

## Policies For The Protection Of Indonesian Migrant Workers From An Islamic Economics Perspective: An Analysis Of The Principles Of Justice And Humanity

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### Abstract

*This study examines policies for the protection of Indonesian migrant workers through the framework of Islamic economics, with a focus on the principles of justice and humanity. Migrant workers are a vital asset to the national and global economies, yet they face various social, legal, and economic risks and vulnerabilities, including exploitation and human trafficking. The analysis examines national legal norms and regional instruments, and evaluates policy implementation based on the principles of maqāṣid al-sharī'ah—such as ḥifẓ al-māl, ḥifẓ al-nafs, and ḥifẓ al-'aql—which reveal gaps and challenges in the implementation of protection measures. In addition, the study adopted a systematic literature review (SLR) methodology to collect secondary data from official documents, institutional reports, and relevant scholarly articles. Through content and thematic analysis, it was found that although regulations have undergone positive changes, the reality on the ground still reveals a gap between norms and implementation. Therefore, this study recommends a Sharia-based economic policy model that emphasizes gender justice, the protection of human rights, and improved coordination among relevant actors to ensure comprehensive protection for Indonesian migrant workers.*

**Keywords:** protection of migrant workers, Islamic economics, social justice, maqāṣid al-sharī'ah, migration policy



## **INTRODUCTION**

Indonesian migrant workers (PMI) are part of the global labor market and a vital pillar of the national economy. According to BP2MI data, total remittances from PMI increased from Rp202.1 trillion in 2022 to Rp227 trillion in 2023 and Rp251.1 trillion in 2024, with more than 60 percent coming from female PMI (Masykuroh et al., 2025). Bank Indonesia also notes that migrant workers' foreign exchange contributions amount to approximately USD 14.22 billion per year (Tohawi et al., 2024). At the household level, migrant workers' income serves as a vital source of livelihood, with the decision to migrate influenced by educational attainment, family economic conditions, and labor market competitiveness (Janwari et al., 2024). The difficulty of finding work domestically also drives citizens to work abroad, so labor migration serves to alleviate domestic unemployment pressures (Wardiono & Izziyana, 2018). However, migrant workers cannot be viewed solely as economic actors. They are also a group of workers facing social, legal, economic, and humanitarian vulnerabilities, ranging from physical and mental abuse, unpaid wages, to the threat of human trafficking (Safitri & Wibisono, 2023).

These vulnerabilities are evident in a variety of protection issues. Human trafficking remains a serious threat: Indonesia has remained in Tier 2 of the U.S. Trafficking in Persons Report from 2015 to 2024, with weaknesses in case referrals to law enforcement, recruitment oversight, and the restoration of victims' rights (Taufan, 2026). Illegal placement exacerbates this risk. The Minister of KP2MI estimates that approximately 4.3 million migrant workers depart non-procedurally, while the officially registered number is around 5.2 million (Manik et al., 2026). Migrant workers who depart non-procedurally through recruiters are vulnerable to exploitation and may be categorized as victims of human trafficking (Romli & Rahayu, 2024), while their access to protection is hindered because legal protection tends to be provided only to workers with valid documentation (Immadudin, 2024; Rahayu et al., 2024). Other issues include labor exploitation, unpaid wages, excessive working hours, discrimination, a lack of understanding of rights and access to legal aid, as well as weak support in the destination country (Immadudin, 2024; Safitri & Wibisono, 2023; Tohawi et al., 2024). Women face more specific vulnerabilities: female poverty drives migration and makes them targets of human trafficking (Kusumawati, 2024), while the well-being of female migrant workers is fulfilled only in terms of material and intellectual aspects (Masykuroh et al., 2025). Protection is not yet complete when workers return home: monitoring of illegal agencies and post-placement protection remain challenges (Azizah et al., 2025), and children left behind face suboptimal alternative care and educational vulnerabilities (Rambe & Hasanah, 2026). These conditions raise a fundamental question: does increased regulation automatically mean greater substantive protection for migrant workers?



The Indonesian government responded through Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers (PPMI Law), which replaced Law No. 39 of 2004 (Hamonangan, 2025). Article 3 of this law affirms the objective of protection to guarantee human rights and meet the legal, economic, and social needs of Indonesian migrant workers and their families, to be implemented before, during, and after employment (Hakim & Havez, 2020). Article 7 outlines the forms of legal protection provided by the state, covering both administrative and criminal aspects (Wahyudi, 2022). Institutionally, its implementation involves the BP2MI/KP2MI, local governments through their labor offices (Azizah et al., 2025), the strengthening of social security through Minister of Manpower Regulation No. 4 of 2023 (Yuliastuti & Susetyo, 2024), as well as bilateral and multilateral cooperation with destination countries, including through the ASEAN Forum on Migrant Labor (Humaira et al., 2025; Rohim et al., 2024). Nevertheless, these institutionally evolving policies have not yet bridged the gap between normative protection and actual protection. The normative framework for combating human trafficking is considered adequate but weak in implementation (Taufan, 2026); bureaucratic obstacles, low awareness of rights, and minimal support in destination countries continue to hinder enforcement (Tohawi et al., 2024); and social security has not yet addressed the gap between the needs of migrant workers and the services they receive (Yuliastuti & Susetyo, 2024). Furthermore, the Law on the Protection of Indonesian Migrant Workers (UU PPMI) is considered to contain a normative gap because it does not regulate protection rights for non-procedural migrant workers (Manik et al., 2026).

From an Islamic economics perspective, worker protection is not merely a matter of procedural compliance, but rather an integral part of a just economic order. Previous studies have shown that the PPMI Law is consistent with the principles of worker protection in Islam, namely freedom, human dignity, justice, and clarity in contracts and wage payments (Hakim & Havez, 2020), and with the maqāṣid al-sharī'ah in the dimensions of ḥifẓ al-'aql, ḥifẓ al-nasl, and ḥifẓ al-māl (Baskoro, 2024). A similar approach has been used to critique the gap between norms and wage practices through ḥifẓ al-māl and ḥifẓ al-nafs (Handayani & Karjoko, 2025). This article positions Islamic economics as an analytical framework, not a normative label, with eight principles: 'adl (justice), insāniyyah (humanity), maṣlaḥah (public interest), ḥifẓ al-nafs (protection of life), ḥifẓ al-māl (protection of property), ḥifẓ al-'ird (protection of honor and dignity), the prohibition of ḡulm (exploitation and injustice), and fair compensation in labor relations. These principles serve as evaluation criteria: ḥifẓ al-nafs assesses safety from violence and human trafficking; ḥifẓ al-māl assesses the certainty of wages, placement fees, and the use of remittances; ḥifẓ al-'ird assesses nondiscriminatory treatment and the restoration of dignity; the prohibition of ḡulm assesses exploitative practices, including the extortion



of departure fees by recruiters; and *ujrah* assesses the clarity of the contract and wage payments, in line with the employer's obligation to pay wages under Islamic economic law (Ilham & Dani, 2025).

From this discussion, five research gaps can be identified. First, a regulatory gap: previous studies have largely assessed whether regulations governing migrant workers have provided legal protection (Hamonangan, 2025; Tohawi et al., 2024; Yuliastuti & Susetyo, 2024), but few have evaluated whether the substance of that protection meets standards of justice and humanity according to Islamic economics. Second, a theoretical gap: studies on PMI commonly employ a human rights framework (Immadudin, 2024; Rahayu et al., 2024), human security (Safitri & Wibisono, 2023), or regional cooperation (Humaira et al., 2025), whereas studies from an Islamic perspective generally rely on political jurisprudence (*fiqh siyasah*) and Islamic law (Azizah et al., 2025; Hakim & Havez, 2020; Rohim et al., 2024; Wahyudi, 2022) or apply the *maqāṣid* to legal-political and criminal analyses (Baskoro, 2024; Taufan, 2026). The use of Islamic economics as a framework for evaluating policies on the protection of migrant workers—which links justice, humanity, and the public interest to outcomes of well-being—remains relatively limited. Third, the implementation gap: the discrepancy between norms and implementation (Azizah et al., 2025; Chanifah et al., 2026; Taufan, 2026) indicates that analyzing the content of regulations is insufficient without tracing the chain of policy design, implementation, and protection outcomes. Fourth, the economic-humanitarian gap: Migrant workers are often analyzed as a source of remittances that flow into consumption, household income, and development (e.g., Janwari et al., 2024), even though they are also human capital with economic rights and human dignity. Fifth, the gender and vulnerability gap: the specific vulnerabilities of female migrant workers (Baskoro, 2024; Kusumawati, 2024; Masykuroh et al., 2025) demand an assessment of justice that is gender-sensitive, vulnerability-sensitive, and human rights-sensitive.

Based on these gaps, the novelty of this article is articulated across three layers. Conceptually, the article develops an Islamic Economic Protection Framework for Migrant Workers that integrates '*adl*, *insāniyyah*, *maṣlaḥah*, and *maqāṣid al-sharī'ah*' into the evaluation of policies regarding migrant workers. From a policy perspective, the analysis goes beyond the mere existence of regulations to trace the chain linking policy, rights, protection, welfare, and *maṣlaḥah*. Practically, the article generates Sharia-based policy recommendations for the government, BP2MI/KP2MI, local governments, recruitment agencies, Sharia financial institutions, and destination countries for migrant workers.

