



Judicial Scrutiny of Indonesian Migrant Worker Placement Under the Guise of Training

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Original Article

Abstract

The widespread placement of Indonesian Migrant Workers (Pekerja Migran Indonesia [PMI]) through unauthorized Job Training Institutions (Lembaga Pelatihan Kerja [LPK]) reflects continuing weaknesses in the oversight of non-procedural labor migration, increasing the risk of exploitation, human trafficking, and human rights violations. This study analyzes the judicial application of law in assessing the constituent elements of the criminal offense of migrant worker placement through unlicensed LPKs, as reflected in Boyolali District Court Decision Number 158/Pid.Sus/2023/PN Byl, while evaluating the effectiveness of judicial reasoning in protecting victims. Using a normative legal method with statutory, case-based, and conceptual approaches, the study finds that the panel of judges appropriately distinguished the authority of LPKs and Perusahaan Penempatan Pekerja Migran Indonesia (P3MI) based on SIP2MI ownership and affirmed the defendant's criminal liability. However, victim restoration mechanisms remain inadequate, particularly regarding restitution and rehabilitation.

Keywords: *Indonesian Migrant Workers, Job Training Institutions, Unauthorized Placement, Legal Protection.*

Abstrak

Maraknya penempatan Pekerja Migran Indonesia (PMI) melalui Lembaga Pelatihan Kerja (LPK) tanpa izin resmi menunjukkan masih lemahnya pengawasan terhadap praktik migrasi tenaga kerja nonprosedural yang berpotensi menimbulkan eksploitasi, perdagangan orang, dan pelanggaran hak asasi manusia. Penelitian ini bertujuan menganalisis penerapan hukum oleh Majelis Hakim dalam menilai unsur tindak pidana penempatan PMI melalui LPK tanpa izin pada Putusan Pengadilan Negeri Boyolali Nomor 158/Pid.Sus/2023/PN Byl, serta mengevaluasi efektivitas pertimbangan hakim dalam memberikan perlindungan hukum bagi korban. Penelitian menggunakan metode hukum normatif dengan pendekatan perundang-undangan, pendekatan kasus, dan pendekatan konseptual melalui analisis bahan hukum primer dan sekunder. Hasil penelitian menunjukkan bahwa Majelis Hakim secara tepat membedakan kewenangan LPK dan P3MI berdasarkan kepemilikan SIP2MI serta menegaskan pertanggungjawaban pidana terdakwa. Putusan dinilai efektif dalam aspek represif dan preventif, namun belum optimal pada pemulihan hak korban. Oleh karena itu, penguatan pengawasan LPK dan mekanisme restitusi korban menjadi kebutuhan mendesak.

Kata kunci: *Pekerja Migran, Penempatan, Lembaga Pelatihan Kerja, Tanpa Izin*

1. INTRODUCTION

International labor and educational mobility has emerged as an increasingly significant social phenomenon in Indonesia in recent years. Growing public interest in working or pursuing higher education abroad is driven by multiple factors, including economic pressures, limited domestic employment opportunities, and aspirations for improved welfare. For many Indonesians, overseas employment is perceived as a viable strategy for enhancing household economic conditions due to the prospect of relatively higher earnings. Simultaneously, the globalization of education has encouraged younger generations to seek international academic and professional experiences to strengthen human resource competitiveness in an increasingly globalized era.

This phenomenon has contributed to the emergence of a new migration pattern in the form of study–work programs, a scheme that combines educational opportunities with employment in destination countries. Such “study while working” programs are considered attractive because they enable participants to pursue education while financing living expenses through part-time employment. From a socioeconomic perspective, this model is often regarded as an alternative pathway to accelerated social mobility, particularly for individuals with limited financial resources.

