

## Analysis of the Role of P4MI Sidoarjo in Case Labor Contract Violations in Malaysia

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Article Info :	ABSTRACT
Accepted: 10-07-2025	The increasing trend of Indonesian labor migration to Malaysia has heightened concerns about workplace violations and inadequate protection mechanisms. This study analyzes the role of the Indonesian Migrant Workers Protection Service Center (P4MI) Sidoarjo in handling work contract violations against Indonesian Migrant Workers (PMI) in Malaysia. This study uses a qualitative approach with in-depth interview methods with P4MI officers, former PMI victims of contract violations, and analysis of internal documents and relevant regulations. The findings indicate that P4MI Sidoarjo is responsive to complaints and effectively mediates disputes neutrally and inclusively. However, challenges such as limited human resources, pressure from placement companies, limited cross-border access, and weak post-case reintegration programs still hamper the effectiveness of comprehensive PMI protection. Based on the human security framework and Law No. 18 of 2017, this study emphasizes the importance of strengthening institutions, increasing the capacity of officers, and integrating cross-border and post-repatriation protection systems to ensure fair and sustainable protection for PMI.
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### INTRODUCTION

The phenomenon of Indonesian labor migration has become increasingly significant in the context of global economic development and technological advancement (Cahyaningtyas et al., 2023). Digital skills, technological literacy, critical thinking, and the ability to adapt to change are essential requirements in today's job market, alongside soft skills such as communication, collaboration, and effective time management (Cahyaningtyas et al., 2023). This situation has also driven an increase in workplace standards that are often perceived as unrealistic by some segments of Indonesian society. Amid this pressure, the situation is exacerbated by the budget efficiency policies of Indonesia's newly elected president, Prabowo Subianto, which are predicted to impact job opportunities and the quality of life for citizens (Zaenuddin, 2025). This phenomenon has sparked a trend of people flocking to seek job opportunities

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or study abroad, with the hashtag #KaburDuluAja going viral on social media (Zaenuddin, 2025).

Indonesian Migrant Workers (PMI) represent a crucial component of Indonesia's economic landscape, contributing significantly through remittances while facing substantial protection challenges (BP2MI, n.d.). PMI a term that has replaced the term Indonesian migrant workers (TKI) in favor of more humane diction are Indonesian citizens who work abroad and receive wages from employers in their destination countries (Pemerintah Indonesia, 2017). PMIs have become important contributors to the country, both in terms of remittances and the socio-economic impact on their families and communities. The majority of countries where PMIs are located are in the Asian region, including Malaysia, Singapore, Taiwan, and Hong Kong (Data et al., n.d.).

The vulnerability of PMI, particularly women working as domestic workers, has become a pressing concern requiring a systematic institutional response (Amnesty International, 2020). Although opportunities for overseas employment are widely available through official channels such as independent, P to P, G to G, G to P, and UKPS, various challenges continue to loom over migrant workers, especially women working as domestic workers (ART) (Pemerintah Indonesia, 2017). Many of them face violence, discrimination, and violations of fundamental rights such as leave and fair wages. Malaysia, as one of the largest destination countries, has the highest number of complaints recorded, with 144 cases reported between January and March 2025, an increase from the previous year (Data et al., n.d.). These complaints include contract violations, unpaid wages, and immigration status discrepancies.

The Indonesian government has responded to these challenges through institutional reforms and legal frameworks designed to strengthen migrant worker protection (Pemerintah Indonesia, 2017). KP2MI, which has now been elevated to ministerial status following the inauguration of President Prabowo, carries out its role based on Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers (Pemerintah Indonesia, 2017). This law emphasizes strengthening the state's role in the placement process of Indonesian migrant workers, limiting the dominance of the private sector, and improving access to training, social security, and complaint mechanisms. KP2MI oversees implementing institutions at the regional level, such as BP3MI at the provincial level and P4MI at the city/district level. P4MI plays a crucial role in providing direct services to the public, including handling complaints from Indonesian migrant workers (BP2MI, n.d.).

This study employs securitization and human security theories to examine the protection of female migrant workers in Malaysia, particularly domestic workers (Tadjbakhsh & Chenoy, 2006). The theory of securitization is used to explain how migrant worker issues are viewed as a security threat. In contrast, human security emphasizes the importance of protecting the human rights and welfare of migrant workers (United Nations Development Programme, 1994). The research centers on a specific case study involving a migrant worker identified as SM, who filed a complaint with P4MI Sidoarjo in February 2025 regarding discrepancies between her Employment Agreement (EA) and actual working conditions in Malaysia, despite being administratively processed through P3MI Medan. This study examines the case handling process by P4MI Sidoarjo, from the clarification stage through mediation with P3MI to case resolution, demonstrating both the importance of regional institutions in protecting PMI and the real challenges faced by female migrant workers in achieving systematic and humane state protection.