This study addresses four questions: (1) how are policies for the protection of Indonesian migrant workers structured within the national regulatory framework; (2) to what extent do these policies reflect the principles of justice and humanity in Islamic economics; (3) how the principles of *maqāṣid al-sharī'ah* and *maṣlaḥah* can be used to



evaluate the effectiveness of economic and social protections for PMI; and (4) how a more equitable and maṣlaḥah-oriented PMI protection policy model can be formulated. In line with these questions, the objectives of this study are (1) to analyze the construction of PMI protection policies in Indonesia; (2) to evaluate these policies based on the principles of justice and humanity in Islamic economics; (3) to analyze PMI protection based on maqāṣid al-sharī'ah and maṣlaḥah; and (4) to formulate a PMI protection policy model based on Islamic economics.

## LITERATURE REVIEW

### A. Theory of Labor Protection

The concept of migrant worker protection stems from a fairly simple reality. People who work in another country are almost always in the weakest bargaining position in an employment relationship. Their housing, income, and even their passports often depend on a single employer, while the applicable legal system is foreign to them. An adequate protection framework must therefore address at least four issues: labor rights, decent work, social security, and vulnerability.

In the Indonesian legal tradition, legal protection is typically distinguished into preventive and repressive measures (Hadjon, 1987). Preventive protection operates before a violation occurs, for example through information, verification, and clear contractual obligations. Repressive protection operates afterward, through dispute resolution, law enforcement, and victim redress. This distinction is useful because it prompts a more incisive question than simply whether rules exist—namely, whether the system is sufficient to prevent violations before workers are deployed and sufficient to provide redress after a violation occurs. Within the three stages of protection outlined in Law No. 18 of 2017, the pre deployment stage can be said to align most closely with the preventive function, while the deployment and post-deployment stages incorporate both.

From the perspective of labor rights, Indonesia's normative foundation rests on Article 27(2) and Article 28D(1) of the 1945 Constitution, which guarantee a decent standard of living and fair treatment before the law (Manik et al., 2026). At the international level, the primary reference is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations, 1990). Manik et al. (2026) note that the legal definition of migrant workers in Indonesian law aligns with that convention, and Wahyudi (2022) adds that Law No. 18 of 2017 was indeed drafted in accordance with its provisions.

The ILO's (1999) concept of "decent work" shifts the measure of success from merely the availability of employment to the quality of the work itself—namely, that it is productive and carried out under conditions that are free, equitable, safe, and dignified. This measure is important for Indonesian migrant workers because the majority work in



the informal sector. Data cited by Wahyudi (2022) shows that the informal sector accounted for approximately 78 percent of placements from 2014 to 2018, mostly as low-educated domestic workers. Such jobs tend to fall outside the scope of standard working hours and oversight, and Tohawi et al. (2024) indeed note the informal nature of such work as a source of vulnerability to exploitation. In such situations, having a job and working under decent conditions are two distinct matters.

Social protection complements labor protection by providing a safety net when risks actually materialize—such as accidents, illness, death, or job loss. In Indonesia, this takes the form of social security for health and employment for migrant workers (PMI), regulated by Ministry of Manpower Regulation No. 4 of 2023, which covers coverage for work-related accidents, death, and old age (Yulastuti & Susetyo, 2024). The problem is that the availability of a program does not automatically mean it is utilized. Yulastuti and Susetyo note that there were only 766 claims totaling Rp27 billion from 2017 to 2022, while the collected premiums reached Rp283 billion—representing approximately 9.5 percent.

Vulnerability, ultimately, is best understood as a structural outcome rather than an inherent trait of workers. Chambers (1989) helped articulate this by distinguishing the external aspect of vulnerability—exposure to risks and shocks—from the internal aspect—the lack of resources to cope with them. For migrant workers, the external aspect takes the form of recruiters, abusive employers, and human trafficking networks, while the internal aspect consists of a lack of documentation, low rights literacy, and weak bargaining power. Safitri and Wibisono (2023) employed a human security framework and found that threats primarily affect migrant workers' personal, health, and political security. Baskoro (2024) refers to structural barriers—particularly for female migrant workers—as a “glass ceiling” that limits their access to rights and well-being. Manik et al. (2026) go a step further by proposing that non-procedural migrant workers be viewed as victims of structural issues, rather than merely as violators of procedures. This perspective serves as the starting point for this article. Vulnerability is produced by the ways in which migration is regulated, financed, and monitored; consequently, policies can either reduce or exacerbate it.

## **B. Theories of Justice**

In the literature on the protection of migrant workers, justice typically manifests in two forms that often clash: procedural justice and substantive justice. Manik et al. (2026) clearly describe this conflict. According to legal positivism, migrant workers who depart outside established procedures are violators who forfeit their right to state protection. According to substantive justice, human rights are not forfeited simply because



procedures were violated. This debate is not merely an academic matter, as it determines who ultimately receives protection.

Rawls's theory of justice (1971) provides a useful framework here. Justice is assessed based on the underlying structure of institutions, and inequalities are justified only to the extent that they benefit the least advantaged. When applied to labor migration policies, the question shifts. The question is no longer whether rules exist, but rather who is least protected by those rules. According to Immadudin (2024) and Rahayu et al. (2024), the answer is undocumented workers, whose basic rights are neglected because legal protection tends to be granted only to those with legal status.

In Indonesia, justice is also interpreted through the lens of Pancasila's social justice. Handayani and Karjoko (2025) demonstrate that the wage system in East Java remains dominated by a minimum wage approach that does not yet reflect contextual justice, with weak enforcement and minimal protection for informal and daily-wage workers. These findings do not specifically concern migrant workers, but the pattern of criticism is relevant. Written norms that appear fair may fail to realize distributive justice when enforcement is weak and vulnerable groups are left unprotected.

This article therefore employs justice as a dual measure. The first measure concerns the content of the rules—namely, whether the norms cover all workers. The second measure concerns the outcomes—namely, whether workers actually receive wages, redress, and legal assistance. There is a section that translates both of these into the language of Islamic economics.

### C. The Theory of Humanity

If justice governs how rights and burdens are distributed, humanity sets the minimum threshold that no one may cross. Recognition of human dignity and worth is included as a principle of protection for migrant workers in Law No. 18 of 2017 (Manik et al., 2026; Wahyudi, 2022). Hakim and Havez (2020) note that the law prohibits human trafficking, slavery, forced labor, violence, and crimes against human dignity and honor.

The human security framework employed by Safitri and Wibisono (2023) helps translate dignity into observable measures: freedom from physical and mental violence, guaranteed health, and political protection by one's state. In this sense, dignity is not an abstract concept. It is violated when a passport is confiscated, wages are withheld, or a person trafficked by a broker is treated solely as an offender when they could be categorized as a victim of human trafficking (Romli & Rahayu, 2024; Wahyudi, 2022).

Islamic tradition places humanity on the basis of the equality of human status. Wardiono and Izziyana (2018) emphasize that Islamic law values equality because all humans originate from a single source, and differences in status lie solely in piety—a perspective also cited by Wahyudi (2022) through Q.S. al-Hujurāt [49]: 13. Hakim and

Havez (2020) summarize that human freedom and the dignity of the human person are two of the four principles of worker protection in Islam.

The implications are immediate. Humanity demands that access to basic protections not be contingent on documentary status, as emphasized by Immadudin (2024) and Rahayu et al. (2024). In this article, justice and humanity are used in tandem. The former examines the distribution of rights and obligations, while the latter ensures that no worker falls below the threshold of dignity.

#### **D. Migrant Workers and Labor Protection**

According to Law No. 18 of 2017, an Indonesian migrant worker is an Indonesian citizen who is about to, is currently, or has performed work in exchange for wages outside the territory of the Republic of Indonesia (Manik et al., 2026; Wahyudi, 2022). This term replaces “Indonesian workers.” This seemingly minor change in terminology can be interpreted as a shift from viewing workers as objects of placement to subjects of rights, given that previous laws were considered to emphasize placement over protection (Wahyudi, 2022).

The motivation to migrate is generally economic in nature. The difficulty of finding work domestically and the income gap with the destination country frequently emerge as reasons (Wahyudi, 2022; Wardiono & Izziyana, 2018). In Karawang, Janwari et al. (2024) found that educational level, family economic conditions, social status, employability, and divorce rates also contribute to women becoming migrant workers.

Migration theory provides a framework for understanding these motivations. Lee (1966) explains migration as the result of push factors in the region of origin, pull factors at the destination, barriers between the two, and personal factors. Barriers such as costs, procedures, and documentation are critical for migrant workers, as it is in these gaps that brokers and non-procedural recruitment can thrive. Stark and Bloom (1985), through the “new economics of labor migration,” view migration as a household strategy to spread income risk and overcome market limitations, with remittances serving as an agreement between migrants and their families. This perspective shifts the focus from the worker as an individual to the family as the unit that bears the costs and benefits of migration, making it relevant to the discussion of *ḥifẓ al-nasl*. Finally, Akerlof (1970) demonstrates that information asymmetry can lead to markets being dominated by low-quality participants because buyers cannot distinguish quality. In labor placement markets, workers find it difficult to assess the integrity of agents and employers before departure; thus, information and verification become forms of protection with economic value, not merely administrative matters.