Nevertheless, the growing demand for overseas education and employment programs has also created opportunities for exploitation by unauthorized actors. Various institutions and individuals have offered training and overseas job placement services without adequate legal authorization in Indonesia.¹ This condition illustrates the heightened vulnerability of prospective Indonesian migrant workers (Pekerja Migran Indonesia [PMI]) to exploitation, primarily due to low levels of legal literacy and limited access to information regarding lawful labor migration procedures.²

In practice, unauthorized placement is frequently facilitated through Job Training Institutions (Lembaga Pelatihan Kerja [LPK]), which offer language and vocational training accompanied by promises of overseas employment. Normatively, however, LPKs are authorized only to provide competency-based training, whereas the authority to place PMI is vested exclusively in officially licensed placement agencies, including entities holding a Surat Izin Perusahaan Penempatan Pekerja Migran Indonesia (SIP2MI), pursuant to Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. Although the regulatory framework formally prioritizes a rights-based protection approach, non-procedural placement practices continue to occur extensively.

This issue is illustrated in Boyolali District Court Decision Number 158/Pid.Sus/2023/PN Byl, concerning the placement of PMI through an LPK under

¹ Lalu Husni, *Hukum Ketenagakerjaan Indonesia: Edisi Revisi* (PT Rajagrafindo Persada, 2009); Lalu Husni, *Pengantar Hukum Ketenagakerjaan Indonesia* (RajaGrafindo Persada, 2005).

² Farhana Farhana, *Aspek Hukum Perdagangan Orang Di Indonesia* (Sinar Grafika, 2010).

a “study while working” scheme in Singapore without official authorization. The case warrants scholarly examination because it demonstrates the misuse of institutional functions to the detriment of victims while simultaneously testing the effectiveness of legal protection mechanisms for undocumented or irregular migrant workers.

Scholarship on the legal protection of Indonesian migrant workers has expanded considerably, particularly following the enactment of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. Existing studies generally position PMI as subjects of state protection, emphasizing regulatory effectiveness, institutional arrangements, human rights safeguards, and law enforcement mechanisms. However, research specifically addressing the misuse of LPKs as a mechanism for irregular migrant worker placement through judicial decision analysis remains relatively limited.

Research conducted by Muhammad Maulana Ismail et al. examines legal protection for PMI from constitutional and human rights perspectives. Their findings indicate that Law Number 18 of 2017 establishes a comprehensive protection framework spanning pre-placement, placement, and post-placement phases, although implementation remains constrained by weak oversight and limited public legal literacy.³ Similarly, Manurung and Sa’adah emphasize the protection of Indonesian citizens abroad through the optimization of national and international legal instruments; however, their analysis does not specifically address patterns of irregular recruitment conducted through unlicensed institutions.⁴

The study conducted by Izathun Nissa and Rasina Padeni Nasution is substantively relevant to the present research, as both employ court decision case studies concerning the placement of irregular migrant workers. However, their analysis focuses primarily on unauthorized placement conducted by individuals, thereby overlooking the legal distinction between the functions of Job Training Institutions (Lembaga Pelatihan Kerja [LPK]) and Indonesian Migrant Worker Placement Companies (Perusahaan Penempatan Pekerja Migran Indonesia [P3MI]).⁵ Similarly, the study by Siagian et al. examines the role of BP2MI in the social protection of migrant

³ Muhammad Maulana Ismail et al., “Tinjauan Yuridis Terhadap Pelindungan Pekerja Migran Indonesia,” *Interdisciplinary Explorations in Research Journal* 3, no. 2 (2025): 711–19, <https://doi.org/10.62976/ierj.v3i2.1309>.

⁴ Salmon Abertnego Manurung and Nabitatus Sa’adah, “Hukum Internasional Dan Diplomasi Indonesia Dalam Perlindungan Tenaga Kerja Migran Indonesia,” *Jurnal Pembangunan Hukum Indonesia* 2, no. 1 (2020): 1–11, <https://doi.org/10.14710/jphi.v2i1.1-11>.

