possess substantial capital, deposit security funds, prepare operational work plans, maintain adequate facilities and infrastructure, and obtain a P3MI Permit (SIP3MI) issued by the Minister. Following the amendment, the licensing framework shifted toward a more general system under the central government, without the strict and specific

requirements that previously applied. While this change reduces barriers to establishing placement companies, it also risks weakening corporate responsibility toward migrant workers (Wrap & R, 2024).

Based on Article 49 paragraph (1) of PPMI Law in conjunction with the Regulation of the Minister of Manpower No. 9 of 2024, the obligation for P3MI to possess adequate capital, provide security deposits, prepare work plans, maintain facilities and infrastructure, and obtain a SIP3MI from the Minister constitutes a preventive legal protection instrument. These provisions are designed to ensure that the placement of migrant workers is carried out legally, responsibly, and with proper accountability. They also function to screen companies that lack sufficient financial and operational capacity, prevent digital-based illegal recruitment practices, and limit opportunities for online fraud targeting migrant workers. Therefore, weak supervision and enforcement of P3MI obligations have direct implications for increasing the vulnerability of migrant workers to online crime and exploitation. This situation demonstrates that the effectiveness of migrant worker protection largely depends on the consistency of the state in enforcing licensing and supervisory provisions as stipulated in applicable laws and regulations. Reduced Corporate Liability Risk.

Normative analysis indicates that the removal of strict licensing requirements makes it easier for P3MI companies to be established without strong guarantees of protection for migrant workers. This condition may result in reduced corporate accountability toward the migrant workers they place abroad. Furthermore, the Law No. 11 of 2020 concerning Job Creation Law has been criticized for creating ambiguities in employment contracts and for failing to explicitly regulate the rights of women workers, instead leaving such matters to employment agreements, company regulations, and collective labor agreements. This has raised concerns regarding the weakening of worker protections. Although the provisions of Law No. 13 of 2003 remain applicable, the absence of explicit protection for women workers in the Job Creation Law creates legal uncertainty. To address this issue, employers and labor unions should include explicit protections, such as maternity rights, in employment agreements to effectively safeguard these rights.

**Second**, PPMI Law regulates the rights of Indonesian migrant workers and the responsibilities of the government in ensuring their protection. This law replaced the previous legal framework established under Law No. 39 of 2004 concerning the Placement and Protection of Indonesian Workers Abroad and introduces a more comprehensive system for the protection of Indonesian migrant workers. PPMI Law stipulates that the protection of migrant workers abroad must be carried out by the central government, regional governments, and representatives of the Republic of Indonesia in an integrated manner to ensure the fulfillment of migrant workers' rights during their employment abroad. Such protection includes legal protection, advocacy, social assistance, and support in the event of disputes or contractual violations. The law also requires the government to ensure that employers comply with employment agreements, including the payment of wages and the provision of decent working conditions, and to conduct supervision, mediation, and dispute resolution.

In addition, the government must facilitate repatriation if migrant workers experience violence, exploitation, or emergency situations in the country of placement. Under PPMI Law, migrant worker protection covers three stages: pre-employment, during employment, and post-employment. Pre-employment protection begins while migrant workers are still in Indonesia, starting from the preparation for departure, continuing during employment abroad, and extending until their return to Indonesia after the employment contract has ended. Prior to departure, protection for prospective migrant workers includes the provision of knowledge and vocational skills to ensure that they meet the qualifications and requirements for employment abroad.

The Ministry of Manpower has a legal obligation, as stipulated in PPMI Law, to safeguard the welfare of Indonesian migrant workers who are legally employed abroad. When disputes with employers result in harm or even the death of migrant workers, the government bears responsibility

for ensuring their protection and preventing similar incidents in the future. For Indonesian citizens working abroad through non-procedural channels, the government is required to facilitate their immediate repatriation and provide them with information and training regarding lawful migration procedures to prevent repeated violations. In such cases, the Ministry may also revoke immigration-related documents, including the migrant worker's passport.