Protection is easier to discuss when migration is viewed as a cycle: pre-placement, placement, and post-placement. Law No. 18 of 2017 structures protections according to



this sequence (Hakim & Havez, 2020; Hamonangan, 2025; Wahyudi, 2022). The initial stage includes information, training, health examinations, placement agreements, and document preparation. The work stage includes registration by the Indonesian Labor Office ( ) or Indonesian diplomatic missions, monitoring of working conditions, and legal assistance. The final stage includes repatriation, settlement of unpaid entitlements, and reintegration (Wahyudi, 2022). The risks are not evenly distributed. Brokerage fees and extortion pile up at the beginning, contract violations occur during employment, and the final stage is often the most lax, when oversight of illegal agencies and post-placement protection remain challenges, and families back home bear the consequences (Azizah et al., 2025; Rambe & Hasanah, 2026).

Migrant workers' rights are essentially the same as those of workers in general, plus rights arising from their status as foreign nationals in another country, such as consular services and legal aid. Vulnerability arises when these rights are difficult to enforce. Tohawi et al. (2024) cite inefficient bureaucracy, low awareness among migrant workers of their rights, and weak support in the destination country. Chanifah et al. (2026) found a wide gap between normative knowledge of labor rights and the reality experienced by migrant workers in the United Arab Emirates. For women, this vulnerability is compounded by poverty, the dual role as both a worker and a mother or wife, and the risk of human trafficking—all converging in a single individual (Kusumawati, 2024; Wardiono & Izziyana, 2018).

The country of origin shoulders two roles that are not always aligned: that of a regulator overseeing placement and its businesses, and that of a protector safeguarding its citizens when the system fails. Kusumawati (2024) outlines these responsibilities in four pillars: prevention, enforcement, protection, and partnership. The greatest obstacle is jurisdiction. Harm occurs in the territory of another country, so protection depends on bilateral and multilateral diplomacy (Rohim et al., 2024). At the regional level, Humaira et al. (2025) show that the 2007 Cebu Declaration and the 2017 ASEAN Consensus establish shared norms, but their non-binding nature and the principle of non-intervention allow violations to persist.

### **E. Policies for the Protection of Indonesian Migrant Workers**

Law No. 18 of 2017 replaced Law No. 39 of 2004, which Wahyudi (2022) assessed as being overly focused on placement. Article 3 establishes the objective of protection as ensuring human rights and fulfilling the legal, economic, and social needs of Indonesian migrant workers and their families (Hakim & Havez, 2020). Article 7 divides the state's responsibilities into three stages, and this protection is implemented through two channels: administrative and criminal (Wahyudi, 2022). This section does not stop at the text of the article but also weighs it against findings regarding its implementation.

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Its implementation involves numerous institutions. The BP2MI, which is now structured as a ministry (KP2MI), handles placement and protection. The Ministry of Manpower regulates labor affairs and social security. The Ministry of Foreign Affairs, together with Indonesian diplomatic missions, is present in destination countries through consular services and assistance. This law also strengthens the role of local governments and labor attachés (Wahyudi, 2022). In Lampung, the provincial labor office conducts outreach, verifies agencies, and collaborates with destination countries (Azizah et al., 2025). In the case of abuse of migrant workers in Malaysia discussed by Wahyudi (2022), the Indonesian Embassy transported the victims to a hospital, reported the incident to local police, and sent a note to the Malaysian Ministry of Foreign Affairs, resulting in the perpetrator ultimately being sentenced to eight years in prison.

Social protection is implemented through Ministry of Manpower Regulation No. 4 of 2023, which replaces Ministry of Manpower Regulation No. 18 of 2018, expands benefits, and streamlines registration and claims (Yuliastuti & Susetyo, 2024). Legal protection extends to the criminal sphere through the Law on the Eradication of the Crime of Trafficking in Persons (Law No. 18 of 2017), provisions for the protection of witnesses and victims, and the National Criminal Code (Taufan, 2026). Economic protections are more widespread, ranging from provisions on wages and working hours in employment contracts (Wahyudi, 2022), fees charged by recruiters (Romli & Rahayu, 2024), to the security of remittance channels (Rambe & Hasanah, 2026).

Complaint mechanisms are available through the BP2MI crisis center (formerly BNP2TKI) and Indonesian diplomatic missions. Wahyudi (2022) analyzed data on 37,113 complaints from 2011 to 2018, with approximately 97 percent marked as “resolved.” This figure demonstrates administrative capacity, but the “resolved” status does not indicate whether wages were ultimately paid or whether victims received restitution. Taufan (2026) found a similar pattern in human trafficking cases. Complaints involving indicators of trafficking are rarely referred to law enforcement, restitution is rarely sought, and data remains fragmented.

Does all of this truly reduce the risk of exploitation? The evidence in the literature is mixed. The normative criminal law framework is considered sufficiently adequate, and its weaknesses lie in implementation (Taufan, 2026). Hamonangan (2025) argues that protection can be maximized only if all parties earnestly enforce existing regulations. Tohawi et al. (2024) identified bureaucratic obstacles, low awareness of rights, and limited support in destination countries. Social security, as evidenced by the aforementioned claim figures, has not been utilized optimally (Yuliastuti & Susetyo, 2024). The most fundamental issue lies in coverage. The PPMI Law is deemed to lack provisions safeguarding the rights of non procedural migrant workers (Manik et al., 2026), even though KP2MI officials estimate their number to be around 4.3 million—nearly on



par with the approximately 5.2 million officially registered workers. Romli and Rahayu (2024) emphasize that non-procedural migrant workers are still entitled to protection, including against human trafficking, even though the law does not explicitly mention it.

The risk of exploitation, therefore, does not diminish simply because policies become more comprehensive. It decreases only when policies reach the most vulnerable, are accessible, and are enforced. These three criteria are applied to the Sharia-based economic evaluation in the following section.

#### F. The Sharia Economics Concept of Justice

Sharia economics views the employment relationship as a muamalah (transaction) governed by a contract (akad). An employment contract falls under the category of *ijārah*, specifically *ijārah a'yān*, which is the hiring of human labor to perform a specific task. The worker is called an *ajīr* and the employer is called a *musta'jir* (Ilham & Dani, 2025; Wahyudi, 2022). From this framework, three principles are derived and used as evaluation tools: *'adl*, *iḥsān*, and the prohibition of *ẓulm*.

**'Adl.** Justice in labor relations stems from the clarity of the contract. According to Ilham and Dani (2025), the agreed-upon work must be *halal*, its benefits must be clear, and the wages must be clearly defined, including the amount, form, and timing of payment. Hakim and Havez (2020) identify the clarity of the contract and wages as one of the four principles of Islamic labor law. A fair wage corresponds to the workload and skills and must be sufficient to meet the worker's minimum living needs (Ilham & Dani, 2025; Wahyudi, 2022). For migrant workers, this is not merely a formality. According to Law No. 18 of 2017, an employment contract must specify working hours, wages and payment procedures, leave entitlements, and safety guarantees (Wahyudi, 2022). Ilham and Dani also highlight the repeal of Article 91 of the Labor Law in the Job Creation Law—a provision that previously invalidated wage agreements below the standard—and evaluate it in light of the obligation to pay wages under Islamic economic law.

**Iḥsān.** *Iḥsān* goes beyond the minimum standard of justice—it means doing more than what is required. In labor relations, this manifests as humane treatment. Wahyudi (2022), citing a *hadith* narrated by al-Bukhari, explains the employer's obligation to provide adequate food and clothing and not to burden workers beyond their capacity, and prohibits employers from treating workers as less than human. *Iḥsān* also entails social responsibility toward vulnerable groups, which, as cited by Wahyudi from Q.S. al-Nisā' [4]: 36, includes orphans, the poor, and travelers. In terms of state policy, this principle can be interpreted as a call for greater attention to the most vulnerable, such as female migrant workers and abandoned children (Masykuroh et al., 2025; Rambe & Hasanah, 2026).



**The Prohibition of *ẓulm*.** The prohibition of *ẓulm* is the negative counterpart of justice. Ilham and Dani (2025) explain that delaying wages without a valid reason, paying less than what is due, and exploiting workers' vulnerabilities to suppress wages constitute *ẓulm*. The hadith regarding paying wages before the sweat dries serves as the reference for this. In the context of migrant workers, the forms of *ẓulm* are far more diverse, ranging from extortion by recruiters through demands for departure fees (Romli & Rahayu, 2024), human trafficking (Kusumawati, 2024), to degrading treatment of workers (Wahyudi, 2022). Kusumawati emphasizes that both Islam and the human rights framework view human trafficking as a serious crime, and both place an obligation on the government to create domestic job opportunities, particularly for women.