⁵ Izathun Nissa and Rasina Padeni Nasution, “Perlindungan Hukum Terhadap Pekerja Migran Indonesia Atas Penempatan Kerja Ilegal: Studi Putusan No.716/Pid.B/2025/PN Mdn,” *Jurnal Fundamental Justice* 6, no. 2 (2025): 317–32, <https://doi.org/10.30812/fundamental.v6i2.5719>.

workers⁶, whereas Walyadi et al. focuses on the legal status of licensed P3MIs and the administrative barriers encountered in migrant worker placement processes.⁷

Furthermore, Intan et al. explores the ambiguous status of irregular migrant workers as both legal violators and victims of exploitation⁸, while the research of Suprinaldi Meyzaki et al. highlights weak law enforcement against unauthorized migrant worker placement in border regions.⁹ Although these studies provide significant scholarly contributions, no prior research has specifically examined the misuse of LPKs as instruments for the placement of irregular migrant workers through an analysis of Boyolali District Court Decision Number 158/Pid.Sus/2023/PN Byl, particularly concerning the construction of criminal liability and the effectiveness of legal protection afforded to victims.

Previous scholarship has predominantly emphasized migrant worker protection from normative perspectives, the effectiveness of state policies, and unauthorized placement practices conducted either by individuals or officially licensed placement agencies. To date, no study has specifically analyzed judicial application of the law concerning migrant worker placement through unlicensed Job Training Institutions using Boyolali District Court Decision Number 158/Pid.Sus/2023/PN Byl as a case study. The originality of this study lies in its legal analysis of judicial reasoning in distinguishing between the training and placement functions of migrant workers, while simultaneously evaluating the extent to which the decision effectively ensures legal protection for victims of irregular migrant worker placement under study–work schemes. Based on this background, the present study aims to:

- 1) analyze the judicial application of law by the panel of judges in assessing the constituent elements of the criminal offense involving the placement of Indonesian Migrant Workers through a Job Training Institution without official authorization, as reflected in Boyolali District Court Decision Number 158/Pid.Sus/2023/PN Byl; and
- 2) evaluate the effectiveness of the panel of judges' legal reasoning in providing legal protection to victims of irregular Indonesian migrant worker placement, particularly regarding preventive and repressive forms of protection and the

⁶ Rinawati Siagian et al., "Analisis Yuridis Peran Badan Perlindungan Pekerja Migran Indonesia Di Kota Batam: Studi Penelitian Di Kantor Badan Perlindungan Pekerja Migran Di Kota Batam," *Zona Keadilan: Program Studi Ilmu Hukum (S1) Universitas Batam* 15, no. 1 (2025): 18–33, <https://doi.org/10.37776/zkih.v15i1.1806>.

⁷ Doddi Walyadi et al., "Tinjauan Yuridis Atas Keanggotaan Asosiasi Sebagai Syarat Surat Izin Penempatan Pekerja Migran," *Action Research Literate* 9, no. 1 (2025): 286–99, <https://doi.org/10.46799/arl.v9i1.2615>.

⁸ Dian Mustika Intan et al., "Ambiguitas Status Hukum Pekerja Migran Ilegal Sebagai Pelanggaran Hukum Atau Korban Eksploitasi," *The Juris* 9, no. 1 (2025): 161–73, <https://doi.org/10.56301/juris.v9i1.1577>.

⁹ Suprinaldi Meyzaki et al., "Problematika Penegakan Hukum Migrasi Tenaga Kerja Ilegal Di Kota Batam," *Jurnal USM Law Review* 9, no. 2 (2026): 733–50, <https://doi.org/10.26623/julr.v9i2.13357>.

restoration of victims' rights, as mandated under Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers.

2. RESEARCH METHODOLOGY

This study employs a normative legal research method using a qualitative juridical approach, combined with statutory and case-based approaches. This methodological framework was selected because the study focuses on analyzing the application of law in cases involving the placement of Indonesian Migrant Workers (Pekerja Migran Indonesia [PMI]) through unauthorized Job Training Institutions (Lembaga Pelatihan Kerja [LPK]), as well as evaluating the effectiveness of judicial reasoning in providing legal protection to victims, as reflected in Boyolali District Court Decision Number 158/Pid.Sus/2023/PN Byl.