The protection of migrant workers abroad is implemented through integrated cooperation among the central government, regional governments, and representatives of the Republic of Indonesia abroad to ensure the fulfillment of migrant workers' rights during employment. The role of the state is expressly regulated in Article 39 of PPMI Law, which stipulates that the central government is responsible for policy formulation, guidance, and supervision related to migrant worker protection. The role of regional governments is regulated under Articles 40 and 41, which include responsibilities for data collection, public awareness and socialization, pre-departure protection, and coordination in addressing issues faced by Indonesian migrant workers. Meanwhile, the role of Indonesian diplomatic representatives abroad is regulated in Article 42, which mandates that representatives provide protection for migrant workers in destination countries, including legal assistance, advocacy, facilitation of the fulfillment of rights, and protection in emergency situations (Arifianto, 2009; Tan, 2010).

In addition, several regional regulations (specifically address the protection of Indonesian migrant workers. For example, West Java Provincial Regulation No. 2 of 2021 concerning the Implementation of the Protection of Indonesian Migrant Workers from West Java regulates general provisions, regional responsibilities, obligations of P3MI, planning mechanisms, implementation of protection before, during, and after placement, facilitation, licensing, cooperation, information systems, dispute resolution, administrative and criminal sanctions, supervision, and financing through the regional budget. Similarly, Banyumas Regency Regulation No. 8 of 2022 concerning the Protection of Indonesian Migrant Workers regulates the legal foundation, duties, and responsibilities of local governments, forms of protection for migrant workers and prospective migrant workers, dispute resolution mechanisms, the role of village and sub-district governments, supervision, cooperation, and provisions regarding financing and administrative sanctions.

Other regional regulations include Malang Regency Regulation No. 7 of 2019 concerning the Protection of Indonesian Migrant Workers and Their Families, which establishes a protection framework that includes both migrant workers and their families in the region of origin; Cianjur Regency Regulation No. 2 of 2023 concerning the Protection of Indonesian Migrant Workers from Cianjur Regency, which replaces earlier regional regulations governing the placement and protection of migrant workers; and Lampung Provincial Regulation No. 6 of 2023 concerning the Implementation of Protection for Indonesian Migrant Workers, which provides a regulatory framework covering institutional arrangements, service mechanisms, and protection financing within the Lampung region.

In general, these regional regulations emphasize the important role of provincial and regency governments in providing protection, supervision, facilitation of services, and enforcement of the rights and obligations of Indonesian migrant workers before, during, and after placement. Village governments also have a legal obligation to protect Indonesian migrant workers as part of the state's preventive protection system. Article 11 of PPMI Law, further elaborated through Article 7 paragraph (2) of Government Regulation No. 59 of 2021 concerning the Implementation of the Protection of Indonesian Migrant Workers, assigns village authorities the responsibility for collecting data on prospective migrant workers. In practice, this task is carried out administratively by village governments, which possess authority over population data collection and basic administrative services. The village serves as the starting point of labor migration, as recognized under Articles 18 and 26 paragraph (1) of Law No. 6 of 2014 concerning Villages.

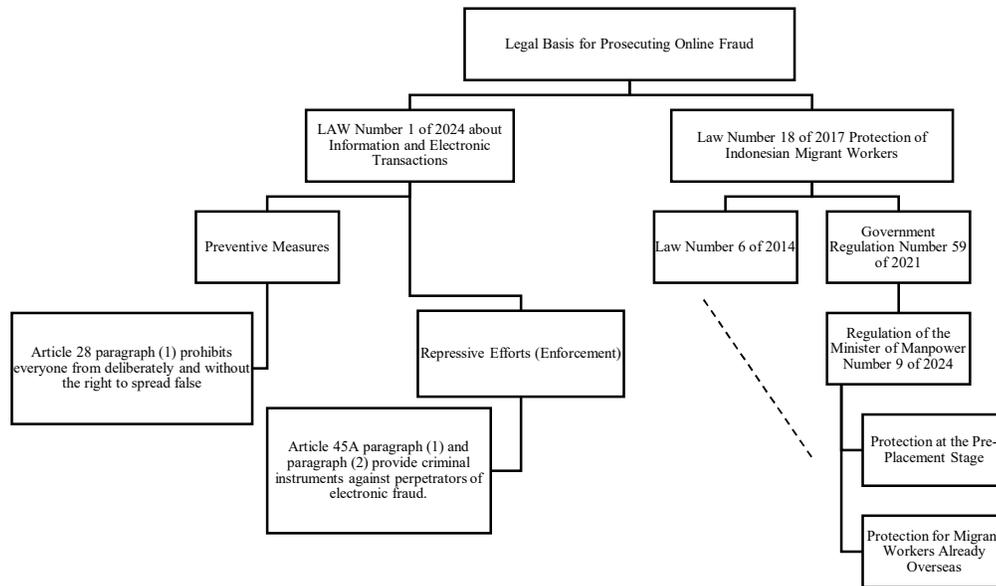
Consequently, negligence by village authorities in conducting data collection, education, and coordination may directly increase the vulnerability of migrant workers to exploitation and online

