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Supervision and Protection of Non-Procedural Indonesian Migrant Workers from Ibn Taymiyyah's Perspective

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Abstrak

Pekerja Migran Indonesia (PMI) non-prosedural menghadapi kerentanan terhadap penipuan perekrutan, eksploitasi, perdagangan orang, dan kesulitan memperoleh pemulihan hukum. Penelitian ini menganalisis perlindungan dan pengawasan PMI non-prosedural berdasarkan hukum Indonesia serta menilai relevansi konsep al-ḥisbah dan al-siyāsah al-sharʿiyyah dalam pemikiran Ibnu Taimiyah. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan dan konseptual dengan bahan hukum primer serta literatur ilmiah. Hasil penelitian menunjukkan bahwa status keberangkatan non-prosedural tidak menghapus hak dasar dan hak atas perlakuan tanpa diskriminasi; persoalan utamanya ialah keterjangkauan perlindungan, koordinasi institusi, dan efektivitas pencegahan sebelum keberangkatan. Pembaruan kelembagaan dan pencabutan sejumlah aturan teknis tahun 2026 menuntut kejelasan mekanisme pelaksanaannya. Penelitian ini menawarkan model pengawasan berlapis berbasis desa, rekrutmen, keimigrasian, perlindungan konsuler, dan pemulihan, dengan prinsip amanah, keadilan, kapasitas pengawas, dan pencegahan kezaliman sebagai landasan etik. Reformasi yang disarankan meliputi koordinasi data, akses pengaduan yang aman, pengawasan perekrut, dan penempatan resmi yang terjangkau.

Kata Kunci: Pekerja Migran Indonesia; Non-Prosedural; Al-Hisbah; Ibnu Taimiyah; Pengawasan Negara

Abstract

Non-procedural Indonesian migrant workers face heightened exposure to deceptive recruitment, exploitation, human trafficking, and barriers to effective legal remedies. This article examines the protection and supervision of such workers under Indonesian law and evaluates the relevance of Ibn Taymiyyah's concepts of al-ḥisbah and al-siyāsah al-sharʿiyyah. Using normative legal research with statutory and conceptual approaches, it analyzes legislation, institutional regulations, scholarly literature, and official administrative data. The findings show that irregular departure does not extinguish fundamental rights or the statutory commitment to humane, non-discriminatory treatment; the principal deficiencies concern practical accessibility, interagency coordination, and early prevention. Institutional reforms and the revocation of several technical regulations in 2026 require careful clarification of implementing responsibilities. The article proposes a layered supervision model operating from villages and recruitment networks through immigration screening, consular assistance, and post-return remedies. Ibn Taymiyyah's principles of public trust, justice, institutional competence, and

prevention of oppression provide an ethical standard for evaluating this model. Recommended reforms include interoperable oversight, safe complaint pathways, accountable recruitment inspections, and accessible regular migration channels.

Keywords: *Indonesian Migrant Workers; Irregular Migration; Al-Hisbah; Ibn Taymiyyah; State Supervision*

Introduction

Indonesian labor migration is simultaneously a strategy of household livelihood and a field of public-law responsibility. Workers may seek higher wages, occupational mobility, and opportunities unavailable at home, but migration can expose them to information asymmetries, debt, abusive contracts, and dependence on intermediaries. The term non-procedural Indonesian migrant worker is commonly used for an Indonesian national whose overseas employment or departure has not complied with prescribed placement requirements. It is an administrative description of a migration process, not a legal determination that a worker has forfeited human dignity or protection from criminal abuse. Research on labor migration has long emphasized that the state's obligations arise across the migration cycle rather than at the border alone. [1]

The Indonesian legal framework presents an apparent tension. Law No. 18 of 2017 establishes documentation and procedural duties for prospective migrant workers while also recognizing rights to accurate information, humane services, and treatment without discrimination. Its Article 6 refers to the rights of prospective and existing migrant workers, and its protection model spans the periods before, during, and after employment. Hence, it would be inaccurate to characterize the statute as categorically excluding persons who migrate outside authorized channels. The more precise question is whether institutional mechanisms created for registered placements can identify, assist, and remedy harms suffered by those who are absent from official databases. [2]

This distinction matters because administrative non-compliance and criminal victimisation are not interchangeable. A worker may have used a visitor visa or a broker, and still have been deceived about destination, wages, recruitment fees, or working conditions. The presence of exploitative means and purposes must be examined under the legal elements of trafficking, not inferred solely from a missing employment document. Equally, lack of a compliant departure record cannot itself justify denying emergency assistance, access to information, or protection against violence. Romli and Rahayu highlight the difficulty of addressing undocumented workers who appear in cases of trafficking. [3] Utomo and Arifin connect this problem with overlapping substantive, institutional, and sociocultural barriers. [4]

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[1] Anis Widyawati, "Legal Protection Model for Indonesian Migrant Workers," *Journal of Indonesian Legal Studies* 3, no. 2 (2018): 291–304, https://doi.org/10.15294/jils.v3i02.27557.

[2] Indonesia, Law No. 18 of 2017 concerning Protection of Indonesian Migrant Workers, as amended, arts. 5–7.

[3] Moh. Romli and Devi Rahayu, "Perlindungan Bagi Pekerja Migran Indonesia Non-Prosedural Terhadap Tindakan Perdagangan Manusia," *Simbur Cahaya* 31, no. 1 (2024): 172–187, https://doi.org/10.28946/sc.v31i1.3494.

[4] Lutfi Erlangga Risky Utomo and Ridwan Arifin, "Legal Protection for Non-Procedural Indonesian Migrant Workers as Victims of Human Trafficking Crimes," *Law Research Review Quarterly* 11, no. 1 (2025), https://doi.org/10.15294/llrq.v11i1.25885.

Official statistics illustrate the scale of regular migration but require careful interpretation. The Ministry of Protection of Indonesian Migrant Workers reported 296,948 recorded placements in 2025 against a target of 259,144. That figure describes placements handled through official mechanisms; it is not a count of all Indonesian nationals working abroad, nor a denominator from which the size of irregular migration can safely be inferred. Estimates circulating in the media about unregistered migrants often refer to different populations or periods and therefore cannot be added to the annual placement total. A legally responsible analysis distinguishes annual flows, cumulative stocks, prevented departures, repatriations, and allegations of trafficking before using them as indicators of protection performance. [5]

The challenge is more complex than a shortage of written law. Recruiting agents may exploit a lack of local employment, low migration literacy, credit dependence, and the appeal of rapid departure. Workers may not know whether the company is licensed, whether the job order exists, or which state office can verify an electronic document. Those who have already left may avoid contact with authorities because they fear detention, deportation, retaliation, or prosecution of family members. A substantial part of the protection gap is therefore generated by fragmented information and unequal bargaining power before the journey begins. The strategic-intelligence study by Samad and colleagues places economic incentives and inadequate public knowledge among the drivers of non-procedural placement. [6]

The institutional context changed further with the elevation of migrant-worker protection to ministerial status in 2024. Minan and Makmur identify a movement from principally coordinating functions toward a stronger executive protection architecture, yet also warn that new institutional rank does not automatically eliminate jurisdictional overlap. [7] In January 2026, Minister of Manpower Regulation No. 2 of 2026 revoked fifteen older technical regulations in light of the redistribution of functions. [8] This measure is primarily a revocation instrument, not proof that all operational arrangements were replaced with a single comprehensive new protection standard. The March 2026 BP2MI regulation on placement procedures consequently also deserves attention as part of the evolving administrative framework. [9]

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[5] Ministry of Protection of Indonesian Migrant Workers (KP2MI), "Wamen Christina Apresiasi Kinerja Penempatan Pekerja Migran 2025 yang Lampaui Target," *January* 8, 2026, https://kp2mi.go.id/index.php/berita-detail/wamen-christina-apresiasi-kinerja-penempatan-pekerja-migran-2025-yang-lampaui-target.