#### G. Maqāṣid al-Sharī'ah as a Framework for the Protection of Indonesian Migrant Workers

Maqāṣid al-Sharī'ah is typically introduced through a definition. Here, it is used as a measuring tool, with each Sharia objective translated into a question that can be posed to a policy. This approach has empirical precedents. Baskoro (2024) assessed that the Migrant Workers Protection Act aligns with *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, and *ḥifẓ al-māl*. Masykuroh et al. (2025) used al-Syatibi's five dimensions to measure the well-being of female migrant workers and found that only the aspects of wealth and reason were fulfilled. Taufan (2026) used the maqāṣid to view implementation gaps as a failure to protect basic human interests. The following six dimensions are formulated as evaluative questions and summarized in Table 1.

***Ḥifẓ al-nafs*.** This dimension concerns safety, health, freedom from violence and human trafficking, as well as hazardous working conditions. Safitri and Wibisono (2023) identified threats to the personal safety and health of migrant workers. Taufan (2026) notes that Indonesia remained in Tier 2 of the U.S. Trafficking in Persons Report from 2015 through 2024. Complaints compiled by Wahyudi (2022) include employer violence, illness, accidents, and human trafficking. The key measure is whether working conditions are monitored before harm occurs, rather than merely addressed afterward.

***Ḥifẓ al-māl*.** This dimension encompasses wages, assets, remittances, unlawful wage deductions, fraud, and placement fees. Handayani and Karjoko (2025) point out that the principle of *ḥifẓ al-māl* has not yet been adopted as a legal paradigm in wage policy. Complaints from migrant workers include, among other things, unpaid wages, wage deductions exceeding regulations, and job opportunity fraud (Wahyudi, 2022). Romli and Rahayu (2024) point out that money collected by recruiters as departure fees may constitute extortion, and Rambe and Hasanah (2026) found misuse of remittance channels. The low rate of social security claims (Yuliastuti & Susetyo, 2024) adds another layer—namely, protections that exist on paper but do not reach the workers.



**Ḥifẓ al-ʿaql.** This dimension encompasses education, legal literacy, financial literacy, and digital literacy. Chanifah et al. (2026) demonstrate that digital-based education in labor law can expand access to legal literacy, strengthen awareness of rights, and equip migrant workers with the skills to negotiate their rights. Tohawi et al. (2024) note that migrant workers' low awareness of their rights acts as a barrier to enforcement. Statutory pre deployment training (Wahyudi, 2022) is only meaningful if its results are reflected in workers' ability to read contracts, manage remittances, and access complaint channels.

**Ḥifẓ al-nasl.** Labor migration rarely concerns individuals alone. Rambe and Hasanah (2026) found that the children of migrant workers in West Bilah experience suboptimal alternative care, educational vulnerabilities, and social risks, including child marriage. Janwari et al. (2024) demonstrate that female migration has both positive and negative impacts on family well-being. Masykuroh et al. (2025) found that ḥifẓ al-nasl has not been optimally fulfilled for female migrant workers. Therefore, family protection must be included in policy assessments and not treated as a domestic matter beyond the scope of such policies.

**Ḥifẓ al-dīn.** This dimension concerns the freedom to practice one's faith and respect for workers' moral and religious values. Wahyudi (2022) includes the right to perform religious worship among the fundamental rights of workers in Islam, and Masykuroh et al. (2025) found that ḥifẓ al-dīn has also not been optimally fulfilled for female migrant workers from East Java. This dimension is the least frequently addressed by policy; thus, its inclusion in the analytical framework is particularly useful for identifying gaps not captured by standard legal measures.

**Ḥifẓ al-ʿird.** The protection of honor and dignity is not included among the five basic needs in al-Syatibi's formulation, but some scholars of *usul al-fiqh* have added it as a sixth need. This article adopts it because the exploitation of migrant workers rarely stops at financial loss. Human trafficking, violence, and degrading treatment damage a person's honor, and such damage is difficult to remedy through monetary compensation alone. The evaluative criterion is whether policies treat migrant workers as subjects of rights and, when exploited, as victims—including non-procedural migrant workers, as proposed by Manik et al. (2026).

Contemporary *maqāṣid* shift the emphasis from preservation to development. Auda (2008) proposes an interpretation of *maqāṣid* that positions human dignity, justice, and development as goals, not merely as constraints. In this article, the six classical dimensions are mapped onto five contemporary orientations. Ḥifẓ al-nafs and ḥifẓ al-ʿird converge on human dignity. ʿAdl and the prohibition of *ẓulm* converge on social justice. Ḥifẓ al-māl and ḥifẓ al-nasl converge on welfare. Ḥifẓ al-ʿaql leads to equitable economic opportunity, as knowledge and skills determine who enters the global labor market with



better bargaining power. Social protection cuts across all of these as an institutional mechanism that enables these goals to be realized.

| Principle           | Evaluative Questions Regarding PMI Policy                                                                                                            |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| 'Adl                | Do the norms cover all migrant workers, and are wages, contracts, and access to redress truly fair in practice?                                      |
| Ihsān               | Do the most vulnerable groups (women, undocumented workers, abandoned children) receive special attention, rather than merely being treated equally? |
| Prohibition of zulm | Are exploitative practices such as extortion by recruiters, withheld wages, and human trafficking detected, stopped, and punished?                   |
| Hifz al-nafs        | Is there monitoring of working conditions and measures to address violence, health issues, and human trafficking before victims emerge?              |
| Hifz al-māl         | Are wages paid in full, placement fees reasonable, remittances secure, and social security benefits actually claimable?                              |
| Hifz al-'aql        | Do migrant workers receive sufficient legal, financial, and digital literacy to assert their rights?                                                 |
| Hifz al-nasl        | Are the well-being of the family and the care of the children left behind also protected?                                                            |
| Hifz al-dīn         | Can migrant workers practice their faith and have their moral values respected in the workplace?                                                     |
| Hifz al-'ird        | Are migrant workers, including those in non-procedural situations,                                                                                   |

## H. Sharia Economics, Employment, and Welfare

The chain of reasoning can be formulated as follows. Effective worker protection ensures a decent income. A decent income improves the well-being of workers and their families. Fairly distributed well-being is a manifestation of the common good, and its accumulation supports inclusive development. Any link in the chain can break, and the reviewed literature shows where.

The first link rests on wages and employment contracts. Ilham and Dani (2025) specify that wages in Islam must be fair, commensurate with the work performed, sufficient to meet the basic needs of the worker and their family, and paid clearly and on time. Hakim and Havez (2020) identify the clarity of employment contracts and wage payments as distinct principles. Handayani and Karjoko (2025) caution from the opposite perspective that a minimum wage approach lacking contextual fairness and strong enforcement fails to achieve a balanced labor relationship.

The employer's responsibilities within this framework are quite broad. Ilham and Dani (2025) note workers' rights to employment, wages in accordance with the

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agreement, fair treatment in the workplace, and social security, particularly regarding occupational hazards. Wahyudi (2022) adds that rights that remain unfulfilled upon the expiration of a contract remain the employer's obligation, as they are treated as a debt. Wahyudi also points out that social security in Islam is founded on three principles—humanity, benefit, and justice—which mutually reinforce one another. Eliminating any one of them diminishes the very meaning of social security itself.

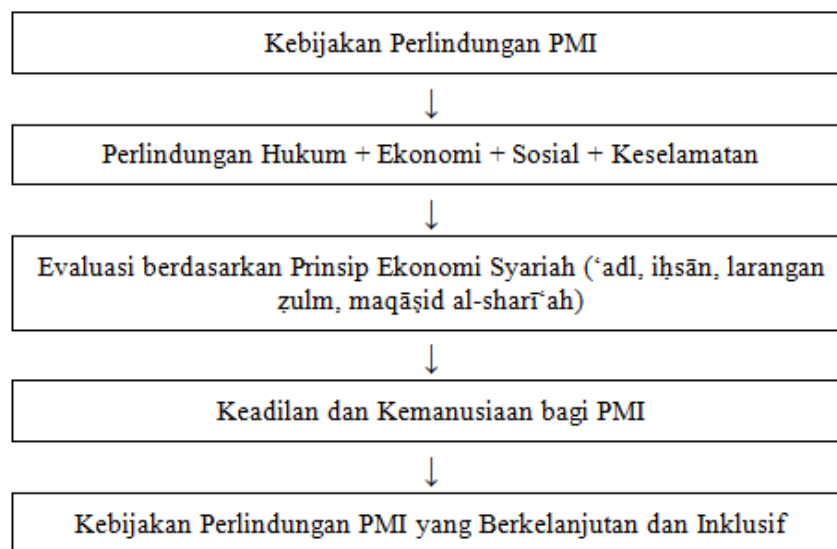
The next link in the chain—from income to well-being—turns out not to be automatic. Masykuroh et al. (2025) note that remittances from migrant workers reached Rp251.1 trillion in 2024, but the well-being of female migrant workers is fulfilled only in the aspects of material wealth and intellect, with the other three dimensions requiring gender sensitive policies grounded in the maqāṣid values. Janwari et al. (2024) found that the impact of migration on extended families is both positive and negative. Rambe and Hasanah (2026) demonstrate how remittances can be misappropriated through the misuse of channels, making secure remittance mechanisms essential. Therefore, the sheer volume of remittances is insufficient as a measure of success. Large remittances can coexist with inadequate protection.