crime. Legal protection for Indonesian migrant workers under PPMI Law encompasses three principal stages: protection before employment, during employment, and after employment abroad, as well as special protection in emergency situations. Prior to employment, migrant workers are entitled to receive accurate information regarding placement procedures, rights and obligations, job training, pre-departure briefings, health examinations, and valid employment agreements in accordance with legal provisions. During employment, protection includes guarantees of wages and decent working conditions, prevention and handling of cases involving violence, exploitation, or discrimination, access to legal aid and advocacy through Indonesian diplomatic representatives, and supervision of employment contract implementation by employers. After employment, protection includes the facilitation of repatriation to the place of origin, assistance in social and economic reintegration, and the settlement of outstanding financial rights. In emergency circumstances, such as armed conflict, disasters, or criminal acts including online scams, migrant workers are entitled to evacuation, physical protection, and adequate legal assistance to ensure their safety and the fulfillment of their rights.

*Third*, Law No. 1 of 2024, which constitutes the second amendment to ITE Law, regulates unlawful acts committed in cyberspace. The relevance of this law to migrant worker scam cases lies in its role in providing legal protection against technology-based crimes that frequently target migrant workers. Many migrant workers become victims of online fraud conducted through social media platforms, instant messaging applications, or fraudulent websites, both before departure—such as fictitious job offers, and during employment abroad, including fraudulent investment schemes or online extortion. The ITE Law establishes a legal basis for prosecuting perpetrators through provisions that prohibit fraudulent acts, manipulation of electronic information, and the dissemination of misleading content that harms others, particularly under Article 28 paragraph (1) and Article 35.

Furthermore, the law enables victims to report such incidents to law enforcement authorities in Indonesia or through coordination with Indonesian diplomatic representatives abroad to obtain legal protection and pursue criminal proceedings against perpetrators. In this respect, the ITE Law complements PPMI Law concerning the Protection of Indonesian Migrant Workers by addressing the dimension of digital crime that threatens the security and rights of migrant workers (Hugo, 2003; Rodrigues, 2020). More specifically, the ITE Law provides the following legal mechanisms for addressing online fraud: Legal Basis for Combating Online Fraud. The ITE Law prohibits fraudulent acts conducted through electronic media, including online scams that frequently exploit the internet, social media, or instant messaging platforms to deceive prospective or current migrant workers. Article 28 paragraph (1) prohibits the dissemination of false and misleading information that results in consumer losses in electronic transactions. Article 35 prohibits the manipulation, creation, alteration, or deletion of electronic information in a manner that causes the information to appear authentic, a practice commonly used by scammers to fabricate employment documents or contracts. Article 45A paragraphs (1) and (2) stipulate criminal sanctions in the form of imprisonment and fines that may be imposed on perpetrators of electronic-based fraud.

The protection of migrant workers who become victims of online scams can therefore be further explained through the following diagram:



Picture 1. Relationship Between the ITE Law and Online Scams Targeting Migrant Workers

The weaknesses that occur in employment practices remain significant; therefore, new legal regulations were required to replace the previous framework. PPMI Law was enacted to replace the earlier Law No. 39 of 2004. The role of local governments in protecting Indonesian migrant workers extends from the village level to the district/city and provincial levels, covering all stages from pre-employment to post-employment. Local governments are responsible for providing information regarding job opportunities obtained from representatives of the Republic of Indonesia, employers, and business partners abroad. In addition, local governments participate in the migrant worker placement and protection processes.