[6] M. Yusuf Samad et al., "Pencegahan dan Penanganan Praktik Pekerja Migran Indonesia Non-Prosedural (PMI-NP) melalui Pendekatan Intelijen Strategis," *Jurnal Lemhannas RI* 11, no. 4 (2023): 260–272, https://doi.org/10.55960/jlri.v11i4.486.

[7] Ahsanul Minan and Kartini Laras Makmur, "Pembentukan Kementerian Pelindungan Pekerja Migran Indonesia dan Masa Depan Perlindungan Pekerja Migran Indonesia," *AL WASATH Jurnal Ilmu Hukum* 6, no. 2 (2025): 67–82, https://doi.org/10.47776/alwasath.v6i2.

[8] Indonesia, Minister of Manpower Regulation No. 2 of 2026 concerning Revocation of Regulations in the Field of Placement and Protection of Indonesian Migrant Workers.

[9] Indonesia, Minister of Protection of Indonesian Migrant Workers/BP2MI Regulation No. 2 of 2026 concerning Procedures for the Placement of Indonesian Migrant Workers by Placement Implementers.

Recent studies have explored the legal protection of undocumented workers, human trafficking, social insurance, village-based governance, diplomatic remedies, and the weaknesses of placement services. They offer valuable sectoral findings but do not always articulate an integrated standard for judging whether state supervision is sufficiently proactive. By contrast, classical Islamic political-legal thought provides a vocabulary of public trust and prevention of unjust dealing. Ibn Taymiyyah's notion of al-ḥisbah, traditionally associated with the supervision of markets and public conduct, can be read alongside modern statutory duties without treating medieval institutional arrangements as binding contemporary legislation. [10]

This article therefore pursues two interrelated questions. First, how should Indonesian law classify the protective duties owed to non-procedural migrant workers and the administrative obstacles that obstruct their enjoyment? Second, how may Ibn Taymiyyah's concepts of al-ḥisbah and al-siyāsah al-sharʿiyyah supply an ethical and institutional rationale for earlier, more coordinated supervision? Its proposed contribution is a layered preventive-and-remedial accountability model that connects village-level verification, lawful recruitment, immigration assessment, cross-border assistance, and reintegration. The proposed model is presented as a normative policy recommendation, not as a measured empirical program already implemented nationally.

Research Method

This article uses normative legal research, integrating the statutory approach with a conceptual approach. Primary materials include the 1945 Constitution, Law No. 18 of 2017 on Indonesian Migrant Worker Protection, Law No. 39 of 1999 on Human Rights, Law No. 21 of 2007 on trafficking in persons, Government Regulation No. 59 of 2021, the 2024 presidential regulations on institutional responsibilities, and the 2026 regulations governing revocation and placement procedures. The inquiry reads these instruments systematically to distinguish legal entitlements, procedural obligations, administrative authority, and the consequences of trafficking-related abuse. [11]

Secondary sources comprise peer-reviewed legal and migration-policy scholarship, institutional publications, and the edition of Ibn Taymiyyah's Al-Ḥisbah fī al-Islām identified in the manuscript. [12] His Al-Siyāsah al-Sharʿiyyah fī Iṣlāḥ al-Rāʿī wa al-Raʿiyyah supplies a related conception of just public authority. [13] Primary Islamic texts are used for ethical interpretation rather than treated as replacements for positive Indonesian law. The research applies qualitative juridical analysis: identifying the operative legal rule, locating possible implementation gaps, evaluating policy implications, and deriving a coherent set of supervisory safeguards. Its conclusions are prescriptive. No interviews, surveys, or

[10] Elvira Sitna Hajar, "Institusi Pengawasan Publik (Hisbah) Menurut Ibnu Taimiyah," *An Nawawi* 1, no. 2 (2021): 71–78, https://doi.org/10.55252/annawawi.v1i2.11.

[11] Republic of Indonesia, Government Regulation No. 59 of 2021 on the Implementation of Protection of Indonesian Migrant Workers.
For a comparison of statutory and Islamic-law reasoning in another field, see Andini Eka Putri and Annisa Sativa, "Legal Protection for Video Content Creators on Social Media That Are Reuploaded to the Facebook Pro Platform Based on MUI Fatwa Number 1 of 2003 Concerning Copyright," *Journal Analytica Islamica* 15, no. 1 (2026): 304–312, https://doi.org/10.30829/jai.v15i1.28467.

[12] Ibn Taymiyyah, *Al-Ḥisbah fī al-Islām* (Manshūrāt al-Muʾassasah al-Saʿdiyyah, 1980).

[13] Ibn Taymiyyah, *Al-Siyāsah al-Sharʿiyyah fī Iṣlāḥ al-Rāʿī wa al-Raʿiyyah* (Dār al-Āfāq al-Jadīdah, 1983).

original field observations were undertaken for this article, and published administrative data are discussed with explicit limitations.

Results and Discussion

1. Legal Protection of Indonesian Migrant Workers in Irregular Migration

Law No. 18 of 2017 begins from the premise that workers require legal, economic, and social protection before employment, throughout placement, and after return. Its rules on minimum age, skills, health, social security, and complete documentation express protective as well as administrative purposes. Compliance reduces exposure to fraudulent employment offers and makes a worker more readily traceable by public authorities. But the same statute cannot coherently be interpreted to make procedural departure a condition for all fundamental rights. Protection against coercion and serious abuse derives also from constitutional guarantees and human-rights obligations that are not extinguished by administrative irregularity. [14]

There is a meaningful difference between eligibility for a particular placement service and the state's broader duty to respond when an Indonesian national experiences harm. Formal registration may determine access to certain program-specific insurance benefits or administrative processes, whereas diplomatic assistance, emergency safeguarding, or a response to trafficking allegations cannot be reduced to an administrative membership test. A legal argument that treats every irregular worker as wholly beyond the protection system risks normalising the very exploitation that worker-protection law seeks to prevent. The Human Rights Law and the state's commitments to non-discrimination reinforce this distinction, while national institutions still face practical limitations when their nationals are subject to a host state's jurisdiction. [15]

The central legal difficulty is thus one of enforceability and reach. An undocumented worker may have no verified employment contract, lack a reliable contact with a licensed placement operator, or be hidden from Indonesian administrative records. Investigators may have trouble identifying the recruitment chain or preserving evidence created abroad. Embassy and consular staff may encounter host-country restrictions, and the family may not know which institution has authority to act. These obstacles do not negate substantive rights; instead they show why accessible protection requires interagency information sharing, trained frontline officials, reliable cross-border referral procedures, and cooperation with legal-aid and community organizations. Farida emphasises the value of village regulation and bilateral agreements as complementary human-rights safeguards. [16]

Social protection offers an instructive example of the gap between statutory aspirations and practical coverage. Shalihah and Alviah observe difficulties in ensuring employment social-security participation for Indonesian migrant workers in Hong Kong. An unregistered worker may be unable to access a scheme designed around verified placement details, even when that worker urgently needs

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[14] Constitution of the Republic of Indonesia of 1945, arts. 28D(1), 28G, and 28I.

[15] Republic of Indonesia, Law No. 39 of 1999 on Human Rights.
See also Iis Erika Faradila and Arifuddin Muda Harahap, "Perlindungan Hukum Terhadap TKI Oleh Pemerintah Indonesia Dalam Perspektif Siyasah Dauliyah (Studi Kasus Pembunuhan Nurul Aidah TKI Asal Batubara Sumatera Utara di Malaysia)," *UNES Law Review* 5, no. 4 (2023): 4083–4094, https://doi.org/10.31933/unesrev.v5i4.720.