#### RESEARCH METHOD

This study uses a qualitative descriptive approach to gain an in-depth understanding of social phenomena related to the protection of migrant workers, particularly in the context of violations of rights in employment contracts and the role and mechanisms of case handling by the Indonesian Migrant Worker Protection Service Post (P4MI) in Sidoarjo Sugiyono (2008). This research was conducted from February to May 2025, with a duration of four months, including data collection and analysis phases. This approach was chosen because it can describe the reality in the field in detail, contextually, and comprehensively. As explained by Sugiyono (2008), the qualitative descriptive approach emphasizes the meaning, process, and context of a social event, making it highly relevant for use in examining the issue of migrant worker protection.

The concept of migrant worker protection in this study refers to a set of policies, legal mechanisms, and intervention programs designed to ensure that the rights of migrant workers are respected, protected, and fulfilled throughout the migration cycle—from pre-departure, while working in the destination country, to the return process and socio-economic reintegration (Taran, 2001). This protection is a shared responsibility between the country of origin, the destination country, international organizations, and non-state actors such as NGOs, labor unions, and local communities. Internationally, these principles of protection are affirmed in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), which states that all migrant workers,

regardless of their legal status, are entitled to humane, non-discriminatory, and equal treatment before the law (United Nations, 1990).

Betts (2011) divides the protection of migrant workers into two main dimensions, namely preventive protection and curative protection (Barthe & Betts, 2025). Preventive protection includes pre-departure education and training, oversight of recruitment agencies, transparency in employment contracts, and legal and fair migration processes. Curative protection, on the other hand, includes easily accessible complaint mechanisms, legal assistance, psychosocial services, the provision of temporary shelters for victims of violence or exploitation, and reintegration programs for returning migrant workers (Barthe & Betts, 2025). This protection is also part of the human security agenda, which places migrant workers as individuals vulnerable to non-traditional threats such as human trafficking, forced labor, gender-based violence, and social exclusion (Barthe & Betts, 2025).

Institutionally, various international organizations such as the International Labor Organization (ILO) and the International Organization for Migration (IOM) have also established standards and guidelines for the protection of migrant workers (Taran, 2001). Some of these include ILO Convention No. 189 on Decent Work for Domestic Workers and ILO General Principles and Operational Guidelines for Fair Recruitment (2016), which emphasize the principles of fair recruitment and decent treatment, particularly for migrant workers in the informal sector.

The data used in this study consists of primary and secondary data (Miles & Huberman, 1994). Primary data was obtained through direct observation of the process of handling PMI complaints at P4MI Sidoarjo and in-depth interviews with P4MI staff directly involved in the process. The observation was conducted while the case handling process was still ongoing, so that the researcher could see firsthand how P4MI played a role in resolving violations of employment contracts. The interviews were conducted to gather more detailed information about the handling mechanism, the obstacles faced, and the protection strategies implemented by P4MI. Meanwhile, secondary data was collected through documentation studies from various written sources such as journal articles, online news, official document archives, and information from the official website of the Indonesian Migrant Workers Protection Agency (BP2MI) (BP2MI, n.d.). This secondary data was used to reinforce the findings from the observations and interviews, as well as to provide a broader context for the issues being studied.

All the data collected was analyzed using thematic analysis, by identifying and grouping the main themes that emerged from the data

collection process, whether from observations, interviews, or documentation (Miles & Huberman, 1994). The analysis process was conducted systematically through the stages of data reduction, data presentation, and conclusion drawing. To maintain data validity, the researcher also applied source triangulation techniques, which involve comparing information from various sources to ensure the consistency and validity of the findings obtained. With this approach, the study is expected to provide a comprehensive and in-depth understanding of the role of P4MI Sidoarjo in addressing cases of labor contract violations involving migrant workers, as well as the challenges faced in fulfilling its function as a migrant worker protection agency at the local level.