#### 4. Legal Protection Mechanisms for Migrant Workers Victims of Online Scams

The reality of human trafficking in Indonesia presents complex challenges and raises questions regarding the dynamics of contemporary issues. Victims of human trafficking often fall into the hands of perpetrators using falsified documents, fraudulent work permits, and connections to serious crimes such as drug trafficking. It is therefore important to understand how government institutions and law enforcement authorities respond to these issues, as well as the challenges and opportunities that exist in reducing such cases and ensuring justice for victims (Lazarus et al., 2025; Evingrum et al., 2019; Lazarus et al., 2026). A review of the literature provides valuable insight into victim protection, which represents a crucial aspect of this issue. Negative social attitudes toward victims often result in insufficient attention and limited social protection. Although mechanisms for preventing trafficking remain a significant challenge in Indonesia, addressing these challenges may strengthen the country’s position in the international community and contribute to more effective responses to the problem.

The pursuit of welfare and justice has long been a central concern of many countries, including Indonesia. The state does not merely function as a political structure responsible for maintaining security and order but also carries the responsibility of supporting the realization of a just and prosperous society. Although debates regarding theories of justice and the realization of justice continue to develop among philosophers and legal scholars, Indonesia has established normative references for these ideals through Pancasila and the Constitution. Nevertheless, the values contained in Pancasila and the Constitution are not always consistently translated into harmony with subordinate legislation. This inconsistency is reflected in the legal protection framework for

migrant workers in Indonesia, particularly in relation to licensing and regulatory governance (Suhartini et al., 2023). Regardless of the policies implemented by the Indonesian government, such policies cannot be effectively realized without the cooperation of receiving countries. Challenges remain if destination countries continue to prioritize economic profit, rely on low-wage labor, and fail to provide adequate protections and rights for migrant workers (Dwi Eriyanti et al., 2022).

The framework of Formalities, Facilitation, and Security (F2S) has been recognized as an important principle in managing migration-related border governance. This framework emphasizes that effective border management requires a balance between the enforcement of legal procedures, the facilitation of legitimate and lawful mobility, and the maintenance of strong security measures. The concept of Seamless Security integrates these elements into a unified system intended to improve efficiency and reduce delays while maintaining strict security safeguards. Consequently, the protection of migration routes and border areas involves not only regulatory enforcement but also broader security considerations (Arifin et al., 2024; Suhartini et al., 2023). Employment development constitutes an essential component of the state's efforts to enhance the dignity and welfare of workers and to promote a just and prosperous society, both materially and spiritually. Population growth has resulted in a corresponding increase in the labor force, which requires governments and regional authorities to provide effective legal protection for workers to ensure that their fundamental rights are fulfilled in accordance with applicable laws and regulations.

Legal protection of labor aims to eliminate exploitative labor practices and promote the humane treatment of workers, thereby improving their welfare and enabling them to live with dignity. In practice, countries that send workers abroad often face disadvantages in negotiations with destination countries. Receiving countries may have access to labor from multiple sources, while remittances and the reduction of domestic unemployment provide strong incentives for sending countries to maintain labor migration flows. Furthermore, imposing migration bans may negatively affect the national economy and infringe upon citizens' freedom of movement. As a result, migration bans are often considered an extreme policy measure (Lenard, 2022).

The implementation of labor protection therefore requires comprehensive, integrated, and sustainable policy planning. Legal protection aims to guarantee the basic rights of workers, ensure equal opportunities and treatment without discrimination, and promote the welfare of workers and their families while still considering economic development and the interests of employers. Article 8 of PPMI Law concerning the Protection of Indonesian Migrant Workers divides protection before employment into two categories: administrative protection and technical protection (Izzati, 2019; Lasatu et al., 2024). Protection at the Pre-Placement Stage Many prospective migrant workers are deceived by illegal recruitment agencies that utilize the internet to offer fictitious employment opportunities abroad.