[16] Elfia Farida, "Empowering Indonesian Migrant Workers," *Journal of Southeast Asian Human Rights* 9, no. 1 (2025): 122–146, https://doi.org/10.19184/jseahr.v9i1.53034.

medical care or compensation following abuse. Such barriers call for differentiated remedies: first, immediate protection of life and safety; second, verification and documentation of employment and claims; and third, appropriate assessment of program benefits under applicable rules. It is neither legally persuasive nor administratively viable to collapse these distinct stages into a single binary status. [17]

Indonesia's trafficking legislation is also relevant but should not be described as operating only after exploitation has occurred. Law No. 21 of 2007 establishes criminal prohibitions and victim-related safeguards, while prevention and early detection remain crucial functions of enforcement policy. An irregular journey does not by itself establish trafficking; evidence of recruitment, transportation, harbouring, or receipt of persons must be assessed together with the statutory means and exploitative purpose where required. A document irregularity can be evidence supporting an inquiry, but the legal character of victimhood should not be mechanically inferred from a visa category or the presence of a broker. [18]

Recent doctrinal studies argue that effective criminal-law protection depends on identifying exploitation, providing assistance, investigating recruiters, and facilitating restitution and rehabilitation through the applicable legal mechanisms. The normative implication is that public officers should not confront a person reporting coercion with only an inquiry into their own departure documents. They should first establish immediate risks, preserve testimony and digital communications, refer potential victims to appropriate services, and then investigate any placement violations and criminal acts through separate legal processes. That ordering makes protection and accountability mutually reinforcing rather than competing objectives. [19]

The policy debate must avoid the inverse error as well: describing every non-procedural movement as an instance of trafficking may obscure people's circumstances and weaken the evidentiary threshold for serious criminal allegations. A proportionate enforcement framework needs to distinguish consensual migration involving administrative non-compliance, fraudulent recruitment, forced labor, trafficking, and other forms of abuse. Each may require different action by immigration, police, labor regulators, prosecutors, consular offices, and service providers. The distinction is vital for the rule of law because the appropriate sanction against organisers is different from the appropriate protective measure for a deceived worker. [20]

Institutional reforms provide opportunities for a more coherent division of responsibility. The assignment of a dedicated ministry and agency for migrant-

[17] Fithriatus Shalihah and Siti Alviah, "Examining the Role of BPJS Employment Indonesia in Ensuring Social Security for Migrant Workers in Hong Kong," *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 1197–1266, https://doi.org/10.15294/jils.v8i2.74703.

[18] Republic of Indonesia, Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons.

[19] Taufan, "Criminal Law Protection Of Indonesian Migrant Workers Against Human Trafficking: A Normative Analysis," *istinbath* 25, no. 1 (2026): 156–172, https://doi.org/10.20414/ijhi.v25i1.1249.

[20] Lutfi Erlangga Risky Utomo and Ridwan Arifin, "Legal Protection for Non-Procedural Indonesian Migrant Workers as Victims of Human Trafficking Crimes," *Law Research Review Quarterly* 11, no. 1 (2025), https://doi.org/10.15294/llrq.v11i1.25885.

worker protection should be coupled with clear oversight of private placement companies, harmonised data definitions, and referral agreements between levels of government. In 2026, the revocation of fifteen manpower regulations reflected an institutional transfer rather than a finding that every earlier safeguard was unnecessary. Implementation therefore calls for mapping which requirements remain in force under statutes, government regulations, and replacement instruments; identifying the office now responsible for monitoring them; and preventing a transition period in which a village office, immigration officer, and migrant-worker service office each presume the other holds the case. [21]

The contemporary literature supports a decentralised but integrated approach. Mubarokah and Rodiyah find weaknesses in preventive services, complaint access, and social reintegration despite a broad national framework. [22] Raharjo and colleagues underline the role of community networks and provincial cooperation in East Java. [23] These findings suggest that protection requires more than consolidating regulations at the center. Local authorities need a lawful and practical channel for checking recruitment offers, informing prospective workers, identifying repeat brokers, and connecting families to consular assistance. A national database is useful only if its entries are timely, accessible to authorized personnel, and governed by suitable privacy protections.

Research on the protection system identifies obstacles in preventive services, complaint access, and implementation. Such constraints limit a strategy based only on penalties: closure of an informal route does not eliminate the demand for work or an intermediary's informational advantage. The proposed response combines proportionate inspection with reliable information, transparent recruitment costs, accessible skills recognition, and local support services. These are policy recommendations whose effectiveness requires empirical evaluation.[24]

A rights-based understanding also affects how state agencies allocate the burden of documentation. Where a person reports abuse abroad, a missing placement record should be treated as an evidentiary problem to solve, not a reason to close the complaint. Officials may reconstruct the employment history from electronic communications, witnesses, wage transfers, travel documents, the employer's identity, and information held by foreign authorities. The evidentiary standard for initial assistance is not necessarily identical to the threshold for a criminal conviction or statutory compensation claim. Separating these stages makes the system more effective and fair. It also recognises that an undocumented person may have entered a country lawfully as a visitor before being induced into

[21] Indonesia, Presidential Regulation No. 165 of 2024 concerning the Ministry of Protection of Indonesian Migrant Workers.

[22] Wakhidatul Mubarokah and Rodiyah Rodiyah, "Strengthening the Indonesian Migrant Worker Protection System through a Strategic Approach to Migration Policy," *Jurnal USM Law Review* 9, no. 1 (2026): 402–415, https://doi.org/10.26623/julr.v9i1.13440.

[23] Budi Raharjo et al., "Para-Diplomacy in the Protection of Indonesian Migrant Workers A Study on the Policy of East Java Province," *Journal of Indonesian Legal Studies* 11, no. 1 (2026): 359–396, https://doi.org/10.15294/jils.v11i1.40112.

[24] Wakhidatul Mubarokah and Rodiyah Rodiyah, "Strengthening the Indonesian Migrant Worker Protection System through a Strategic Approach to Migration Policy," *Jurnal USM Law Review* 9, no. 1 (2026): 402–415, https://doi.org/10.26623/julr.v9i1.13440.

unlawful or exploitative work, or may have been recruited through forged paperwork whose defects were not apparent to the worker.

Prevention and enforcement should likewise accommodate differences in personal responsibility. An employer or recruitment intermediary who knowingly traffics workers merits a different legal response from a person misled into paying a broker. When agencies aggregate both groups under the single label of illegal migration, policy choices tend to favour visible border interventions rather than the difficult investigation of recruitment networks. A sound case-management system records separate allegations of administrative irregularity, fraudulent recruitment, debt bondage, forced work, and trafficking indicators. This helps avoid over-classification while ensuring that serious signs of coercion receive attention. The rule-of-law benefit is traceability: prosecutors can pursue a substantiated criminal offence and service agencies can document the protective measure supplied to the affected person, without confusing the two tasks. [25]

The same differentiation is important for women and other workers whose circumstances make reporting difficult. Assistance must be accessible to people who are confined in private homes, subjected to sexual violence, or dependent on an employer for their passport or accommodation. Contact channels need confidentiality, female or specially trained officers when appropriate, interpretation services, and an informed-consent approach to sharing personal information with third parties. Protection must also extend to families who receive threats at home. Research on migrant-worker exploitation and violence demonstrates that physical location, dependence, and the absence of reliable local services may combine to make formal rights ineffective. The practical measure of accessibility is not how many complaint forms exist, but whether a threatened individual can safely use them. [26]

An additional concern arises where policy simplification creates uncertainty about which organization performs licensing, investigation, administrative sanctioning, or worker-support functions. The lawful transfer of a ministerial function is not the same as the immediate transfer of trained personnel, interoperable databases, or service budgets. During institutional restructuring, authorities should issue publicly accessible responsibility matrices showing the regulation relied upon, the unit holding authority, the referral destination, and relevant deadlines. Every office receiving a complaint should have at least a duty to transmit it to the correct authority and inform the complainant of the outcome, subject to applicable law. Without such arrangements, institutional modernisation can remain invisible to the worker who needs an urgent answer. [27]

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[25] Epifani Dwi Agustin, Widyawati, and Ika devy Pramudiana, "Peningkatan Kualitas Layanan Dalam Proses Penempatan Pekerja Migran Indonesia (PMI) di UPT Pelayanan dan Pelindungan Tenaga Kerja (P2TK) Disnakertrans Provinsi Jawa Timur," *Jurnal Niara* 17, no. 2 (2024): 330–338, https://doi.org/10.31849/niara.v17i2.20693.