The final link—from the common good to inclusive development—depends on who is included in the count. Kusumawati (2024) reminds us that female migrant workers reflect women's poverty; thus, inclusive development must provide decent jobs domestically while also protecting those who still choose to migrate. In other words, the protection of vulnerable groups is not merely an add-on to development. It is a prerequisite for development to be considered in the common good.

## **I. Conceptual Framework of the Research**

The conceptual framework organizes the above discussion into five stages, as illustrated in Figure 1. Policies for the protection of migrant workers are assumed to provide legal, economic, social, and safety protections, but only to the extent that these policies are well-designed, implemented, and reach all workers (stages 1 and 2). The quality of this protection is then assessed using the principles of 'adl, iḥsān, the prohibition of ḡlūm, and maqāṣid al-sharī'ah through the evaluative questions in Table 1 (stage 3). The desired outcomes are justice and humanity observable among workers, such as paid wages, preserved dignity, and tangible access to redress (Stage 4). The findings of the "evaluation then serve as feedback for formulating more sustainable and inclusive policies (Stage 5). These stages align with the research questions.



**Figure 1. Conceptual Framework of the Study**

Source: formulated by the author

**RESEARCH METHODS****A. Research Approach and Type**

This study is qualitative in nature and combines doctrinal analysis with normative analytical policy analysis. This choice stems from the nature of the research questions. The study seeks to determine what the norms for the protection of migrant workers stipulate, to what extent their content aligns with justice and humanity as understood in Islamic economics, and to what extent these norms differ from reality. Questions of this nature are best answered through interpretation and evaluation of meaning rather than through quantitative analysis.

Doctrinal analysis is used to examine the content and structure of the norms (Hutchinson & Duncan, 2012), as conducted by Baskoro (2024) on Law No. 18 of 2017 and by Taufan (2026) using a legislative and conceptual approach. However, the text of the articles does not reveal whether protection actually reaches workers. Therefore, policy analysis is incorporated to examine three aspects: policy design, implementation, and the protection experienced by workers. Taufan took a similar approach when comparing legal norms with implementation data.

His assessment employs the maqāṣid al-sharī'ah framework. The principles of 'adl, ihsān, the prohibition of zulm, and the six dimensions of maqāṣid serve as criteria, not as hypotheses tested statistically. To ensure the assessment is not dependent on the researcher's subjective judgment, each principle was translated into evaluative questions (Table 1 in the literature review section). Evidence regarding implementation was collected through a systematic literature review (SLR) guided by PRISMA 2020 (Page et al., 2021). The SLR was chosen because this study did not collect field data. All claims

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regarding implementation are based on official documents and the research “ ” of others; thus, a traceable selection procedure serves as the primary foundation for confidence in the findings.

## **B. Data Sources**

Primary data consists of legal and policy documents that are the subject of evaluation, in accordance with the classification of primary, secondary, and tertiary sources in normative legal research (Wahyudi, 2022). The content includes Law No. 18 of 2017 and its implementing regulations, Ministry of Manpower Regulation No. 4 of 2023 on social security for migrant workers (Yuliastuti & Susetyo, 2024), the law on the eradication of human trafficking, provisions on the protection of witnesses and victims, and the National Criminal Code (Taufan, 2026). Reports from BP2MI/KP2MI, the Ministry of Manpower, and the Ministry of Foreign Affairs, as well as documents from the ILO and IOM, were compiled as materials on implementation. Regional instruments such as the 2007 Cebu Declaration and the 2017 ASEAN Consensus were also included as they serve as the foundation for cooperation on protection (Humaira et al., 2025).

Secondary data consists of Scopus- and SINTA-indexed journal articles, academic books, research reports, and working papers. The initial corpus comprised articles compiled by the author, which was then expanded through a systematic search. Institutional reports are treated as data on implementation, not as definitive truths, and their official figures are interpreted in conjunction with the findings of independent research. For example, the “resolved” status assigned to most complaints filed by migrant workers (Wahyudi, 2022) does not necessarily mean that the workers received redress.

## **C. Data Collection Methods**

Data were collected through document analysis and a literature review. Literature searches were conducted in Scopus, Web of Science, Google Scholar, and ScienceDirect. Five keyword combinations were used: “Indonesian migrant workers” AND “protection policy”; “migrant workers” AND “Islamic economics”; “migrant workers” AND “maqasid al-shariah”; “labor protection” AND “Islamic economics”; and “migrant workers” AND “social justice.” Each combination was applied to titles, abstracts, and keywords, both in English and their Indonesian equivalents, such as “Indonesian migrant workers,” “Islamic economics,” “maqashid,” and “social justice.” SINTA-indexed articles were accessed via Google Scholar and the Garuda Portal, as SINTA itself is a ranking system, not a search database. The results were supplemented by a review of the reference lists and further citations of key articles (snowballing), as well as direct searches for documents on the BP2MI/KP2MI, ILO, and IOM websites.



Articles were included if they were scholarly works on Indonesian migrant workers (PMI) or migrant workers related to Islamic economics, maqāṣid, or justice; discussed labor protection; and were published between 2020 and 2026. Foundational works outside this timeframe were eligible for inclusion if identified through snowballing and cited repeatedly. Articles that are irrelevant, duplicates, consist of non-academic opinions, or lack a clear methodology are excluded. The selection process proceeds in stages according to PRISMA: removal of duplicates based on DOI and title, screening of titles and abstracts, followed by evaluation of the full text with reasons for exclusion documented. In the final stage, each article is assessed to determine whether it has undergone peer review, whether its methodology is described as “,” and whether its findings address at least one of the protection dimensions under analysis.

#### **D. Analysis Techniques**

The analysis was conducted in layers. The first stage involved content analysis of primary documents and selected articles (Elo & Kyngäs, 2008). Coding followed the chain: Regulation → Protection → Justice → Humanity → Maṣlaḥah → Outcome. The “Regulation” code identifies norms or policies governing protection, including who is covered and who is excluded. The “Protection” code identifies the forms of protection promised—whether legal, economic, social, or safety-related—during the pre-placement, placement, and post-placement stages. The “Justice” code assesses compliance with ‘adl, iḥsān, and the prohibition against ḡlūm, such as the clarity of contracts, fair wages, and exploitative practices. The Humanity Code assesses respect for human dignity—specifically, freedom from violence, human trafficking, and degrading treatment. The Maṣlaḥah Code evaluates the impact on the well-being of workers and their families. The Outcome Code captures evidence of actual results in the field—such as wages paid or cases resolved—as well as the extent to which these outcomes deviate from established norms. The codes were developed prior to the conceptual framework, but new codes may still emerge if findings are not accommodated. A similar approach was used by Hakim and Havez (2020) and Humaira et al. (2025) in their analysis of documents, whereas Rohim et al. (2024) conducted a descriptive analysis of legal sources and literature.

The second stage is thematic analysis. Codes are grouped into themes through the six phases outlined by Braun and Clarke (2006), ranging from familiarizing oneself with the data to writing up the results; themes are then compared across documents and articles to distinguish recurring patterns from isolated findings. The third stage is policy gap analysis. Each dimension of protection was compared at the levels of design, implementation, and outcomes; gaps were then categorized by nature: adequacy of norms, scope of coverage, implementation, outcomes for workers, and sensitivity to



gender and vulnerability. The fulfillment of each dimension was assessed at three levels—fulfilled, partially fulfilled, or not fulfilled—accompanied by supporting evidence.

The fourth stage summarizes everything in a maqāṣid-based matrix. The matrix contains four columns: policy dimensions, forms of protection, Sharia principles, and gap findings. The dimensions assessed are wages (income protection, ḥifẓ al-māl), safety (protection of health and life, ḥifẓ al-nafs), contracts (contractual certainty, ‘adl), legal aid (access to justice, maṣlaḥah), social security (social protection, maṣlaḥah), rights literacy (education and legal literacy, ḥifẓ al-‘aql), and dignity (humane treatment and nondiscrimination, ḥifẓ al-‘ird). Each row brings together norms as primary data with evidence of implementation as secondary data, then evaluates them using relevant Sharia principles. This matrix serves as the basis for answering the third research question and formulating a policy model for the fourth question.

To ensure validity, coding definitions were established in writing prior to coding; every selection and coding decision was recorded as an audit trail; some data were recoded at different times to test for consistency; and claims regarding implementation were cross checked against official documents and independent research. This study does not involve human subjects. Its limitations must be stated clearly. The findings depend on the quality and scope of published sources, including the possibility of publication bias. The search was limited to Indonesian and English. Assessment using maqāṣid involves interpretation, which we sought to minimize through explicit operationalization.

## RESULTS AND DISCUSSION

The results are presented as a synthesis of policy documents and findings from previous studies that passed the selection process, evaluated using the criteria outlined in the literature review section and the matrix in the methods section. Since this study did not collect field data, any statements regarding on-the-ground realities refer to the sources that reported them. Where the literature has not provided evidence, this is stated explicitly.

### A. The Evolution and Landscape of Policies on the Protection of Indonesian Migrant Workers in Indonesia

This section traces the development of policies for the protection of migrant workers, from the period prior to Law No. 18 of 2017 to the latest policy and institutional developments.