Under the ITE Law, such conduct may be categorized as online fraud, thereby providing victims with a legal basis to report the incident and seek compensation. Legal protection at the pre-placement stage is primarily regulated in Articles 7, 8, and 40–47 of PPMI Law concerning the Protection of Indonesian Migrant Workers. Meanwhile, protection during the post-placement stage is regulated in Article 7 letter (c) and Articles 77–90 of the same law. These provisions demonstrate that the legal protection of migrant workers is designed to be comprehensive and continuous, reflecting the responsibility of the state to provide protection from the period prior to departure until the migrant worker returns to Indonesia. Protection for Indonesian Migrant Workers Abroad During employment in destination countries, migrant workers remain vulnerable to various forms of cybercrime, including phishing, fraudulent investment schemes, and online extortion (sextortion) (Lazarus et al., 2025; Gordon and Ford, 2006; Curtis and Oxburgh, 2023).

The ITE Law provides a legal mechanism enabling victims to report such incidents through Indonesian diplomatic representatives in the country of placement. These representatives may then

coordinate with law enforcement authorities in Indonesia to pursue legal action against perpetrators within Indonesian jurisdiction. Although the ITE Law does not explicitly regulate reporting mechanisms through Indonesian diplomatic representatives, several provisions provide a legal basis for addressing such crimes. Article 2 establishes the principle of extraterritorial jurisdiction, while Articles 28 paragraph (1), 35, 43, and 45A regulate criminal offenses related to fraudulent electronic information and grant investigative authority to law enforcement officials. These provisions allow Indonesian migrant workers who become victims of online fraud to report incidents even while abroad. In this context, representatives of the Republic of Indonesia function as institutional facilitators, while criminal investigation and prosecution remain the responsibility of Indonesian law enforcement authorities when the perpetrators fall within Indonesian jurisdiction (Maksum, 2021b; Sahl et al., 2025).

Meanwhile, administrative protection includes the completeness and availability of placement documents as well as the determination of the terms and conditions of employment. These documents include marriage certificates, family permits, health certificates, work competency certificates, passports, work visas, placement agreements, and employment contracts. This aspect is particularly important, considering that one of the root problems faced by Indonesian migrant workers stems from inadequate documentation, which makes it difficult for undocumented migrant workers to obtain legal protection. The State of the Republic of Indonesia is constitutionally obligated to protect all Indonesian citizens. This obligation is explicitly regulated in the 1945 Constitution of the Republic of Indonesia and further strengthened by Article 28I paragraph (4), which affirms the state's responsibility to protect, promote, enforce, and fulfill human rights. This protection also extends to irregular migrant workers. Legal protection for irregular migrant workers forms part of international human rights law, international law, and labor law. The material object of legal protection for irregular migrant workers therefore consists of legal norms and rules governing their protection (Maksum, 2021b).

In addition, efforts to provide legal protection for migrant workers who become victims of online scams may also be implemented through social control mechanisms. Social control refers to measures undertaken by community members and state institutions to prevent and address various forms of violations through labor supervision. These measures include preventive and repressive actions aimed at preventing social conflicts before they occur. The synergy between the Regulation of the Minister of Manpower of the Republic of Indonesia No. 9 of 2024 and PPMI Law demonstrates the integrated framework of protection. PPMI Law emphasizes physical, social, and legal protection for migrant workers, while the ITE Law provides an additional layer of protection against technology-based crimes. Consequently, scam cases involving migrant workers are addressed not only from the perspective of employment law but also through the framework of cybercrime regulation.

Based on this framework, the forms of legal protection for migrant workers who become victims of online scams can be implemented through supervision of placement and protection mechanisms before employment and after employment. These protections are carried out through several stages. *First*, Educational Prevention, which constitutes a preventive effort implemented through the dissemination of legal norms, technical guidance, and assistance. These preventive measures involve education, counseling, and awareness-raising activities aimed at minimizing the risk of violations or crimes, including online scam cases targeting migrant workers. In this context, such measures include pre-departure training on digital literacy and cybersecurity, awareness programs on recognizing online fraud schemes, the provision of official guidelines and emergency contact information, and public campaigns through various communication media (Subash and Michael, 2025). Collaboration with migrant worker communities and organizations in destination countries is also important for sharing information and providing mutual warnings regarding potential fraud schemes. Through strengthening critical knowledge and practical skills, migrant

workers are expected to recognize signs of fraud, adopt preventive measures, and avoid becoming victims (*Vide Regulation of the Minister of Manpower of the Republic of Indonesia No. 9 of 2024*).