[26] Abitha Arya Guna and Dwi Astuti, "The state's absence in protecting Indonesian migrant workers: An analysis of migrant worker exploitation and violence," *Journal of Gender Equality Disability Social Inclusion and Children* 4, no. 1 (2026), https://doi.org/10.61511/jgedsic.v4i1.2026.3236.

[27] Ahsanul Minan and Kartini Laras Makmur, "Pembentukan Kementerian Pelindungan Pekerja Migran Indonesia dan Masa Depan Perlindungan Pekerja Migran Indonesia," *AL WASATH Jurnal Ilmu Hukum* 6, no. 2 (2025): 67–82, https://doi.org/10.47776/alwasath.v6i2.

2. Preventive Supervision and Administrative Responsibility

The first line of prevention is the place where recruitment begins. Village and subdistrict authorities are often the earliest public institutions able to identify offers of overseas employment, yet they may lack a verified register of licensed companies and job orders. A workable preventive mechanism would permit prospective workers to check the identity of recruiters, confirm job descriptions and fees through official channels, and receive plain-language warnings about forged documents or substitution of employment terms. It should not depend on indiscriminate surveillance of residents. Rather, it should offer a transparent voluntary service, defined referral triggers, and accountability for public officers who solicit unofficial payments. The principle of community-based safeguards is consistent with literature emphasising the protective role of village regulations. [28]

A second layer concerns recruitment conduct. Advertising and negotiations increasingly take place through messaging applications and social networks. Oversight should examine licensing, recruitment authorization, fees, contract terms, and the factual existence of vacancies. Reports of passport retention, coercive debt, threats, or substituted contracts warrant an appropriate risk-based inquiry. Research on trafficking involving non-procedural workers supports distinguishing those indicators from administrative status alone.[29]

A third layer is evidence-based immigration screening. Officials should assess relevant risk indicators without treating every visitor as a prospective irregular worker. A decision to delay or refuse travel requires a lawful basis and the applicable safeguards. Agista and Zahidi examine passport verification in Malang.[30] Early verification and referral may offer a preventive opportunity, but the study does not establish that screening alone reduces exploitation.[31]

Digital immigration solutions may improve early identification only when their institutional and rights implications are evaluated. Hidayat, Syahnan, and Rokan discuss entry-visa instruments and sanctions in the context of irregular migration to Cambodia. Digitisation can facilitate traceability, but data sharing between recruitment platforms, civil registries, labor agencies, and immigration must follow clear authority and access restrictions. Errors in matching identities can unjustly flag ordinary travellers, while an overbroad data system could expose trafficking victims to unnecessary disclosure. A sound framework uses limited, necessary information, logging of official access, correction procedures, and independent review of adverse administrative action. [32]

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[28] Elfia Farida, "Empowering Indonesian Migrant Workers," *Journal of Southeast Asian Human Rights* 9, no. 1 (2025): 122–146, https://doi.org/10.19184/jseahr.v9i1.53034.

[29] Moh. Romli and Devi Rahayu, "Perlindungan Bagi Pekerja Migran Indonesia Non-Prosedural Terhadap Tindakan Perdagangan Manusia," *Simbur Cahaya* 31, no. 1 (2024): 172–187, https://doi.org/10.28946/sc.v31i1.3494.

[30] Lara Agista, "Pengawasan Terhadap Legalitas Paspor Dalam Rangka Pencegahan Tki Nonprosedural Di Kantor Imigrasi Kelas 1 Tpi Malang," *Jurnal Ilmiah Kajian Keimigrasian* 6, no. 1 (2023): 127–136, https://doi.org/10.52617/jikk.v6i1.410.

[31] Lara Agista, "Pengawasan Terhadap Legalitas Paspor Dalam Rangka Pencegahan Tki Nonprosedural Di Kantor Imigrasi Kelas 1 Tpi Malang," *Jurnal Ilmiah Kajian Keimigrasian* 6, no. 1 (2023): 127–136, https://doi.org/10.52617/jikk.v6i1.410.

[32] Rahmat Hidayat, Mhd. Syahnan, and Mustafa Kamal Rokan, "Optimalisasi Calling Visa, E-Visa, dan Sanksi Pidana dalam Pencegahan Pekerja Migran Indonesia Ilegal ke Kamboja," *Rechtsnormen Jurnal Komunikasi dan Informasi Hukum* 4, no. 2 (2026): 85–91,

Fourth, protective services need to remain accessible after departure. A worker who approaches an Indonesian mission abroad should receive an initial safety assessment and clear guidance about assistance, regardless of whether their departure appears in placement data. Consular intervention remains subject to the laws of the receiving state and to the cooperation that can be negotiated with its institutions. Harini highlights the challenge of trafficking networks across Southeast Asia and the importance of coordinated diplomatic and preventive measures. The realistic objective is therefore not to claim extraterritorial enforcement power that Indonesia does not possess, but to improve recognition, communication, referrals, documentation, and cooperation with host-country authorities. [33]

Fifth, return and reintegration are part of effective supervision. Repatriation statistics cannot be treated solely as proof of success or failure; they may increase when detection and assistance improve. What matters is whether returning workers obtain legal information, health and psychological support where necessary, assistance in claims for unpaid wages, and avenues for safe re-employment. Social protection and skills recognition can also reduce repeated reliance on exploitative intermediaries. Agusmidah's work on migrant-worker social security provides a relevant perspective on long-term economic security, beyond emergency responses to individual cases. [34]

Monitoring should use indicators that do not reward agencies merely for preventing departures. Performance review should examine verified recruitment offers, referral timeliness, complaint responses, inspection outcomes, access to remedies, and recurrence of recruiter misconduct. Reporting should distinguish attempted irregular placement, unlawful recruitment, identified trafficking, people assisted, and returnees. These categories describe different events and must not be added together as though they represented separate migrant populations.[35]

The underlying economic drivers must also be addressed. Migration choices reflect the interaction of aspirations and capabilities, including income differentials, family obligations, and the availability of information and finance. De Haas cautions against reducing migration to a simple push-pull response. In this context, job creation in sending regions, accessible vocational programs, transparent legal placement, assistance for returning migrants' enterprises, and fair financing of recruitment are not substitutes for enforcement but complementary mechanisms. When regular recruitment is difficult, slow, or costly, a broker promising a faster route may appear attractive even when the risks are substantial. [36]

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https://doi.org/10.56211/rechtsnormen.v4i2.1578.

[33] Setyasih Harini, "Indonesia's Policy Response to Indonesian Migrant Worker Trafficking in Southeast Asia," *Journal of Governance and Public Policy* 12, no. 3 (2025): 345–362, https://doi.org/10.18196/jgpp.v12i3.27218.