## RESULT AND DISCUSSION

Malaysia is a favored destination country for migrant workers seeking employment abroad, offering the most job opportunities as housemaids and caregivers (Data et al., n.d.). By working as a housemaid or caregiver, PMI will be facilitated with their life needs from housing, basic facilities, electricity needs, clean water needs, and other life support things without salary deductions and in accordance with what is written in the PK (Pemerintah Indonesia, 2017). The PK also explains the responsibilities that must be paid by the employer, such as salary wages in accordance with the nominal written, health insurance, routine medical checkup costs required, annual retribution, and other such document fees. Basically, the PK becomes a reference for how migrant workers must work, the work of migrant workers, the rights and obligations of migrant workers, the prohibitions and rules of migrant workers while working in the country, including the rules for employers, the rights and obligations of employers are all written in the PK as a guideline for migrant workers to work (Pemerintah Indonesia, 2017).

Even with a PK that has been regulated and described in full about PMI and employers, minor and major problems will still arise outside of non-procedural Trafficking in Persons (TPPO) cases (Hakim, 2023). Many factors can cause these problems, most of which come from human negligence, as explained by P4MI staff during the Pre-Departure Orientation (OPP) regarding the possibilities that can occur outside of the PMI's control. In the case raised for this research, PMI used the PK as a reference for the employer's non-compliance with its obligations. Therefore, PMI filed an official complaint with KP2MI through the Crisis Center, which will be processed in accordance with Law No. 18 of 2017 (Pemerintah Indonesia, 2017).

The research findings are based on the SM case, a 28-year-old domestic worker from Sidoarjo who filed a complaint with P4MI Sidoarjo in February 2025. SM experienced significant discrepancies between her Employment Agreement (EA) and actual working conditions in Kuala Lumpur, Malaysia. According to interviews with SM and P4MI officers, the main violations included: unpaid wages for three months (totaling approximately RM 1,800), working hours exceeding the agreed 8 hours per day (often working 14-16 hours), denial of weekly rest days as stipulated in the contract, and restriction of communication with family members.

Based on interviews with the Head of Complaint Handling Division at P4MI Sidoarjo, the case handling process began when SM's family contacted the office through the crisis hotline. "We received the complaint on February 15, 2025, and immediately initiated our standard protocol for contract violation cases," stated the division head. The case demonstrates both the capabilities and limitations of P4MI Sidoarjo's protection mechanisms.

### **Analysis of P4MI Sidoarjo's Role in Handling Contract Violation Cases in Malaysia**

#### ***Flow of case handling-Receiving complaints***

The first step taken by P4MI Sidoarjo in handling cases of violations against Indonesian Migrant Workers (PMI) is to receive complaints from the PMI themselves or the families they represent (BP2MI, n.d.). In SM's case, the complaint was initially filed by her sister, who contacted P4MI Sidoarjo through the 24-hour hotline service. According to the Case Officer interviewed, "The family was very distressed and provided us with WhatsApp screenshots and voice recordings as initial evidence of the violations."

These complaints usually cover various forms of labor contract violations, such as non-payment of proper wages, workloads that exceed agreed limits, and working conditions that deviate from the written agreement during the placement process (BP2MI, n.d.). In practice, complaints can be submitted directly by visiting the P4MI Sidoarjo office or indirectly through telephone calls, instant messages, or social media. Officers at P4MI then record all information related to the complaint administratively. The data collected includes the identity of the complainant, the identity of the PMI concerned, the location of the placement, the chronology of events, and any supporting documents, such as employment contracts, proof of conversation, or pay slips. After that, the officer explains the follow-up procedures that will be carried out, as well as the rights of PMI based on applicable regulations.

This stage is crucial because it is the entry point for the state's protection mechanism for its citizens working abroad (Pemerintah Indonesia, 2017). In a legal context, this step is in line with Article 40 letter a of UU No. 18/2017 on the Protection of Indonesian Migrant Workers, which states that "the government is obliged to provide reporting and complaint services for PMI and their families." In addition, Article 41 paragraph (1) of the same law emphasizes that the government is responsible for handling complaints and resolving problems faced by PMI (Pemerintah Indonesia, 2017). Furthermore, from a human security perspective, this process of receiving complaints is not only administrative but also reflects the state's commitment to ensuring the comprehensive protection of its citizens (Tadjbakhsh & Chenoy, 2006). The principle of freedom from fear should be the cornerstone of the interaction between the complainant and the officer. Therefore, P4MI must create a safe and comfortable reporting space, free from pressure, discrimination, or intimidation. Migrant workers or their families must feel confident that their complaints will be processed fairly and thoughtfully without any risk to their personal or social safety.

In reality, this aspect of psychological safety is often a significant consideration for families of migrant workers in deciding whether or not to report (Amnesty International, 2020). Fear of reprisals from the recruitment company, uncertainty about the outcome of the case, and trauma from a bad work experience are all obstacles. Therefore, the professionalism and empathy of P4MI officers are key elements in ensuring that every complaint is processed not only quickly and appropriately, but also with a humane and fair approach.