**Second**, Non-Judicial Repressive, which measures refer to enforcement actions conducted outside formal judicial institutions to ensure compliance with statutory provisions. These measures may take the form of examination memoranda or statements of compliance with applicable laws and regulations. They are designed to address violations or crimes after an incident occurs while resolving the dispute outside formal judicial proceedings. In the context of protecting migrant workers who become victims of online scams, such measures may include mediation, negotiation, or dispute resolution through international institutions, mediation bodies, or settlement mechanisms facilitated by Indonesian diplomatic representatives abroad. This approach aims to recover victims' losses quickly, efficiently, and at minimal cost while maintaining constructive relations between the parties involved. Although these processes still refer to applicable legal provisions, they prioritize voluntary agreements and mutually beneficial solutions without requiring lengthy judicial procedures. In contrast to civil or criminal sanctions, administrative sanctions imposed by administrative authorities can be applied without court proceedings. As a result, administrative sanctions can be implemented more rapidly as part of efforts to enforce labor protection laws. Equally important is the provision of opportunities for community participation in these enforcement processes.

**Third**, Judicial Repressive, which measures involve formal legal enforcement through court institutions. In this process, investigations are conducted by labor inspectors acting as Civil Servant Investigators. In the context of protecting migrant workers who become victims of online scams, these measures involve investigation, prosecution, and court examination in accordance with applicable legal provisions, including the ITE Law, the Criminal Code, and PPMI Law. The objective of these measures is to create a deterrent effect for perpetrators, uphold justice, and ensure legal certainty for victims. This process generally includes the collection of digital evidence, the examination of witnesses, the determination of suspects, and judicial decisions that may impose criminal and civil sanctions to recover the victim's losses. Victims may also access legal assistance through institutions such as the Legal Aid Institute, the Indonesian Migrant Workers Protection Agency (BP2MI), or directly through law enforcement authorities by referring to the provisions of the ITE Law. These regulations facilitate the collection of digital evidence, including chat records, bank transaction records, and electronic documents, for prosecution purposes (Sani Pratiwi et al., 2023).

**Fourth**, Extraterritorial Jurisdiction, the principle of extraterritorial jurisdiction allows a state to apply and enforce its national law against legal acts committed outside its territorial boundaries when such acts produce legal consequences affecting the state's interests. In the Indonesian context, this principle is reflected in the Information and Electronic Transactions Law, particularly Article 2, which stipulates that the ITE Law applies to any person, both inside and outside the territory of Indonesia, if their actions produce legal consequences in Indonesia or harm Indonesian interests. This principle responds to the transnational character of modern crimes, including online fraud targeting Indonesian citizens abroad. It provides a legal basis for the state to act against perpetrators even when the locus delicti is located outside national territory, provided that personal jurisdiction, the nationality of the victim or perpetrator, and the interests of Indonesian law can be established. One example is the request for the surrender of an Indonesian citizen from the United States in the case of Abraham Ben Moses.

Such implementation may be carried out through Mutual Legal Assistance (MLA) mechanisms, either through diplomatic channels or through central authority channels. In this process, the Minister of Law and Human Rights, acting as the central authority, may request authorized officials to undertake actions coordinated with law enforcement institutions. Legal protection measures for Indonesian migrant workers during the pre-placement stage, such as verification of job offers, legality checks of placement agencies, education regarding fraud risks,

and protection mechanisms for migrant workers already working abroad, including complaint mechanisms, legal assistance, housing support, and consular communication, are closely linked to fundamental legal principles governing migrant worker protection.