[34] Agusmidah et al., "Strengthening The Capacity of Indonesian Migrant Workers Through Old-Age Social Security A Study on PMI in Malaysia and Hongkong," *Fiat Justisia: Jurnal Ilmu Hukum* 20, no. 1 (2026): 101–120, https://doi.org/10.25041/fiatjustisia.v20no1.4851.

[35] M. Yusuf Samad et al., "Pencegahan dan Penanganan Praktik Pekerja Migran Indonesia Non-Prosedural (PMI-NP) melalui Pendekatan Intelijen Strategis," *Jurnal Lemhannas RI* 11, no. 4 (2023): 260–272, https://doi.org/10.55960/jlri.v11i4.486.

See also Defa Siti Fauziah, Alya Syifa Firdaus, and Sultan Alam Gilang Kusuma, "Mencegah Human Trafficking: Analisis Implementasi Kebijakan dan Praktik Perlindungan Pekerja Migran Non-Prosedural di Kalimantan Barat," *Indonesia Foreign Policy Review* 11, no. 1 (2024), article 39, https://doi.org/10.5281/zenodo.14562430.

A particularly important test of reform is whether the redesigned system can be used by the people most at risk. Saito and Budianto find that Indonesia's increasingly detailed labor-migration policy may be undermined by shortages of implementation capacity and dependence on private placement actors. Thus, a new regulation or digital interface should not be considered protective merely because it exists. It should be tested for cost, language accessibility, geographical reach, service reliability, and the ability of an individual with limited education or internet access to obtain help. The same analysis supports partnerships with credible community organizations, provided public responsibility remains clear and complaints can be escalated independently. [37]

The layered model connects village information services, recruitment oversight, lawful screening, consular assistance, and reintegration. Earlier scholarship on legal protection provides a general institutional foundation.[38] The proposal here adds explicit accountability at each transition: a responsible institution, documented referral, an accessible contact point, and an avenue for addressing administrative failure. It remains a normative model rather than a measured national intervention.

At the village level, an ethically defensible program would avoid giving local officials unlimited discretion to determine who may seek overseas employment. Instead, it should provide positive services: scheduled legal-migration information sessions, public access to a list of licensed recruiters, contract-checking assistance, and confidential referral to district or provincial authorities. Local government must not unlawfully seize passports, charge extraneous administrative fees, or deny ordinary civil documents as a means of deterrence. Basic records may document the service supplied without classifying all migration intentions as suspicious. Evidence from public-service studies points to the importance of strengthening institutional capacity and clear procedural guidance rather than merely imposing further documentary obligations on prospective workers. [39]

Recruitment supervision requires a coherent financial dimension. Prospective workers should understand which fees are lawful, who pays them, whether loans are voluntary, and how deductions are calculated. Misleading promises regarding a destination country or position should be recorded through verifiable messages and contract copies. If agents require undocumented cash payments, refuse to identify the receiving employer, or prohibit independent contract review, the case warrants appropriate risk-based scrutiny. These indicators should guide investigators without substituting for legal proof. An accessible complaints register could identify repeat patterns among

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[36] Hein de Haas, "A theory of migration: the aspirations-capabilities framework," *Comparative Migration Studies* 9, no. 1 (2021): 8, https://doi.org/10.1186/s40878-020-00210-4.

[37] Kiyoko Saito and Firman Budianto, "Promoting Safe and Skilled Labour Migration: Implementation and Challenges in Indonesia's Labour Migration Policies," *International Migration* 63, no. 5 (2025): e70091, https://doi.org/10.1111/imig.70091.

[38] Anis Widyawati, "Legal Protection Model for Indonesian Migrant Workers," *Journal of Indonesian Legal Studies* 3, no. 2 (2018): 291–304, https://doi.org/10.15294/jils.v3i02.27557.
For preventive legal protection in a different policy field, see Muhammad Kharuddin and Zulham, "Perlindungan Hukum terhadap Peserta Program Makan Bergizi Gratis Perspektif Maqāṣid al-Syarī'ah," *Al-Sulthaniyah* 15, no. 2 (2026): 406–420, https://doi.org/10.37567/al-sulthaniyah.v15i2.5450.

[39] Epifani Dwi Agustin, Widyawati, and Ika devy Pramudiana, "Peningkatan Kualitas Layanan Dalam Proses Penempatan Pekerja Migran Indonesia (PMI) di UPT Pelayanan dan Pelindungan Tenaga Kerja (P2TK) Disnakertrans Provinsi Jawa Timur," *Jurnal Niara* 17, no. 2 (2024): 330–338, https://doi.org/10.31849/niara.v17i2.20693.

intermediaries, provided it protects innocent persons from unverified public accusations and permits correction of incorrect information. Prevention is strengthened when exploitative recruitment loses its informational and financial advantage.

At the point of departure, administrative cooperation must be balanced against freedom of movement and privacy. Immigration officials require lawful grounds for decisions, and migrant-protection officials require sufficiently detailed referrals to respond. The two institutions should agree upon a small set of objectively defined warning indicators, a rapid mechanism for verifying a recruiter, and an escalation route for suspected trafficking. A refusal of departure should never become a proxy penalty for poverty, gender, or residence in a high-migration village. Periodic review of false positives and officer decision-making can protect rights while improving enforcement quality. This is especially relevant where emerging electronic systems can make an incorrect risk label persist across agencies long after an initial inquiry.

Consular protection should incorporate a similarly structured triage process. A first contact should establish immediate danger, safe communication arrangements, the person's location, and whether medical or shelter assistance may be required. A second stage can identify employment documents, recruitment history, potential wages owed, and the relevant foreign authorities or support organizations. A third stage concerns any criminal complaint, civil recovery, assisted return, or longer-term support. Host-country law and bilateral arrangements affect which measures can be provided, so public communication should be candid about their limits. Farida's proposal to connect rights-based protection with bilateral agreements is useful precisely because domestic legislation alone cannot compel a foreign employer to cooperate. [40]

Post-return assistance is not merely humanitarian; it also serves preventive governance. A returning worker may be asked to provide information about recruitment tactics, forged document supply chains, fees, transit routes, or threatening practices. Such information should be collected voluntarily, with safeguards against retraumatisation and improper disclosure, then anonymised where appropriate for trend analysis. Legal claims for unpaid wages and compensation should not be made contingent on cooperation that is beyond the worker's capacity or safe circumstances. Reintegration services also need to recognize diverse outcomes: some returnees wish to seek formal overseas work again, while others need health support, retraining, debt advice, or domestic employment. Meaningful choice reduces vulnerability to repeated exploitation.

Performance measurement should distinguish outputs from outcomes. Counting the number of training events, migration warnings, or immigration refusals records administrative activity, not necessarily a decline in deception. Stronger indicators include the share of recruitment offers successfully verified, the proportion of identified high-risk cases transferred to the correct institution, response times, successful assistance to victims, and documented disciplinary action against complicit officials. Measurement should disaggregate different categories without exposing individuals to public identification. This makes the

[40] Elfia Farida, "Empowering Indonesian Migrant Workers," *Journal of Southeast Asian Human Rights* 9, no. 1 (2025): 122–146, https://doi.org/10.19184/jseahr.v9i1.53034.

logic of the model testable through future empirical research. An independent evaluation could compare sending districts that adopt integrated referral protocols with districts using disconnected services, while controlling for regional employment and migration patterns.