The statutory approach is utilized to identify and analyze legal regulations governing migrant worker protection, particularly Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, which serves as the principal normative framework of this study. In addition, the research examines relevant constitutional provisions under the 1945 Constitution of the Republic of Indonesia, particularly Article 27(2) concerning the right to employment and Article 28D(1) concerning legal certainty. Relevant labor regulations, legal provisions governing the operation of LPKs, and licensing mechanisms for Indonesian Migrant Worker Placement Companies (Perusahaan Penempatan Pekerja Migran Indonesia [P3MI]) are also analyzed.

The case approach centers on an examination of Boyolali District Court Decision Number 158/Pid.Sus/2023/PN Byl to understand the ratio decidendi employed by the panel of judges in assessing the constituent elements of the criminal offense of unauthorized migrant worker placement. The analysis encompasses trial facts, evidentiary materials, witness testimonies, statutory application, and the relevance of the judicial decision to the broader objective of protecting Indonesian migrant workers.

The study relies on secondary data comprising primary, secondary, and tertiary legal materials obtained through literature review and document analysis. Data are analyzed qualitatively through juridical interpretation by systematically interpreting legal norms and relating them to the factual circumstances revealed during trial proceedings. Furthermore, the study applies grammatical, systematic, and teleological methods of legal interpretation to evaluate the extent to which judicial reasoning aligns with the principles of legal protection and the human rights of Indonesian migrant workers.

3. RESEARCH RESULT AND DISCUSSION

3.1. Judicial Application of Law in Assessing the Constituent Elements of the Criminal Offense of Indonesian Migrant Worker Placement

In Decision Number 158/Pid.Sus/2023/PN Byl, the panel of judges applied the law by positioning the provisions of Article 183 of the Indonesian Criminal Procedure Code (Kitab Undang-Undang Hukum Acara Pidana [KUHP]) as the primary evidentiary basis. The judges first ensured that the minimum evidentiary threshold had been satisfied, requiring at least two legally valid forms of evidence accompanied by judicial conviction that the criminal offense had in fact occurred and that the defendant was responsible for its commission. In the present case, the evidentiary basis was established through a combination of victim testimonies, documentary evidence, departure administration records, proof of payment, electronic communications, and statements from relevant government authorities concerning the legal status of the institution operated by the defendant. Accordingly, the judicial application of law was not confined to the formal legality of the institutional entity but extended to a substantive factual assessment of the defendant's activities.

The panel of judges systematically evaluated the element of “every person” as the subject of criminal liability. The defendant was deemed to satisfy this element because he actively exercised control over the operations of LPK Nawang Air Indonesia and PT Nawang Air Indonesia. Although these institutions formally operated as a foundation and a limited liability company, respectively, the judges determined that the defendant personally played a dominant role in participant recruitment, training supervision, departure administration, and the provision of promises concerning overseas employment and education opportunities. This assessment is significant because criminal liability requires a direct nexus between the perpetrator and the criminal conduct (*actus reus*), accompanied by culpability (*mens rea*) in the form of intent or, at minimum, knowledge of the unlawful nature of the conduct.

Furthermore, the panel of judges assessed the element of “placement” or “the implementation of Indonesian migrant worker placement” through a substantive interpretative approach. In their legal reasoning, the judges did not narrowly define placement as merely sending individuals abroad; rather, they interpreted it as encompassing the entire sequence of activities, including recruitment, training, fee collection, document processing, ticket procurement, and facilitation of departure to the destination country. Evidence presented during trial demonstrated that the defendant not only provided language training through the LPK but also offered a “study while working” program in Singapore, promised high wages, facilitated administrative documentation such as Student Passes and Letters of Offer, and arranged participants' overseas travel. Consequently, the judges concluded that these activities substantively fulfilled the legal elements of Indonesian migrant worker placement.