#### 1. Regulatory Developments.

Prior to 2017, the placement and protection of migrant workers were governed by Law No. 39 of 2004. Wahyudi (2022) assesses that this law placed greater emphasis on placement than on protection. The enactment of Law No. 18 of 2017 marked a shift in

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orientation, and this shift is evident in three areas. First, regarding the purpose, as Article 3 establishes the guarantee of human rights and the fulfillment of the legal, economic, and social needs of migrant workers and their families as the guiding principles of protection (Hakim & Havez, 2020). Second, in terms of structure, as Article 7 divides the state's responsibilities into the pre-employment, during-employment, and post-employment phases, with detailed obligations outlined in Articles 21 and 24 (Wahyudi, 2022). Third, regarding the division of roles, as this law strengthens the authority of local governments and labor attachés (Wahyudi, 2022). At the regulatory level, Minister of Manpower Regulation No. 4 of 2023 replaces Minister of Manpower Regulation No. 18 of 2018 regarding social security (Yuliastuti & Susetyo, 2024), while the criminal law framework is strengthened through the Law on the Eradication of Human Trafficking and the National Criminal Code (Taufan, 2026). Normatively, the shift from a placement-oriented approach to one focused on protection is indeed evident. Hamonangan (2025) points out that such protection is only fully effective when all parties genuinely implement it.

## **2. Institutional Developments.**

The landscape of stakeholders is quite complex. BP2MI, now structured as a ministry (KP2MI), oversees placement and protection. Local governments play a role at the source, such as the Lampung Provincial Department of Manpower, which conducts outreach, verifies agencies, and collaborates with destination countries (Azizah et al., 2025). Indonesian diplomatic missions serve as the frontline in destination countries. In the case of the abuse of migrant workers in Malaysia discussed by Wahyudi (2022), the Indonesian Embassy transported the victims to a hospital, reported the incident to local police, and sent a note to the Malaysian Ministry of Foreign Affairs. On a broader level, protection relies on bilateral and multilateral diplomacy (Rohim et al., 2024) as well as regional forums such as the ASEAN Forum on Migrant Labor (Humaira et al., 2025). Placement agencies and recruiters—some of whom operate illegally—are both a source of risk and the subject of oversight (Azizah et al., 2025; Romli & Rahayu, 2024). Social security institutions are established under Ministry of Manpower Regulation No. 4 of 2023 (Yuliastuti & Susetyo, 2024). The roles of financial institutions and civil society organizations are scarcely discussed in the analyzed corpus, with the exception of cross-border advocacy and digital fiqh education mentioned by Chanifah et al. (2026). Coordination among stakeholders repeatedly emerged as a recommendation (Azizah et al., 2025; Tohawi et al., 2024), indicating that the presence of many actors does not automatically guarantee integrated protection.

## **3. Protection according to the migration cycle.**

Protection is mapped across three stages of the migration cycle. Before departure, protection relies on information, training, health screenings, placement agreements, and



proper documentation (Wahyudi, 2022). At this stage, the greatest risk stems from recruiters, who—in non-procedural cases—demand money as a departure fee, a practice categorized as extortion by Romli and Rahayu (2024). During employment, the state's obligations include registration by Indonesian diplomatic missions, monitoring of employers, legal assistance, and facilitating the resolution of cases (Wahyudi, 2022). Challenges include bureaucracy, low awareness of rights, and limited support in the destination country (Tohawi et al., 2024), compounded by differences in legal systems between countries (Rohim et al., 2024). Upon return, Article 24 governs repatriation, the resolution of unfulfilled rights, rehabilitation, and reintegration (Wahyudi, 2022). This stage appears to be the most loosely defined. Azizah et al. (2025) identify post-placement protection as a weak point, while Rambe and Hasanah (2026) demonstrate how families—especially children—bear the consequences.

#### **4. Evaluation of regulatory changes.**

Do regulatory changes result in substantive changes, or is there still a gap between norms and implementation? The answer is mixed. In terms of norms and institutional frameworks, the changes are evident—from the objectives of the law and the three stages of protection to the strengthening of the roles of local governments and representatives. However, regarding oversight, access to justice, economic protection, and social protection, the evidence indicates that a significant gap remains. The criminal framework is deemed adequate but weak in implementation (Taufan, 2026), and social security benefits are utilized by only a small fraction of workers. Regarding migrant workers' bargaining power, changes are the hardest to demonstrate. Chanifah et al. (2026) found a gap between normative knowledge of rights and the realities faced by migrant workers—a sign that new norms have not automatically transformed workers' bargaining power. The most fundamental issue lies not in the content, but in the scope. The Migrant Workers Protection Act is deemed to fail to regulate protection rights for non-procedural migrant workers (Manik et al., 2026), leaving some workers outside the updated framework.

### **B. Mapping the Vulnerabilities and Risks Faced by Migrant Workers**

Vulnerability is understood here as a condition that increases the likelihood that migrant workers will be exploited, lose their rights, or experience a decline in their well being—not merely low income. Four dimensions are distinguished for analytical purposes, although in the lives of workers, these four are intertwined.

1. **Economic vulnerability.** Complaints recorded at complaint centers include unpaid wages, wage deductions exceeding legal limits, and job scam schemes (Wahyudi, 2022). Upstream, recruitment agent fees add to the financial burden before workers even begin their jobs (Romli & Rahayu, 2024). Downstream, households rely on



remittances. Remittances from migrant workers reached Rp251.1 trillion in 2024, with more than 60 percent coming from female migrant workers (Masykuroh et al., 2025). The question of whether migration truly improves well-being remains unanswered. Janwari et al. (2024) found both positive and negative impacts, while Masykuroh et al. (2025) found that the well-being of female migrant workers is only fulfilled in terms of material and intellectual aspects. Thus, migration provides income, but does not always translate that into comprehensive well-being.

2. **Legal Vulnerability.** Document status serves as a dividing line. Legal protection tends to be granted only to migrant workers with valid documents, leaving undocumented workers with almost no access (Immadudin, 2024; Rahayu et al., 2024). Even for those with valid documents, the contracts and legal assistance outlined on paper are difficult to enforce. Tohawi et al. (2024) note inefficient bureaucracy and low awareness of rights, while in human trafficking cases, restitution is rarely sought and referrals to law enforcement are weak (Taufan, 2026). Language barriers and access to the courts in the destination country are rarely addressed in the sources reviewed.
3. **Social vulnerability.** The strongest evidence pertains to families. Children of migrant workers in West Bihah experience suboptimal foster care and educational vulnerabilities (Rambe & Hasanah, 2026). Women bear the dual role of worker and mother or wife (Wardiono & Izziyana, 2018), and factors such as divorce also drive them to migrate (Janwari et al., 2024). Social isolation, discrimination, and weak social networks in destination countries are mentioned less frequently, so this dimension still requires additional empirical evidence.
4. **Humanitarian vulnerability.** Safitri and Wibisono (2023) identified threats primarily to the personal safety and health of migrant workers. Complaints analyzed by Wahyudi (2022) included employer violence, illness, accidents, human trafficking, and passport retention. Indonesia has remained in Tier 2 of the U.S. Trafficking in Persons Report from 2015 through 2024, with weaknesses in recruitment oversight and the restoration of victims' rights (Taufan, 2026). Kusumawati (2024) links some of these risks to women's poverty, which drives migration and makes them targets of human trafficking.

These four dimensions reinforce one another. The chain proposed in this article is as follows: high migration costs, debt, dependence on employment, low bargaining power, difficulty in resisting exploitation, limited access to justice, and an increased risk of violence. It should be noted that this chain is the author's analytical construct. Its components are supported by separate findings—such as recruitment fees (Romli & Rahayu, 2024), difficulties in accessing the legal system for undocumented migrants (Immadudin, 2024), and violence against workers (Wahyudi, 2022)—but no study in the



literature has yet examined the chain in its entirety. Consequently, economic vulnerability is more accurately understood as an entry point that amplifies legal, social, and humanitarian vulnerabilities, rather than as a standalone dimension.

### C. Policy Evaluation Based on the Principle of Justice ('Adl)

The question is: Does the protection system create fair labor relations among migrant workers, employers, agencies, and the state? The criteria are drawn from the concept of 'adl in Section 6, namely clarity of the contract, fair and timely wages, and the prohibition of zulm.