#### ***Clarification and Evidence Collection***

After the report is received and recorded administratively, the next step is for P4MI Sidoarjo to clarify the parties involved in the reported case (BP2MI, n.d.). This process involves active communication with various actors, including P3MI, One-Stop Integrated Services (LTSA), KP2MI, and, in some cases, also with employers abroad in coordination with Indonesian representatives such as the Indonesian Embassy (KBRI) or Labor Attaché (ATK) in Malaysia (BP2MI, n.d.).

This clarification is not only verbal but also supported by the collection of documents and supporting evidence (Miles & Huberman, 1994). Some of the documents typically collected include employment contracts, placement letters, proof of salary transfer, work visas, and correspondence between PMI and placement agents. All of this data serves as the objective basis for determining the extent to which a breach of contract has occurred and who should be held liable. The legal basis for this process is enshrined in

Article 41, paragraph (2) of UU No. 18/2017, which states that "The government may clarify and summon the relevant parties." Furthermore, Article 42 emphasizes the government's obligation to provide access to legal aid and assistance to PMI (Pemerintah Indonesia, 2017).

From a human security perspective, this clarification and evidence-gathering process must be carried out by upholding the human rights and dignity of PMI (Tadjbakhsh & Chenoy, 2006). One of the important principles in this stage is to maintain the confidentiality of personal data of PMI and their families, especially if the complaint is sensitive or has the potential to cause social pressure (Tadjbakhsh & Chenoy, 2006). In addition, P4MI officers are required to understand the cultural and social background of PMI, so that the approach taken is empathetic and does not cause new trauma to the victim. This sensitivity to social context is an integral part of protection that is oriented towards human security, not just administrative resolution.

#### ***Mediation and Dispute Resolution Stage***

If the information and evidence are sufficient, P4MI facilitates mediation between the disputing parties (Pemerintah Indonesia, 2017). Mediation can be done directly or through cooperation with other agencies such as the Labor Attaché in the destination country. If the mediation is successful, a settlement will be agreed upon, such as payment of the delayed salary or repatriation of the migrant worker to Indonesia. If no agreement is reached, the case will be referred to legal channels.

The legal basis for this process is stated in Article 41, paragraph (4), which mentions settlement assistance through deliberation or mediation, as well as Article 86 on the right of PMI to legal assistance (Pemerintah Indonesia, 2017). In the context of human security, mediation is a form of freedom to negotiate, which is a space for PMI to fight for their rights with dignity and legal and psychological security (United Nations Development Programme, 1994). Officers must ensure that no domination from the P3MI or employers can suppress PMI's bargaining position (Amnesty International, 2020).

#### ***Rehabilitation and Reintegration Stage***

After dispute resolution, migrant workers who are repatriated to Indonesia often face further problems such as social trauma, loss of income, and economic pressure (IOM, 2022). Therefore, P4MI collaborates with KP2MI, Social Services, and NGOs in providing rehabilitation and reintegration services. The programs include psychosocial assistance, job skills training, and temporary social assistance (IOM, 2022).

This provision is in accordance with Article 42 and Articles 69-70 of UU No. 18/2017, which mandate post-placement protection as the responsibility of the state (Pemerintah Indonesia, 2017). From a human security perspective, this service emphasizes freedom from want, which is the state's effort to prevent PMI from the economic downturn and social isolation that can arise after a rights violation case (Pemerintah Indonesia, 2017). This approach helps to rebuild the capacity of migrant workers to live fully as citizens (United Nations Development Programme, 1994).

### ***Evaluation and Prevention of Repeat Cases***

As a final step, P4MI evaluates and documents all cases handled (Pemerintah Indonesia, 2017). This evaluation becomes the basis for system improvements, such as labor recruitment governance reforms, strengthening legal education for prospective migrant workers, and taking action against problematic P3MI. Evaluation is also part of official reporting to KP2MI and central agencies (Pemerintah Indonesia, 2017). This stage is based on Articles 95 and 96 of Law No. 18/2017, which concern the reporting and supervision obligations of local and central governments. In the human security approach, this step supports long-term structural prevention efforts (United Nations Development Programme, 1994). Protection is no longer reactive, but proactive, by building a fair, safe, and human rights-based migration system.