3. Ibn Taymiyyah's Concepts as Standards for Public Supervision

The central normative insight of Ibn Taymiyyah's account of public supervision is that legitimate authority entails duties toward those whose welfare may be harmed by deception, coercion, and unfair dealing. In Al-Ḥisbah fī al-Islām, hisbah concerns the public responsibility to promote right conduct and restrain wrongful practices within matters that require oversight. Although the historical institution was especially visible in market activity, its analytical significance is wider: public power is justified by the prevention of harm and the fair ordering of social relations. The present article treats this account as a source of ethical standards for contemporary institutions, not as a legal basis for creating coercive authority beyond Indonesian legislation. [41]

The market dimension of hisbah is particularly relevant to migration recruitment. The employer or broker often possesses better information than the worker about the contract, immigration status, destination, and likely risks. Fraudulent promises, unexplained deductions, debt arrangements, and document retention resemble the kinds of exploitative asymmetries that a supervisory institution should address before injury becomes irreversible. Hajar's analysis emphasises that Ibn Taymiyyah's conception of hisbah involved the oversight of fair exchange and conduct by officials. Applied by analogy, it supports transparent recruitment markets, supervision of intermediaries, and a credible route to complain about arbitrary acts by state officers themselves. [42]

This interpretation needs a principled limit. Classical hisbah cannot simply be transplanted into a twenty-first-century constitutional state; current administrative action must satisfy legality, jurisdiction, due process, proportionality, and human-rights standards. In particular, the ethical objective of preventing harm does not excuse blanket surveillance, collective punishment of migrant families, or punishment of workers solely because they were deceived into irregular movement. Instead, the analogy directs attention to the quality of public supervision: whether officers use legally conferred powers competently, impartially, and to prevent exploitation rather than to extract rents or restrict lawful opportunities. [43]

In Al-Siyāsah al-Sharʿiyyah, Ibn Taymiyyah relates public authority to trust and justice. The Qurʾanic instruction to fulfill trusts and judge fairly (Qurʾan 4:58–59) is central to the ethical argument. [44] A migrant worker's citizenship and vulnerability are relevant because the state's responsibilities attach to the protection of persons, not only to the completion of paperwork. The ethical perspective therefore helps explain why the appearance of irregularity should

[41] Ibn Taymiyyah, *Al-Ḥisbah fi al-Islām* (Manshūrāt al-Muʾassasah al-Saʿdiyyah, 1980).

[42] Elvira Sitna Hajar, "Institusi Pengawasan Publik (Hisbah) Menurut Ibnu Taimiyah," *An Nawawi* 1, no. 2 (2021): 71–78, https://doi.org/10.55252/annawawi.v1i2.11.
On Ibn Taymiyyah's approach to consumer protection, see Cahaya Permata, *Aspek Hukum Perlindungan Konsumen Terhadap Peredaran Produk Pangan di Indonesia (Studi Analisis Terhadap Pemikiran Ibnu Taimiyah)* (Universitas Islam Negeri Sumatera Utara, 2016), https://repository.uinsu.ac.id/1347/.

[43] Elvira Sitna Hajar, "Institusi Pengawasan Publik (Hisbah) Menurut Ibnu Taimiyah," *An Nawawi* 1, no. 2 (2021): 71–78, https://doi.org/10.55252/annawawi.v1i2.11.

[44] Qurʾan 4:58–59.

trigger an assessment of risk and need rather than an automatic withdrawal of state concern. Yet that ethical obligation must still be given concrete form through positive legal institutions and accountable administrative procedures. [45]

The associated qualities of al-quwwah (capacity or effective strength) and al-amānah (trustworthiness) provide a useful way to evaluate public agencies. Capacity without integrity can enable collusion with illicit recruiters, whereas integrity without training, resources, and reliable data cannot prevent sophisticated exploitation. These qualities translate into measurable governance duties: competent investigators, clear allocation of authority, secure data systems, published service standards, oversight of recruitment brokers, and sanctions for officials who facilitate unlawful placement. Such an interpretation resonates with scholarship on public authority in Ibn Taymiyyah's political thought, while remaining a contemporary normative proposal rather than an assertion of historical administrative identity. [46]

Protection should reach workers who lack bargaining power, language skills, safe accommodation, or control over their documents. Formal rights are insufficient if a person cannot safely seek help. The authors read the concern for human welfare through a maqāṣid framework, without treating that ethical interpretation as a substitute for a statutory entitlement or an empirical finding about a particular service.[47]

The principle of prevention should not, however, erase the distinction between ethical reason and legal causation. The article does not claim that Ibn Taymiyyah discussed Indonesian migration law, modern passports, or international trafficking conventions. Its reasoning is comparative and analogical: the historical ideas of public trust, market honesty, and prevention of oppression are identified, then applied to the contemporary problems of recruitment and worker protection. The legitimacy of specific public powers continues to depend on constitutional and statutory authority. The model is therefore best understood as ethical guidance for the design and assessment of governance rather than as a substitute doctrinal source of legal powers. [48]

From this perspective, the 2026 institutional transition can be assessed against four ethical questions. Does the transfer of regulatory functions make supervision clearer rather than more fragmented? Do officials have the competence and data needed to prevent deception early? Is there a safe route for a non-procedural worker to request assistance without being prejudged as an offender? Can the worker obtain a review or effective remedy when authorities fail or abuse their powers? An affirmative answer requires operational standards, not merely the promulgation of new institutional names. The issue is particularly pressing where repealed technical regulations were previously relied upon by

[45] Ibn Taymiyyah, *Al-Ḥisbah fī al-Islām* (Manshūrāt al-Muʾassasah al-Saʿdiyyah, 1980).

[46] Ibn Taymiyyah, *Al-Siyāsah al-Sharʿiyyah fī Iṣlāḥ al-Rāʿī wa al-Raʿiyyah* (Dār al-Āfāq al-Jadīdah, 1983).

[47] Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought, 2008).

[48] Ibn Taymiyyah, *Al-Ḥisbah fī al-Islām* (Manshūrāt al-Muʾassasah al-Saʿdiyyah, 1980).

frontline offices; their replacement should be mapped against existing higher-level protective duties. [49]

In legal-policy terms, the analysis supports a three-part reform agenda. First, the state should adopt a risk-based prevention protocol addressing unlicensed recruitment, deceptive contracts, document retention, and high-risk transit without automatically criminalising workers. Second, it should establish a cross-agency referral and complaint chain that links village services, placement regulators, immigration, police, and overseas representation, with clear responsibility at every stage. Third, assistance and remedies should be accessible according to the risk and the nature of the violation, while eligibility for specific statutory benefits is assessed separately. The emphasis on integrated assistance is supported by research on administrative coordination, decentralisation, and effective protection models. [50]

One operational illustration is a worker receiving a message promising immediate employment abroad with no written contract and instructions to leave on a visitor visa. Village services should be able to check the recruiter and refer the worker for verified advice; recruitment officials should investigate apparent deception; immigration authorities may apply lawful screening and referral rules; and victim-protection services should intervene if coercion or trafficking indicators emerge. If the worker has already arrived abroad, consular channels should consider urgent safety and assistance separately from later verification of migration status. The normative benchmark is whether public action reduces foreseeable injury while preserving procedural rights. [51]

The broader constitutional implication is that a prevention system must be judged by the dignity of persons whom the ordinary administrative process fails to register. Recognition of a citizen's right to humane and non-discriminatory treatment does not dissolve the procedural requirements of labor migration; it determines how those requirements are enforced. Ibn Taymiyyah's emphasis on public trust and opposition to oppression reinforces this rule-of-law distinction. A humane system may sanction fraudulent recruiters, enforce immigration regulations, and require formal placement while still ensuring that an injured, undocumented, or trafficked worker can seek assistance. Such an arrangement reconciles lawful administration with substantive protection rather than pitting one against the other. [52]

A critical implication of al-amānah is the need to prevent corruption inside the supervisory system itself. Migrant workers may face officials or intermediaries who exploit fear of irregular status to demand informal payments. A hisbah-

[49] Indonesia, Law No. 18 of 2017 concerning Protection of Indonesian Migrant Workers, as amended, arts. 5–7.