1. **Recruitment justice.** Recruitment justice demands reasonable costs, accurate information, and freedom from extortion. The reality reported in the literature is far from this ideal. Recruiters demand money as a departure fee (Romli & Rahayu, 2024), oversight of illegal agencies remains a challenge (Azizah et al., 2025), and the majority of undocumented migrant workers depart through unmonitored channels—a figure estimated by Manik et al. (2026) to be approximately 4.3 million people. From the perspective of 'adl, workers who bear the costs and risks of recruitment while lacking legal protection are in the most vulnerable position.
2. **Wage justice.** A fair wage, according to Ilham and Dani (2025), is one that is commensurate with the work, sufficient to meet basic living needs, and paid clearly and on time. Complaints regarding unpaid wages and deductions exceeding regulations (Wahyudi, 2022) indicate that these standards have not been consistently met. Handayani and Karjoko (2025), although studying domestic workers, provide a relevant framework. A minimum wage approach lacking contextual fairness and strong enforcement fails to achieve a balanced labor relationship, and the principle of ḥifẓ al-māl has not yet been adopted as a legal paradigm for wage regulation. Throughout the review, the term “wage theft” is rarely used in Indonesian literature on migrant workers, even though the reported practices—namely, unpaid wages and wage deductions—fall under that category.
3. **Contractual justice.** The law requires employment agreements to specify working hours, wages and payment procedures, as well as leave entitlements (Wahyudi, 2022), in line with the requirement for contractual clarity in ijārah (Hakim & Havez, 2020; Ilham & Dani, 2025). The problem lies in enforcement and understanding. Contracts that workers do not understand, or that do not match the actual work performed, are difficult to challenge, especially if workers are unaware of their rights (Chanifah et al., 2026; Tohawi et al., 2024).
4. **Equitable access to justice.** Standards provide for legal aid, mediation, and advocacy (Wahyudi, 2022). However, complaint data only reflect recorded cases. Approximately 97 percent of the 37,113 complaints filed from 2011 to 2018 were



marked as “resolved” (Wahyudi, 2022), but this status does not indicate whether wages were ultimately paid or whether victims received redress. In human trafficking cases, restitution is rarely sought, and the data is fragmented (Taufan, 2026). Thus, access that appears broad on paper does not necessarily translate into tangible redress.

5. **Distributive justice regarding risk.** The risks of migration are not distributed according to one’s ability to bear them. Workers bear recruitment fees at the outset (Romli & Rahayu, 2024), workplace risks and violence during their time abroad (Safitri & Wibisono, 2023), and the risk of unfulfilled rights upon return (Azizah et al., 2025). The state and the host country bear a smaller share, as evidenced by the low rate of social security claims, which amount to only about 9.5 percent of contributions (Yuliasuti & Susetyo, 2024). Rawls (1971) demands that inequalities benefit the least advantaged. This distribution of risk moves in the opposite direction.
6. **Fairness in bargaining power.** Migrant workers need the ability to understand contracts, negotiate working conditions, resist exploitation, file complaints, and seek redress. Chanifah et al. (2026) demonstrate that education in digital labor fiqh can strengthen legal literacy, rights awareness, and negotiation skills. These findings suggest that bargaining power is not merely a matter of norms, but also of knowledge and access.

#### D. Analysis of Migrant Workers’ Protection Based on the Principle of Maṣlaḥah

This section assesses whether migration policies yield broad benefits for migrant workers, their families, society, and the state, using indicators of protection, well-being, safety, income, and the sustainability of family well-being.

1. **Maṣlaḥah for Migrant Workers.** The most obvious benefit is income. Wardiono and Izziyana (2018) and Janwari et al. (2024) show that migration provides income that is difficult to obtain domestically. However, decent work, safety, and legal protection are far more difficult to ensure. The informal sector accounted for approximately 78 percent of placements from 2014 to 2018 (Wahyudi, 2022); complaints of violence and unpaid wages persist; and access to protection remains uneven. Capacity building stands as the only area showing significant promise, as evidenced by the findings of Chanifah et al. (2026).
2. **Benefits for families.** Remittances flow into family consumption, education, and health (Janwari et al., 2024). However, the impacts are varied. Rambe and Hasanah (2026) found that children left behind face suboptimal substitute care and misuse of remittance channels, while Masykuroh et al. (2025) found that ḥifẓ al-naṣl has not been optimally fulfilled. The sustainability of remittance benefits therefore depends on their management, not just their amount.



3. **Maṣlaḥah for the country.** The country's benefits from migration take the form of remittances and foreign exchange. Remittances from migrant workers amount to approximately USD 14.22 billion per year (Tohawi et al., 2024), and labor migration helps alleviate unemployment pressures (Wardiono & Izziyana, 2018). Improvements in the quality of the workforce and the economic contributions of the diaspora were not examined in the corpus and therefore cannot yet be assessed.

Remittances should not be the sole indicator of success. Remittances of Rp251.1 trillion in 2024 coexist with the only partially fulfilled well-being of female migrant workers (Masykuroh et al., 2025) and protections that have not yet reached all workers. Migration that generates high remittances but is accompanied by violence, exploitation, or a loss of dignity cannot be considered to fully produce maṣlaḥah.

## E. Policy Analysis Based on Maqāṣid al-Sharī'ah

### 1. Ḥifẓ al-Nafs: Protection of Migrant Workers' Safety

Starting with this section, each dimension of the maqāṣid is assessed using evaluative questions formulated in the literature review. For ḥifẓ al-nafs, the question is: Is there monitoring of working conditions and handling of violence, health issues, and human trafficking before victims emerge?

Regarding occupational safety and health, the risks are quite clearly documented. Safitri and Wibisono (2023) identified threats to the personal safety and health of migrant workers, and the complaints compiled by Wahyudi (2022) included illnesses and workplace accidents. Regulations provide for monitoring of working conditions by Indonesian representatives (Wahyudi, 2022), but access to health services and mental health protection have not been examined separately in the corpus.

Violence by employers is among the recorded complaints (Wahyudi, 2022), and the handling of abuse cases in Malaysia demonstrates that consular protection can be effective after an incident occurs. The issue lies in prevention. The criminal framework is considered adequate but its enforcement is weak (Taufan, 2026). Psychological and sexual violence are rarely addressed separately in the sources reviewed.

Exploitative recruitment and human trafficking are the most well-documented threats. Taufan (2026) notes a Tier 2 designation from 2015 to 2024, citing weak oversight of recruitment, case referrals, and restitution. Non-procedural migrant workers dispatched by recruiters can be categorized as victims of human trafficking (Romli & Rahayu, 2024), and passport confiscation is among the documented complaints (Wahyudi, 2022). Kusumawati (2024) views these crimes as serious from both an Islamic and a human rights perspective.

Women, domestic workers, and low-skilled workers face multiple layers of risk. The informal sector, which is dominated by low-educated domestic workers (Wahyudi,

2022), tends to fall outside the scope of oversight (Tohawi et al., 2024). Baskoro (2024) refers to structural barriers for female migrant workers as a “glass ceiling,” and Masykuroh et al. (2025) found that the psychological well-being of female migrant workers remains inadequately addressed. High-risk sectors are not discussed separately.

The answer is, to some extent. Regulations provide for monitoring and enforcement, and the case in Malaysia demonstrates that consular protection can be effective. However, the focus is on prevention, and cross-border monitoring that detects dangers before victims are harmed remains a major weakness. The protection of migrant workers is not only about their ability to earn an income but also the obligation to ensure that the process of earning that income does not jeopardize their safety.

## 2. *Ḥifẓ al-Māl*: Economic Protection for Migrant Workers

The evaluative questions are: Are wages paid in full, are placement fees reasonable, are remittances secure, and can social security benefits actually be claimed?

The certain and timely payment of wages is stipulated in employment contracts (Wahyudi, 2022) and is an obligation under Islamic economic law (Ilham & Dani, 2025). Reported practices—such as unpaid wages and deductions exceeding legal limits (Wahyudi, 2022)—essentially constitute “wage theft,” a term rarely used in Indonesian literature on migrant workers. Handayani and Karjoko (2025) note that the principle of *ḥifẓ al-māl* has not yet been adopted as a legal framework for wage regulation.

Fees charged by recruiters as “departure costs” constitute extortion (Romli & Rahayu, 2024), and oversight of illegal agencies remains weak (Azizah et al., 2025). The amounts of placement fees ( ), administrative costs, and migration debt have not been measured in the corpus; thus, assessments of these dimensions are still based on limited evidence.

Remittances also require protection. Rambe and Hasanah (2026) found misuse of remittance channels and therefore recommended secure mechanisms. Transfer fees and access to remittance services are not discussed in the corpus. Productive use has also not been proven, as large remittances do not always translate to comprehensive well-being (Masykuroh et al., 2025).

Social security is the only financial service examined, and the results are less than encouraging. Only 766 claims totaling Rp27 billion were recorded from 2017 to 2022, compared to contributions of Rp283 billion (Yuliastuti & Susetyo, 2024). Bank accounts, sharia savings, and productive financing have not been examined in the reviewed literature; therefore, the role of sharia financial institutions is proposed in the recommendations section.

The chain analyzed consists of migration costs, debt, employment dependence, vulnerability to exploitation, the ability to save or send remittances, and family well-being. Like the vulnerability chain in 4.2.5, this chain is an analytical construct whose components are supported by separate findings. The first point—upfront costs and fees—appears to determine the rest of the chain. When workers begin their jobs already burdened by these costs, their ability to save and send money—the very goals of migration—is eroded.

The answer is, only partially. Wages are regulated and mandated, but enforcement does not yet guarantee that wages are paid in full. Unreasonable levies have been documented, remittance channels are misused, and social security is available but rarely claimed. Thus, asset protection exists on paper but has not yet fully reached the workers.