This judicial interpretation is particularly significant because perpetrators of irregular migrant worker placement frequently use training institutions as a façade to evade criminal responsibility. In the case *a quo*, the defendant sought to establish an

appearance of legitimacy through English-language training, preparatory briefings, and formal administrative procedures that outwardly appeared professional. However, the panel of judges did not adopt a narrow legal-formalist approach. Instead, the judges applied a systematic interpretation of the broader legal framework governing the protection of Indonesian migrant workers by assessing the substantive objectives underlying the activities conducted. This approach demonstrates that an institution cannot rely on a vocational training permit as a legal shield when its principal activities exceed the normative authority conferred by law.

The element of “without authorization” constituted a central consideration in the court’s reasoning. Based on the facts established during trial, neither PT Nawang Air Indonesia nor LPK Nawang Air Indonesia possessed a Surat Izin Perusahaan Penempatan Pekerja Migran Indonesia (SIP2MI), as required under Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. The judges emphasized that an LPK operational license grants authority solely in the areas of vocational education and workforce competency development and does not extend to the placement of Indonesian migrant workers abroad. Consequently, the use of an LPK license to recruit and dispatch prospective migrant workers was regarded as a form of licensing abuse or misuse of regulatory authorization.

In its ruling, the panel of judges delineated a clear legal distinction between the functions of Job Training Institutions (Lembaga Pelatihan Kerja [LPK]) and Indonesian Migrant Worker Placement Companies (Perusahaan Penempatan Pekerja Migran Indonesia [P3MI]). LPKs are institutionally positioned as training providers whose functions are limited to enhancing workforce competencies through language instruction, vocational training, and professional development. By contrast, P3MIs constitute legally authorized entities specifically mandated to facilitate the placement of migrant workers upon fulfillment of administrative, financial, technical, and regulatory requirements imposed by the government. Within this legal framework, the judges rejected the defendant’s implicit argument seeking to equate the training function of an LPK with the placement function of a P3MI. This judicial affirmation of institutional boundaries constitutes a significant finding of the present study, reflecting a strong legal protection orientation within judicial practice.

The findings of this study are consistent with those of Muhammad Maulana Ismail et al., who argue that weaknesses in the implementation of migrant worker protection continue to stem from inadequate oversight and limited public understanding of the legal requirements governing migrant worker placement.¹⁰ However, the present study extends prior scholarship by demonstrating that courts have increasingly adopted a substantive approach in assessing the misuse of training institutions as instruments of unauthorized migrant worker placement. In contrast to the findings of Izathun Nissa

¹⁰ Muhammad Maulana Ismail et al., “Tinjauan Yuridis Terhadap Pelindungan Pekerja Migran Indonesia.”

and Rasina Padeni Nasution, which emphasized insufficient victim protection in cases involving irregular migrant worker placement by individuals, this study finds that the Boyolali District Court explicitly considered the victims' social vulnerability and the broader social consequences of the offense as integral components of judicial reasoning in assessing the gravity of the crime.¹¹

The judges further determined that no justification or excuse could absolve the defendant of criminal responsibility. The defendant's argument that his actions were intended to assist individuals in obtaining employment or educational opportunities abroad was deemed legally untenable, given that Indonesian law explicitly regulates lawful mechanisms for the placement of migrant workers. The panel of judges also emphasized that ignorance of the law could not serve as grounds for mitigating criminal liability, particularly because the defendant knowingly engaged in activities that substantively constituted migrant worker placement without official authorization.

The court's sentencing considerations reflect an attempt to balance legal certainty with legal protection. From the perspective of legal certainty, the ruling communicates a clear normative principle that only entities possessing a Surat Izin Perusahaan Penempatan Pekerja Migran Indonesia (SIP2MI) are legally authorized to facilitate migrant worker placement. From the standpoint of legal protection, the judges considered the risks of exploitation, undocumented employment, financial losses, and social vulnerability experienced by victims upon their arrival in Singapore. Accordingly, the criminal sanctions imposed were intended not only to punish the perpetrator but also to serve a preventive function aimed at deterring similar offenses in the future.¹²

Nevertheless, the judgment remains open to critical assessment. Law enforcement efforts in this case focused primarily on the principal perpetrator at the operational level without extending the investigation to the potential involvement of broader networks, including foreign intermediaries, document facilitators, or other actors who may have profited from the unauthorized departures. This limitation indicates that efforts to combat irregular migrant worker placement continue to require a more comprehensive and cross-sectoral enforcement strategy.