[50] Dewi Andhani, Tati Sarihati, and Pandji Santosa, "Decentralized Migrant Worker Protection and Local Governance Capacity: An Integrated Protection Model from Indonesia," *International Journal of Research and Innovation in Social Science* 10, no. 6 (2026): 7047–7061, https://doi.org/10.47772/ijriss.2026.100600489.

[51] Antoni Antoni and Gingin Anjar Pramuda, "Penegakan Hukum Pidana Terhadap Penyalur Pekerja Migran Secara Ilegal Dalam Prespektif Hukum Pidana Islam," *Journal of Sharia and Legal Science* 3, no. 2 (2025): 180–192, https://doi.org/10.61994/jsls.v3i2.1250.

[52] Indonesia, Law No. 18 of 2017 concerning Protection of Indonesian Migrant Workers, as amended, arts. 5–7.

inspired ethical benchmark would require public services to publish fees, permit receipts to be checked, provide anti-corruption reporting channels, and impose consequences for officers involved in document fraud or unlawful brokerage. The contemporary legal authority for such disciplinary or criminal measures must come from Indonesian law, yet the ethical framework clarifies why official misconduct is not a peripheral issue. It directly undermines the public trust on which all other stages of protection depend. If those assigned to protect workers also profit from deception, stronger border screening alone will leave the recruitment ecosystem unchanged.

A related implication of al-quwwah is that institutional capacity should not be reduced to the number of officers or the sophistication of information technology. Effective strength includes knowledge of trafficking indicators, access to interpreters, skill in gathering electronic evidence, familiarity with host-country referral mechanisms, capacity to recognize psychological coercion, and the ability to explain rights respectfully. It also includes the financial and procedural capacity to keep protective services functioning outside major cities. The contrast between normative ambition and local implementation capacity is highlighted by recent research on decentralised migrant-worker protection; it is therefore a practical governance issue rather than simply a moral exhortation. [53]

The pairing of al-ḥisbah and al-siyāsah al-sharʿiyyah suggests two different levels of evaluation. The first concerns concrete supervisory practice: what officers inspect, how they identify deception, when they intervene, and whether intervention is proportionate. The second concerns the justice of institutional design: why powers were assigned, whether responsibility is accountable, and whether vulnerable persons can invoke protection. A system may be procedurally active yet institutionally unjust if workers lack any safe avenue of complaint. Conversely, a rights-oriented policy may remain ineffective if no agency has the capability to investigate. The concepts are therefore complementary, but not redundant, in constructing a contemporary evaluative framework for migrant-worker governance.

The ethical framework can also help avoid an overly punitive reading of prevention. In public administration, the goal of preventing foreseeable exploitation does not necessarily justify restricting movement or extending criminal liability. Positive prevention may involve making lawful employment more attractive through accurate information, skills certification, lower transaction costs, and trustworthy institutions. A worker offered a safe and affordable official process has less reason to depend on a deceptive intermediary. This interpretation also recognises the legitimate aspirations of migrant families while insisting that officials and private recruiters be accountable for their conduct. Protection is therefore measured by the worker's increased capacity to make an informed and uncoerced choice, not merely by the state's power to stop a departure.

[53] Dewi Andhani, Tati Sarihati, and Pandji Santosa, "Decentralized Migrant Worker Protection and Local Governance Capacity: An Integrated Protection Model from Indonesia," *International Journal of Research and Innovation in Social Science* 10, no. 6 (2026): 7047–7061, https://doi.org/10.47772/ijriss.2026.100600489.

Finally, the normative model should be subjected to empirical falsification rather than being assumed successful because it is ethically appealing. Researchers could examine whether village-based verification actually reduces fraudulent recruitment, whether integrated data improves referral speed without generating false positives, and whether non-procedural returnees experience fewer barriers to assistance. Interviews with workers, regulators, immigration personnel, employers, and civil society would be necessary to identify the costs and unintended consequences. Comparative analysis across Indonesian provinces and receiving countries would also clarify which responsibilities can be handled domestically and which require bilateral cooperation. The present article offers a coherent basis for such evaluation but does not claim to report its results.

Conclusion

The legal problem of non-procedural Indonesian migrant work is not an absolute absence of protection under Law No. 18 of 2017. The statute and the wider constitutional and human-rights framework recognize protective obligations, but their implementation depends heavily on procedures and institutions that may fail to reach people who left outside official channels. Administrative irregularity must therefore be separated from the recognition of rights and from proof of trafficking or other criminal abuse. The 2026 revocation of older technical regulations and the transfer of institutional functions create an additional need to clarify responsibility for supervision and assistance, particularly in the transition between central and local systems.

Ibn Taymiyyah's conception of al-ḥisbah offers an ethical reason for preventing deception and exploitation before injury occurs, while al-siyāsah al-sharʿiyyah emphasises public trust, justice, institutional capability, and integrity. The proposed layered system covers village verification, accountable recruitment, lawful immigration checks, safe cross-border referrals, and remedies after return. The article recommends implementing clear service standards and responsibilities, secure interagency information sharing, accessible regular migration pathways, independent complaint handling, and periodic assessment of protective outcomes rather than only enforcement totals. These recommendations remain normative proposals requiring evaluation through future fieldwork and comparative institutional research.

References

Agista, Lara. "Pengawasan Terhadap Legalitas Paspor Dalam Rangka Pencegahan Tki Nonprosedural Di Kantor Imigrasi Kelas 1 Tpi Malang." *Jurnal Ilmiah Kajian Keimigrasian* 6, no. 1 (2023): 127–136. https://doi.org/10.52617/jikk.v6i1.410.

Agusmidah, Yefrizawati, Affila, Zulfi Chairi, Farhan Alpani Pane, and Rajali H. Aji. "Strengthening The Capacity of Indonesian Migrant Workers Through Old-Age Social Security A Study on PMI in Malaysia and Hongkong." *Fiat Justisia: Jurnal Ilmu Hukum* 20, no. 1 (2026): 101–120. https://doi.org/10.25041/fiatjustisia.v20no1.4851.

Ahsanul Minan and Kartini Laras Makmur. "Pembentukan Kementerian Pelindungan Pekerja Migran Indonesia dan Masa Depan Perlindungan Pekerja Migran Indonesia." *AL WASATH Jurnal Ilmu Hukum* 6, no. 2 (2025): 67–82. https://doi.org/10.47776/alwasath.v6i2.

Andhani, Dewi, Tati Sarihati, and Pandji Santosa. "Decentralized Migrant Worker Protection and Local Governance Capacity: An Integrated Protection Model from Indonesia." *International Journal of Research and Innovation in Social Science* 10, no. 6 (2026): 7047–7061. https://doi.org/10.47772/ijriss.2026.100600489.

Antoni Antoni and Gingin Anjar Pramuda. "Penegakan Hukum Pidana Terhadap Penyalur Pekerja Migran Secara Ilegal Dalam Prespektif Hukum Pidana Islam." *Journal of Sharia and Legal Science* 3, no. 2 (2025): 180–192. https://doi.org/10.61994/jsls.v3i2.1250.

Auda, Jasser. *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach*. London: International Institute of Islamic Thought, 2008.

Budi Raharjo, Arie Fitria, Vesela Radovic, Adibah Sayyidati, and Himawan Estu Bagijo. "Para-Diplomacy in the Protection of Indonesian Migrant Workers A Study on the Policy of East Java Province." *Journal of Indonesian Legal Studies* 11, no. 1 (2026): 359–396. https://doi.org/10.15294/jils.v11i1.40112.