### **Analysis of P4MI Sidoarjo in Handling**

Based on field observations and interviews conducted, this study found that P4MI Sidoarjo demonstrates both strengths and significant limitations in handling work contract violations experienced by migrant workers in Malaysia (Miles & Huberman, 1994). This study found that P4MI Sidoarjo plays a strategic role in handling work contract violations experienced by migrant workers in Malaysia, despite facing various limitations. Through the SM case analysis, P4MI showed good responsiveness with officers immediately recording complaints within 24 hours and initiating investigation procedures. However, interviews revealed that this responsiveness is hindered by limited staffing - the complaint handling division has only three officers to handle an average of 15-20 cases per month.

In terms of responsiveness, P4MI is considered quite responsive in receiving reports through direct and online channels (United Nations Development Programme, 1994). Officers immediately record, classify cases, and provide initial information to the reporter. However, interviews with

officers revealed that limited human resources significantly impact service quality. One officer stated, "We often work overtime to handle all incoming cases, and sometimes the follow-up is delayed because we are managing multiple cases simultaneously." The training received by officers also focuses primarily on administrative procedures rather than human security approaches or psychological support techniques.

The clarification process in SM's case demonstrated P4MI's capacity for thorough investigation, but also revealed systemic challenges (Miles & Huberman, 1994). While officers maintained neutrality and conducted comprehensive fact-finding, the Case Officer noted, "We sometimes face pressure from P3MI companies who try to influence our assessment of cases. There is also the challenge of verifying information across international boundaries, which requires extensive coordination with Malaysian authorities."

In the clarification process, officers generally maintain a neutral attitude and conduct investigations into related parties such as P3MI and migrant workers' families (BP2MI, n.d.). However, this neutrality is not always protected institutionally; there is pressure from the placement company that has the potential to affect objectivity. This condition highlights the need to enhance the capacity and safeguard the independence of P4MI officers.

SM's successful mediation highlighted P4MI's facilitation capabilities, but also exposed limitations in cross-border authority (Pemerintah Indonesia, 2017). The Head of Division explained, "Our success in this case was partly due to the cooperation of the Malaysian employer and the support from our Labor Attaché. However, in cases where foreign parties are uncooperative, our options become very limited." The mediation process, while inclusive and transparent, revealed the dependency on foreign cooperation for case resolution.

At the mediation stage, P4MI acts as a facilitator who bridges migrant workers, families, and related agencies in order to reach a peaceful resolution (Pemerintah Indonesia, 2017). Mediation is carried out inclusively and transparently, although its success is highly dependent on the cooperation of foreign parties, such as agents or employers in Malaysia. In many cases, when negotiations fail, P4MI can only transfer cases to higher authorities, indicating limited authority in a transnational context.

The most significant weakness identified through this research lies in the post-case support system (Hakim, 2023). While SM's case did not require repatriation services, interviews with a family representative of a previously repatriated PMI revealed, "After my daughter returned from Malaysia due to

abuse, P4MI helped with the initial process, but there was no follow-up support for job training or psychological counseling. She struggled to find work and eventually went overseas again through informal channels."

The main weakness lies in the reintegration and post-case recovery stage, where there is no systematic assistance program for repatriated migrant workers (Hakim, 2023). The lack of psychosocial services, job training, and economic assistance makes migrant workers vulnerable to unsafe remigration or re-entering the informal sector. In fact, from a human security perspective, failure to reintegrate is a failure to fulfill the freedom from want and right to live in dignity (United Nations Development Programme, 1994). The role of P4MI Sidoarjo has reflected the implementation of some principles of human security and migrant protection, especially in terms of initial responsiveness and dispute mediation. The SM case demonstrates P4MI's capacity for effective intervention when conditions are favorable, achieving resolution within three weeks. However, the research identified critical needs for institutional strengthening, enhanced cross-country coordination mechanisms, and comprehensive reintegration services to ensure sustainable and equitable protection for Indonesian migrant workers.

## CONCLUSION

This study concludes that P4MI Sidoarjo plays a strategic role in handling violations of PMI work contracts in Malaysia, especially in the early stages of reporting and mediation. The SM case demonstrates P4MI's capacity for rapid response and effective cross-border mediation, achieving successful resolution within three weeks of initial complaint filing. However, serious challenges arise from limited human resources, minimal human security-based training, and intervention from placement companies that can disrupt the neutrality of the process. In addition, significant weaknesses lie in the post-case reintegration stage, where there are no psychosocial assistance programs, job training, or structured economic support for PMI who have been repatriated.

From a human security perspective, protection for PMI should not stop at administrative resolution, but rather include comprehensive recovery that guarantees freedom from fear and deprivation. Therefore, it is necessary to strengthen P4MI institutions, improve cross-country coordination, and provide reintegration services as part of a sustainable and equitable national protection system for PMI.

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