Indonesia also applies criminal law enforcement mechanisms through the ITE Law, particularly Article 2, which recognizes the principle of extraterritorial jurisdiction. This allows Indonesia to prosecute perpetrators of electronic-based crimes that harm Indonesian citizens abroad when Indonesian legal interests are affected and when the perpetrators fall within the reach of national jurisdiction. Nevertheless, the implementation of this principle must respect the sovereignty of other states and often requires international cooperation mechanisms such as mutual legal assistance. The principle of protection is fundamental, as all preventive measures aim to ensure that migrant workers are not subjected to fraud, exploitation, or illegal recruitment practices. This principle requires the active presence of the state from the earliest stages, particularly during recruitment and placement, to minimize the structural vulnerabilities faced by prospective migrant workers (Widyawati, 2018; Islam and Cojocar, 2016).

However, the absence of an extradition treaty or MLA agreement between Indonesia and the United States may create obstacles in enforcing the principle of extraterritorial jurisdiction, particularly in cybercrime cases involving perpetrators located abroad. Furthermore, the precautionary principle underpins the obligations of both the government and placement agencies to conduct thorough document verification, authenticate job offers, ensure that recruitment agents are properly licensed, and supervise digital recruitment platforms. This principle emphasizes that administrative and placement processes must undergo careful and multi-layered verification procedures to prevent deceptive recruitment practices. Extraterritorial jurisdiction may therefore serve as an important mechanism for addressing and preventing crimes against migrant workers, although its implementation remains limited by the principles of international law.

Comparatively, several jurisdictions have applied extraterritorial legal frameworks in addressing transnational crimes. The United States applies extraterritorial jurisdiction through the Foreign Corrupt Practices Act (FCPA), which allows prosecution of foreign companies and individuals involved in bribery practices outside the United States when connected to American interests or financial systems. The European Union applies extraterritorial jurisdiction in the protection of personal data through the General Data Protection Regulation (GDPR) (Manap et al., 2024), which applies to entities outside the EU that process the personal data of EU citizens. Germany recognizes universal jurisdiction through the Code of Crimes against International Law (VStGB), allowing prosecution of serious crimes such as genocide and crimes against humanity regardless of where they occur. France and the Netherlands also recognize limited extraterritorial jurisdiction, particularly in cases involving serious human rights violations and transnational crimes. Finally, the principle of *lex specialis* applies in this context, as PPMI Law constitutes a specialized legal regime that specifically regulates the stages of pre-placement, placement, and post-placement protection. Consequently, preventive and protective measures must prioritize and adhere to the provisions of this law over more general legal frameworks, such as the Criminal Code or general labor law regulations.

### C. Conclusion

The protection of migrant workers who become victims of online scams constitutes a strategic issue that requires serious attention. These cases frequently involve fraudulent job advertisements in sectors such as technology or customer service, which often function as fronts for international cybercrime syndicates. From a legal perspective, safeguarding migrant workers from such schemes is therefore an important issue that demands comprehensive regulatory and institutional responses. Although Indonesia already possesses several legal instruments governing migrant worker protection and cybercrime, the urgency of this research lies in examining the forms of legal protection that can be accessed by migrant workers who fall victim to online scams. Legal

protection in this context may also be understood as a form of social control carried out by citizens and state institutions to prevent and address violations related to labor supervision. These mechanisms include preventive and repressive measures aimed at preventing legal conflicts and protecting migrant workers from exploitation. Based on the analysis conducted in this study, legal protection for migrant workers who become victims of online scams is implemented through supervision of placement procedures and protection mechanisms both before employment and after employment. This protection can be carried out through three main stages: educational prevention, non-judicial repressive measures, and judicial repressive measures.

Strengthening the protection of migrant workers also requires improvements in regulatory frameworks and enforcement mechanisms. It is therefore important for stakeholders to develop stricter regulations concerning personal data protection and the enforcement of legal sanctions for violations. In addition, legal frameworks related to criminal jurisdiction should be strengthened through clearer regulation of both territorial and extraterritorial jurisdiction in addressing cross-border cybercrime. The development of national security infrastructure is also necessary, including the strengthening of national and sectoral CSIRT, as well as enhanced international cooperation mechanisms to address transnational cybercrime.

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