Constitution of the Republic of Indonesia of 1945.

de Haas, Hein. "A theory of migration: the aspirations-capabilities framework." *Comparative Migration Studies* 9, no. 1 (2021): 8. https://doi.org/10.1186/s40878-020-00210-4.

Epifani Dwi Agustin, Widyawati, and Ika devy Pramudiana. "Peningkatan Kualitas Layanan Dalam Proses Penempatan Pekerja Migran Indonesia (PMI) di UPT Pelayanan dan Pelindungan Tenaga Kerja (P2TK) Disnakertrans Provinsi Jawa Timur." *Jurnal Niara* 17, no. 2 (2024): 330–338. https://doi.org/10.31849/niara.v17i2.20693.

Faradila, Iis Erika, and Arifuddin Muda Harahap. "Perlindungan Hukum Terhadap TKI Oleh Pemerintah Indonesia Dalam Perspektif Siyasah Dauliyah (Studi Kasus Pembunuhan Nurul Aidah TKI Asal Batubara Sumatera Utara di Malaysia)." *UNES Law Review* 5, no. 4 (2023): 4083–4094. https://doi.org/10.31933/unesrev.v5i4.720.

Farida, Elfia. "Empowering Indonesian Migrant Workers." *Journal of Southeast Asian Human Rights* 9, no. 1 (2025): 122–146. https://doi.org/10.19184/jseahr.v9i1.53034.

Fauziah, Defa Siti, Alya Syifa Firdaus, and Sultan Alam Gilang Kusuma. "Mencegah Human Trafficking: Analisis Implementasi Kebijakan dan Praktik Perlindungan Pekerja Migran Non-Prosedural di Kalimantan Barat." *Indonesia Foreign Policy Review* 11, no. 1 (2024), article 39. https://doi.org/10.5281/zenodo.14562430.

Guna, Abitha Arya and Dwi Astuti. "The state's absence in protecting Indonesian migrant workers: An analysis of migrant worker exploitation and violence." *Journal of Gender Equality Disability Social Inclusion and Children* 4, no. 1 (2026). https://doi.org/10.61511/jgedsic.v4i1.2026.3236.

Hajar, Elvira Sitna. "Institusi Pengawasan Publik (Hisbah) Menurut Ibnu Taimiyah." *An Nawawi* 1, no. 2 (2021): 71–78. https://doi.org/10.55252/annawawi.v1i2.11.

Harini, Setyasih. "Indonesia's Policy Response to Indonesian Migrant Worker Trafficking in Southeast Asia." *Journal of Governance and Public Policy* 12, no. 3 (2025): 345–362. https://doi.org/10.18196/jgpp.v12i3.27218.

Hidayat, Rahmat, Mhd. Syahnan, and Mustafa Kamal Rokan. "Optimalisasi Calling Visa, E-Visa, dan Sanksi Pidana dalam Pencegahan Pekerja Migran Indonesia Ilegal ke Kamboja." *Rechtsnormen Jurnal Komunikasi dan Informasi Hukum* 4, no. 2 (2026): 85–91. https://doi.org/10.56211/rechtsnormen.v4i2.1578.

Ibn Taymiyyah. *Al-Ḥisbah fī al-Islām.* Manshūrāt al-Muʾassasah al-Saʿdiyyah, 1980.

Ibn Taymiyyah. *Al-Siyāsah al-Sharʿiyyah fī Iṣlāḥ al-Rāʿī wa al-Raʿiyyah.* Dār al-Āfāq al-Jadīdah, 1983.

Indonesia. Law No. 18 of 2017 concerning Protection of Indonesian Migrant Workers, as amended.

Indonesia. Minister of Protection of Indonesian Migrant Workers/BP2MI. Regulation No. 2 of 2026 concerning Procedures for the Placement of Indonesian Migrant Workers by Placement Implementers.

Indonesia. Presidential Regulation No. 165 of 2024 concerning the Ministry of Protection of Indonesian Migrant Workers.

Kharuddin, Muhammad, and Zulham. "Perlindungan Hukum terhadap Peserta Program Makan Bergizi Gratis Perspektif Maqāṣid al-Syarīʻah." *Al-Sulthaniyah* 15, no. 2 (2026): 406–420. https://doi.org/10.37567/al-sulthaniyah.v15i2.5450.

M. Yusuf Samad, Nicky Amanda, Mahda T. C. Manggabarani, Nadindra Wastitya, Abdul Aziz, and Heny Batara Maya. "Pencegahan dan Penanganan Praktik Pekerja Migran Indonesia Non-Prosedural (PMI-NP) melalui Pendekatan Intelijen Strategis." *Jurnal Lemhannas RI* 11, no. 4 (2023): 260–272. https://doi.org/10.55960/jlri.v11i4.486.

Ministry of Protection of Indonesian Migrant Workers (KP2MI). "Wamen Christina Apresiasi Kinerja Penempatan Pekerja Migran 2025 yang Lampaui Target." *January* 8, 2026.

Permata, Cahaya. *Aspek Hukum Perlindungan Konsumen Terhadap Peredaran Produk Pangan di Indonesia (Studi Analisis Terhadap Pemikiran Ibnu Taimiyah).* Universitas Islam Negeri Sumatera Utara, 2016. https://repository.uinsu.ac.id/1347/.

Putri, Andini Eka, and Annisa Sativa. "Legal Protection for Video Content Creators on Social Media That Are Reuploaded to the Facebook Pro Platform Based on MUI Fatwa Number 1 of 2003 Concerning Copyright." *Journal Analytica Islamica* 15, no. 1 (2026): 304–312. https://doi.org/10.30829/jai.v15i1.28467.

Qurʾan.

Republic of Indonesia. Government Regulation No. 59 of 2021 on the Implementation of Protection of Indonesian Migrant Workers.

Republic of Indonesia. Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons.

Republic of Indonesia. Law No. 39 of 1999 on Human Rights.

Romli, Moh. and Devi Rahayu. "Perlindungan Bagi Pekerja Migran Indonesia Non-Prosedural Terhadap Tindakan Perdagangan Manusia." *Simbur Cahaya* 31, no. 1 (2024): 172–187. https://doi.org/10.28946/sc.v31i1.3494.

Saito, Kiyoko and Firman Budianto. "Promoting Safe and Skilled Labour Migration: Implementation and Challenges in Indonesia's Labour Migration Policies." *International Migration* 63, no. 5 (2025): e70091. https://doi.org/10.1111/imig.70091.

Shalihah, Fithriatus and Siti Alviah. "Examining the Role of BPJS Employment Indonesia in Ensuring Social Security for Migrant Workers in Hong Kong." *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 1197–1266. https://doi.org/10.15294/jils.v8i2.74703.

Taufan. "Criminal Law Protection Of Indonesian Migrant Workers Against Human Trafficking: A Normative Analysis." *istinbath* 25, no. 1 (2026): 156–172. https://doi.org/10.20414/ijhi.v25i1.1249.

Utomo, Lutfi Erlangga Risky and Ridwan Arifin. "Legal Protection for Non-Procedural Indonesian Migrant Workers as Victims of Human Trafficking Crimes." *Law Research Review Quarterly* 11, no. 1 (2025). https://doi.org/10.15294/llrq.v11i1.25885.

Wakhidatul Mubarokah and Rodiyah Rodiyah. "Strengthening the Indonesian Migrant Worker Protection System through a Strategic Approach to Migration Policy." *Jurnal USM Law Review* 9, no. 1 (2026): 402–415. https://doi.org/10.26623/julr.v9i1.13440.

Widyawati, Anis. "Legal Protection Model for Indonesian Migrant Workers." *Journal of Indonesian Legal Studies* 3, no. 2 (2018): 291–304. https://doi.org/10.15294/jils.v3i02.27557.