The panel of judges' application of law in Decision Number 158/Pid.Sus/2023/PN Byl can be regarded as systematic, legally sound, and oriented toward the protection of Indonesian migrant workers. The judges not only examined the formal legality of the institution involved but also scrutinized the substantive nature of the defendant's activities as concrete manifestations of unauthorized migrant worker placement. This substantive judicial approach establishes an important precedent for strengthening the legal protection regime governing Indonesian migrant workers while

¹¹ Izathun Nissa and Rasina Padeni Nasution, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia Atas Penempatan Kerja Ilegal: Studi Putusan No.716/Pid.B/2025/PN Mdn."

¹² Muladi Muladi, *Hak Asasi Manusia, Politik Dan Sistem Peradilan Pidana* (Badan Penerbit Universitas Diponegoro, 2002); Soerjono Soekanto, *Faktor Faktor Yang Mempengaruhi Penegakkan Hukum*, 1st ed. (Rajawali Pers, 2013).

reaffirming that the misuse of Job Training Institutions as vehicles for unauthorized labor placement cannot be tolerated within the national legal system. The findings of this study further underscore the urgency of strengthening oversight over training institutions offering overseas employment programs and the necessity of consistent law enforcement to ensure legal certainty and maximize protection for prospective Indonesian migrant workers.

3.2. Effectiveness of Judicial Reasoning in Providing Legal Protection to Victims of Unauthorized Migrant Worker Placement

Legal protection for Indonesian Migrant Workers (Pekerja Migran Indonesia [PMI]) constitutes a constitutional obligation of the state and must be implemented throughout the pre-placement, placement, and post-placement phases. Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers was enacted as a comprehensive legal framework designed to prevent exploitation, human trafficking, forced labor, fraud, and other forms of human rights violations affecting migrant workers. Within this context, the case examined in Decision Number 158/Pid.Sus/2023/PN Byl is particularly significant because it illustrates how the misuse of Job Training Institutions (Lembaga Pelatihan Kerja [LPK]) can expose individuals to vulnerable conditions through unauthorized placement schemes disguised as overseas education and employment programs.

The panel of judges provided a meaningful form of repressive legal protection by recognizing the victims as parties harmed by the defendant's conduct. The judges viewed the case not merely as a violation of administrative procedures or licensing regulations, but also as an act that directly endangered prospective Indonesian migrant workers. In their legal reasoning, the judges emphasized that victims had been recruited through misleading promises of overseas employment and educational opportunities, required to pay fees, undergo training, and subsequently dispatched abroad without any guarantee of lawful employment status in the destination country. Accordingly, the court implicitly recognized the victims' vulnerability arising from the defendant's manipulation of information and abuse of authority.

Recognition of the victims' position is particularly important from the perspective of legal protection. In cases of unauthorized migrant worker placement, victims frequently experience a form of double victimization: they become victims of exploitation by perpetrators while simultaneously facing social stigma for having participated in irregular migration processes. However, the Boyolali District Court adopted a markedly different approach. The panel of judges assigned primary responsibility to the defendant, who actively recruited participants, managed training, facilitated documentation, and arranged overseas departures without official authorization. This approach reflects the application of a victim-oriented perspective,

positioning prospective migrant workers as individuals requiring legal protection rather than as parties to be blamed.