### **3. Ḥifẓ al-‘Aql: Protecting Migrant Workers’ Capacities and Knowledge**

The evaluative question is: Do migrant workers acquire sufficient legal, financial, and digital literacy to assert their rights? Baskoro (2024) assesses that the Migrant Workers Protection Act (UU PPMI) aligns with ḥifẓ al-‘aql; thus, the test lies in whether that alignment is reflected in the workers’ capabilities.

Information and knowledge serve as tools to strengthen bargaining power and reduce information asymmetry among workers, agents, and employers. Tohawi et al. (2024) identify low awareness of rights as a barrier to enforcement, and Chanifah et al. (2026) find a gap between normative knowledge of rights and the realities faced by migrant workers. Understanding of contracts and information regarding workers’ rights therefore remains a weak point.

Financial and digital literacy receive less attention. Chanifah et al. (2026) demonstrate that digital-based education in labor law can expand legal literacy, strengthen rights awareness, and equip migrant workers with negotiation skills. Financial literacy is not directly measured in the corpus, but the misuse of remittance channels (Rambe & Hasanah, 2026) suggests that the need for it is real.

Pre-placement training is mandated by law (Wahyudi, 2022). However, the measure of its success lies not in the mere presence or absence of training, but in workers’ ability to read contracts, manage remittances, and utilize complaint channels—and these abilities have not been demonstrated in the sources reviewed.

The answer is, to some extent. Regulations provide space for training and information, but evidence shows that migrant workers’ literacy is not yet sufficient to effectively assert their rights. Within this framework, knowledge is positioned as an instrument to strengthen bargaining power, not merely as a supplement.



#### 4. **Ḥifẓ al-Nasl: Protection of Migrant Workers' Families**

The evaluative question is: Are the well-being of families and the care of children left behind also protected? At the normative level, Baskoro (2024) assesses that the PPMI Law aligns with ḥifẓ al-nasl, and Article 3 does indeed designate migrant workers' families as beneficiaries of protection (Hakim & Havez, 2020).

The reality on the ground is more complex. Rambe and Hasanah (2026) found that children of migrant workers in West Bilah experience suboptimal alternative care, educational vulnerabilities, and social risks, including child marriage.

The impact on family well-being is also multifaceted. Janwari et al. (2024) found that female migration has both positive and negative effects on family well-being, and Masykuroh et al. (2025) found that ḥifẓ al-nasl has not been optimally fulfilled for female migrant workers. Remittances flow toward family education and health, but their benefits depend on safe and productive management (Rambe & Hasanah, 2026).

Reintegration is regulated under Article 24 (Wahyudi, 2022), but post-placement protection remains a weak point (Azizah et al., 2025). Support for left-behind families is virtually absent in the policies reviewed.

The answer is, only partially. Families are recognized in the norms, but tangible protections for child care and the sustainability of family life after migration have yet to be demonstrated. The success of migration policies, therefore, cannot be adequately assessed based solely on the conditions of migrant workers in the destination country.

#### 5. **Ḥifẓ al-Dīn: Protection of Migrant Workers' Beliefs and Moral Values**

The evaluative question is: Can migrant workers practice their beliefs and have their moral values respected in the workplace? This dimension is the least addressed in the policies and literature reviewed, making its assessment the most limited.

Freedom to practice one's beliefs is only briefly addressed in the literature. Wahyudi (2022) includes the right to perform religious rituals as a fundamental right of workers according to Islam, and Hakim and Havez (2020) identify human freedom as one of the principles of worker protection. In the corpus examined, no policy provisions were found that specifically guarantee the freedom of worship for migrant workers in the workplace. Due to differences in legal systems across countries (Rohim et al., 2024), such guarantees likely depend heavily on the destination country.

Regarding respect for moral values, the available evidence is very limited. Masykuroh et al. (2025) found that ḥifẓ al-dīn has not been optimally fulfilled among female migrant workers from East Java. This finding is the only empirical measure in the corpus for this dimension and cannot yet be generalized to all migrant workers.

Consequently, a definitive assessment cannot yet be made. The evidence is limited, and that in itself is a finding. The inclusion of ḥifẓ al-dīn in the analytical framework

is useful for highlighting gaps not visible through standard legal measures, and it serves as an agenda for further research.

## 6. *Ḥifẓ al-‘ird*: Protection of Migrant Workers’ Dignity

The evaluative question is: Are PMI, including non-procedural ones, treated as subjects of rights with dignity, and as victims when exploited? *Ḥifẓ al-‘ird* is used here as an additional dimension, as some scholars of *usul* include it as the sixth necessity alongside the five classical primary necessities.

The evaluative question is: Are migrant workers—including those in non-procedural situations—treated as subjects of rights with dignity, and as victims when exploited? *Ḥifẓ al-‘ird* is used here as an additional dimension, as some scholars of *usul al-fiqh* include it as the sixth necessity alongside the five classical primary necessities.

At the normative level, dignity holds a clear place. The law prohibits human trafficking, slavery, forced labor, violence, and crimes against human dignity (Hakim & Havez, 2020). Islamic law also emphasizes the equality of human status (Wardiono & Izziyana, 2018).

The real test lies with the most vulnerable workers. Legal protection tends to be granted only to migrant workers with valid documentation (Immadudin, 2024; Rahayu et al., 2024), and the Migrant Workers Protection Act (UU PPMI) is deemed to lack provisions safeguarding the rights of undocumented migrant workers (Manik et al., 2026). In fact, workers sent abroad by recruiters can be categorized as victims of human trafficking (Romli & Rahayu, 2024), and passport confiscation is among the documented complaints (Wahyudi, 2022).

Human trafficking, violence, and degrading treatment damage a person’s dignity, and such damage is difficult to restore through monetary compensation alone (Kusumawati, 2024; Taufan, 2026). A worker’s dignity should not depend on the completeness of their documents.

The answer is that this requirement has not yet been met for non-procedural migrant workers. The norm prohibits degrading treatment, but its scope leaves some workers outside the scope of protection, making this dimension the sharpest tool for criticism within the *maqāṣid* framework.

## F. Implications and Policy Recommendations

Recommendations are derived from the gaps identified in the previous section. For Islamic financial institutions, the empirical basis remains limited; therefore, recommendations in this sector are presented as proposals that require further testing.

1. **Government.** The government needs to strengthen oversight of recruitment and illegal agencies, expand the scope of protection to include non-procedural migrant

workers, and broaden social protection so that compensation claims do not result in low payouts. Complaint mechanisms and legal aid should be evaluated based on the compensation received by victims, not on whether a case is closed. Protection diplomacy, bilateral cooperation, and cross-border oversight must be strengthened through coordination between central and local governments, supported by an integrated migrant worker data system, given the fragmented nature of case data (Taufan, 2026). Gender-based protection must be mainstreamed due to the multiple layers of vulnerability faced by female migrant workers (Masykuroh et al., 2025).

2. **Recruitment agencies.** Recruitment agencies must be transparent regarding fees and contracts, provide accurate information, verify employers, prohibit exploitation, and establish accountability mechanisms for violations. These practices address the reported extortion and illegal fees at the source (Romli & Rahayu, 2024).
3. **Sharia financial institutions.** Proposals include safe and reasonably priced remittance services, Sharia savings accounts, productive financing, transaction protection, and financial literacy tailored to the needs of migrant workers and their families. The empirical basis is limited to findings on the need for safe remittance mechanisms (Rambe & Hasanah, 2026); therefore, the effectiveness of other proposals needs to be tested in further research.
4. **Migrant Workers.** Migrant workers need to improve their legal and financial literacy, understand contracts as well as their rights and obligations, utilize complaint channels, and plan the productive use of remittances. This burden should not be placed on workers alone. Education, as outlined by Chanifah et al. (2026), needs to be provided by the state and other stakeholders.
5. **Migrant Workers' Families.** Families need to improve their literacy in managing remittances, develop financial plans, allocate a portion of remittances toward productive investments and their children's education, and prepare for the migrant workers' reintegration. Findings regarding child care and the misuse of remittance channels (Rambe & Hasanah, 2026) indicate that families also require guidance.

## CONCLUSION

Based on an analysis of policies protecting Indonesian migrant workers, it can be concluded that although national regulations have undergone significant evolution—shifting from an emphasis on placement toward the protection of human rights and social justice—their implementation still faces various challenges. Empirical evidence of policy implementation reveals a gap between legal norms and on-the-ground realities, particularly regarding the economic, social, and legal protection of migrant workers. This gap is exacerbated by factors such as inter-agency coordination, workers' understanding of their rights, and the accessibility of protections in the destination country.

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An in-depth discussion reveals that to achieve fair and just protection—both economically and in humanitarian terms—policies must be grounded in the principles of *maqāṣid al-sharī'ah*, such as safeguarding life (*‘adl, ḥifẓ al-nafs*), wealth (*ḥifẓ al-māl*), and reason (*ḥifẓ al-‘aql*). Policy models based on Islamic economics need to be strengthened through an approach that emphasizes gender justice, the protection of human rights, and the enhancement of the roles and coordination of various relevant actors, including the central and local governments, placement agencies, Islamic financial institutions, and the destination countries of migrant workers. Increasing awareness, access to information, and advocacy for migrant workers' rights are also urgent priorities to reduce their vulnerability and holistically improve their well-being.

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