The legal reasoning employed by the panel of judges may be regarded as effective due to its firm application of criminal norms to the defendant's conduct. The imposition of criminal sanctions upon perpetrators of unauthorized migrant worker placement conveys a clear legal message that such conduct constitutes not merely an administrative violation but a serious criminal offense threatening the safety, dignity, and rights of migrant workers. This approach is particularly relevant given that non-procedural placement frequently serves as an entry point to human trafficking, labor exploitation, forced labor, and the deprivation of access to diplomatic protection and social security mechanisms in destination countries.

The court's reasoning also carries substantial deterrent value. The judgment explicitly distinguishes the institutional role of LPKs as training providers from that of Indonesian Migrant Worker Placement Companies (Perusahaan Penempatan Pekerja Migran Indonesia [P3MI]), which are legally authorized to facilitate migrant worker placement and are required to possess a Surat Izin Perusahaan Penempatan Pekerja Migran Indonesia (SIP2MI). This clarification is particularly important because many perpetrators exploit formal institutional legitimacy—such as course permits, foundations, cooperatives, or LPK licenses—to create an appearance of legality before the public. By affirming that training permits cannot lawfully be used for migrant worker placement, the court established a clear legal boundary while simultaneously educating the public to exercise greater caution toward overseas employment offers facilitated through informal or unauthorized channels.

The findings of this study are consistent with those of Suprinaldi Meyzaki et al., which identify low levels of public legal literacy as one of the principal factors contributing to the persistence of unauthorized migrant worker placement.¹³ However, the present study reveals an additional dimension: judicial decisions may also perform educational and preventive functions when judicial reasoning explicitly delineates the legal boundaries and risks associated with non-procedural placement. In this sense, the judiciary performs not only a punitive function but also an important role in strengthening public legal awareness.

However, the effectiveness of legal protection in the case a quo remains partial when assessed from the perspective of restorative justice. The court's decision focused predominantly on imposing criminal sanctions upon the defendant rather than restoring the victims' losses. Based on the facts established during trial, the victims incurred multiple forms of harm, including registration fees, language training expenses, departure administration costs, travel expenditures, living expenses in the destination country, and psychological distress arising from uncertainty and the failure to secure the

¹³ Suprinaldi Meyzaki et al., "Problematika Penegakan Hukum Migrasi Tenaga Kerja Ilegal Di Kota Batam."

promised employment opportunities. Nevertheless, the judgment did not explicitly address mechanisms for restitution or compensation aimed at remedying the victims' losses.

Accordingly, the legal protection afforded in this case remained largely repressive, while restorative measures for victims were insufficiently developed. From the perspective of contemporary legal protection theory, punishment of perpetrators should be balanced with efforts to restore victims' rights through restitution, rehabilitation, or other forms of remedial recovery capable of reestablishing victims' socioeconomic conditions. The absence of such restorative mechanisms risks leaving victims to continue bearing the economic and psychological consequences of the offense despite the successful prosecution and conviction of the perpetrator.

The findings of this study are consistent with those of Izathun Nissa and Rasina Padeni Nasution, who argue that legal protection for victims of unauthorized migrant worker placement remains predominantly formalistic, emphasizing punishment of offenders over victim rehabilitation.¹⁴ However, the present study demonstrates that the Boyolali District Court decision reflects meaningful progress through its stronger recognition of victims' vulnerability and the broader social risks associated with unauthorized migrant worker placement, although such recognition has not yet been accompanied by concrete reparative mechanisms.

The panel of judges adopted a legal protection approach, particularly within the repressive dimension of criminal law. Judicial intervention occurred after the legal violation had taken place, with the objective of restoring social order through punishment of the offender. However, from the perspective of preventive legal protection, the effectiveness of judicial decisions depends substantially upon subsequent measures undertaken by local governments, labor agencies, and labor inspectorates to prevent the recurrence of similar practices. In other words, the effectiveness of legal protection cannot rely exclusively on criminal adjudication but must be reinforced through consistent administrative oversight and regulatory enforcement.¹⁵

The majority of victims involved in this case originated from economically vulnerable backgrounds and possessed limited access to legal information. They were attracted to "study while working" programs because such schemes appeared to offer an accelerated pathway toward improving their families' socioeconomic conditions. Therefore, effective substantive legal protection requires not only criminal accountability for perpetrators but also strengthened public legal education, broader

¹⁴ Izathun Nissa and Rasina Padeni Nasution, "Perlindungan Hukum Terhadap Pekerja Migran Indonesia Atas Penempatan Kerja Ilegal: Studi Putusan No.716/Pid.B/2025/PN Mdn."

¹⁵ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya* (Bina Ilmu, 1987).

access to officially licensed placement institutions, and the expansion of adequate domestic employment opportunities.¹⁶

The legal reasoning adopted by the panel of judges in Decision Number 158/Pid.Sus/2023/PN Byl may be regarded as reasonably effective in providing both repressive and preventive legal protection for victims of unauthorized Indonesian migrant worker placement. This effectiveness is reflected in the judges' recognition of the victims' vulnerable position, the imposition of firm criminal sanctions upon perpetrators, and the reaffirmation of legal boundaries governing migrant worker placement through officially authorized mechanisms. Nevertheless, such protection remains incomplete in terms of restoring victims' rights, given the absence of restitution, rehabilitation, or compensation mechanisms addressing the economic and psychological losses suffered by victims.

4. CONCLUSION

This study aims to analyze the judicial application of law by the panel of judges in assessing the constituent elements of the criminal offense involving the placement of Indonesian Migrant Workers (Pekerja Migran Indonesia [PMI]) through Job Training Institutions (Lembaga Pelatihan Kerja [LPK]) without official authorization, as reflected in Boyolali District Court Decision Number 158/Pid.Sus/2023/PN Byl. In addition, the study evaluates the effectiveness of judicial reasoning in providing legal protection to victims of unauthorized Indonesian migrant worker placement.

The findings demonstrate that the panel of judges applied the law appropriately through an evidentiary approach consistent with the requirements of Indonesian criminal procedural law and through a systematic interpretation of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. The judges successfully established a clear legal distinction between the authority of LPKs as training institutions and Indonesian Migrant Worker Placement Companies (Perusahaan Penempatan Pekerja Migran Indonesia [P3MI]) as officially authorized institutions responsible for migrant worker placement and required to possess a Surat Izin Perusahaan Penempatan Pekerja Migran Indonesia (SIP2MI). Accordingly, the existence of a foundation or limited liability company as a legal entity does not negate the defendant's criminal liability when the institution substantively engages in the placement of Indonesian migrant workers.

From the perspective of legal protection, the judicial decision may be regarded as effective in both repressive and preventive dimensions through the punishment of the perpetrator, recognition of the victims' vulnerable position, and reaffirmation of legal

¹⁶ Hafiz Fachriansyah and Uqbatul Khoir Rambe, "Destruction of Human Trafficking from an Islamic Perspective: An Interpretive Study of Dignity and Ethics," *Sosioedukasi: Jurnal Ilmiah Ilmu Pendidikan Dan Sosial* 14, no. 2 (2025): 1084–95; Sukman Sukman et al., "Legal Protection for Indonesian Migrant Workers from Human Trafficking Crimes," *Lex Publica* 12, no. 1 (2025): 1–31, <https://doi.org/10.58829/lp.12.1.2025.278>.

norms aimed at preventing similar practices. Nevertheless, legal protection remains suboptimal in terms of restoring victims' rights, as the decision did not incorporate mechanisms for restitution or rehabilitation.

This study contributes to the development of migration law and criminal labor law scholarship, particularly concerning the misuse of LPKs as instruments for the unauthorized placement of Indonesian migrant workers. However, the study is limited by its exclusive focus on a single judicial decision, thereby restricting the broader generalizability of its findings. Accordingly, stronger governmental oversight of LPKs and enhanced public legal literacy concerning lawful migrant worker placement are necessary. Future research is recommended to undertake comparative analyses across judicial decisions in order to enrich models of legal protection for victims of unauthorized Indonesian migrant worker placement.

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