



The Role of Labor Supervision in Suppressing the Practice of Human Trafficking in the Mode of Labor Recruitment

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Abstract

Trafficking in persons through the recruitment of workers is a form of human rights violations and complex transnational crimes. In the Indonesian context, weak labor supervision is often used by perpetrators to place workers in forced labor conditions. This article discusses the role of labor supervision as an instrument of prevention and enforcement, with reference to Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (PTPP Law), Law Number 13 of 2003 concerning Manpower (as amended by Law Number 6 of 2023), as well as international legal instruments such as the Palermo Protocol. This study uses a normative juridical method with a legislative and conceptual approach. The results of the study show that the effectiveness of labor supervision is still constrained by structural, substantial, and cultural factors, so it is necessary to strengthen regulations, human resource capacity, and coordination between agencies.

Keywords: *Labor Supervision; Trafficking in Persons; Labor Recruitment; Forced Labor*

Introduction

Human *trafficking* is a complex cross-border organized crime that is often hidden behind labor practices. The most common mode in Indonesia is the recruitment of labor which at first appears to be legal, but in practice leads to exploitation and forced labor. This mode targets vulnerable groups, such as people with low education, minimal income, or limited access to information.

Based on a 2022 report by the United Nations Office on Drugs and Crime (UNODC), the Southeast Asian region, including Indonesia, is one of the epicenters of human trafficking in the world, with the most victims coming from the employment sector. Meanwhile, the International Labour Organization (ILO) estimates that 27.6 million people worldwide are victims of forced labour, with 17.3 million of them in the private sector, including agriculture, construction, fisheries, and domestic work.

Indonesia itself faces a double challenge. First, as a country that sends migrant workers to various countries, which are often victims of exploitation abroad due to weak surveillance systems before departure. Second, as a country that receives workers from outside the region or abroad, who are vulnerable to exploitation due to a lack of supervision in the workplace.

In national law, the prevention and enforcement of trafficking in persons has been regulated through Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons (PTPPO Law) which mentions forced labor as a form of exploitation. On the other hand, Law No. 13 of 2003 concerning Manpower (as amended by Law No. 6 of 2023) provides a legal basis for labor supervision, which is tasked with ensuring the fulfillment of workers' rights and preventing harmful recruitment practices.

Labor supervision is a key instrument in efforts to prevent trafficking in persons. This supervisory function includes checking employers' compliance with work norms, supervision of labor recruitment agencies, and law enforcement against violations found. In the context of international law, Indonesia has ratified ILO Convention No. 81 on Labor Supervision through Law No. 21 of 2003, which requires member states to have an effective supervisory system.

However, the reality shows that labor supervision in Indonesia still faces various obstacles. The 2022 *Ombudsman Report of the Republic of Indonesia* noted that the number of supervisory employees throughout Indonesia is not proportional to the number of companies and work sites supervised. In addition, the lack of special training for supervisors to detect indications of trafficking in persons has led to many cases escaping supervision.

Problem Formulation

1. How are national and international legal arrangements regarding labor supervision in the prevention of trafficking in persons in the mode of labor recruitment?
2. What is the role of labor supervision in efforts to suppress the practice of human trafficking in the mode of labor recruitment in Indonesia?
3. What are the obstacles faced in the implementation of labor supervision related to the prevention of trafficking in persons?
4. What is the strategy to strengthen labor supervision to be effective in preventing and cracking down on human trafficking in the mode of labor recruitment?

Theoretical Framework

1. Legal Protection Theory (Philipus M. Hadjon) – The state is obliged to provide preventive protection through labor regulation and supervision, as well as repressive protection through legal action against perpetrators.
2. Theory of Justice (John Rawls) – Emphasizes the principle of distributive justice, whereby the victim, as the most disadvantaged group, is entitled to an equal restoration of rights.
3. Modern Criminal Law Theory – Sees crime not only as retribution, but also to protect society and rehabilitate victims.

Research Methods

This research uses normative *legal research* methods that focus on the study of laws and regulations, legal doctrines, and international legal instruments related to labor supervision and prevention of trafficking in persons¹

¹ Soerjono Soekanto, *Introduction to Legal Research*, UI Press, 2008

The approaches used include:

1. Statute Approach

- Analyzing the provisions in the 1945 Constitution of the Republic of Indonesia, Law No. 13 of 2003 jo. Law No. 6 of 2023 concerning Manpower, Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, Law No. 21 of 2007 concerning PTPPO, and its derivative regulations

2. Pendekatan Konseptual (Conceptual Approach)

- Using relevant legal theories such as Legal Protection Theory (Philipus M. Hadjon), Justice Theory (John Rawls), and Modern Criminal Law Theory to examine the function of labor supervision in the context of preventing trafficking in persons

3. Comparative Approach

- Comparing labor control practices in Indonesia with ASEAN countries that have effective surveillance policies in suppressing trafficking in persons

Legal Materials used include:

- Primary Legal Material: National laws and regulations, international conventions (ILO Convention No. 81, ILO Convention No. 29, Palermo Protocol)
 - Secondary Legal Materials: Legal literature, scientific journals, annual reports of ministries, UNODC and ILO reports
 - Tertiary Legal Materials: Legal dictionary, legal encyclopedia
- Legal Materials Collection Techniques are carried out through library *research* and searching for relevant online documents

The analysis of Legal Materials is carried out in a descriptive-analytical manner, which describes in detail the applicable legal provisions, then analyzed to find suitability, shortcomings, and solutions to strengthen labor supervision in the prevention of trafficking in persons.

Discussion

1. National Legal Arrangements

1. 1945 NRI Constitution

- Article 27 paragraph (2) guarantees the right of every citizen to work and livelihood that is decent for humanity.
- Article 28D paragraph (2) affirms the right of everyone to work and to receive fair and decent remuneration and treatment. → This is the constitutional basis for the state to establish an employment supervision mechanism.

2. Law Number 13 of 2003 jo. Law Number 6 of 2023 concerning Manpower

- Articles 176-180 regulate *the labor supervisor* who has the task of supervising the implementation of laws and regulations in the field of labor.
- Supervisors are responsible for ensuring compliance with work norms, including the prevention of illegal recruitment practices that lead to forced labor.

3. Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (PTPPO Law)

- Article 1 number 1 defines trafficking in persons, including forced labor, slavery, and labor exploitation.
- Article 2 and Article 4 provide a legal basis for taking action against any recruitment of workers that is carried out in an unlawful manner or with the aim of exploitation.
- Article 58 provides space for coordination between agencies, including labor supervisors, to detect and prevent trafficking in persons.

4. Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (PPMI Law)

- Manage protection from pre-placement, placement period, to post-placement.
- Strengthening the supervisory function of labor distribution agents.

International Legal Arrangements

1. ILO Convention No. 81 on Labour Supervision

- It was ratified by Indonesia through Law Number 21 of 2003.
- Requires the state to ensure an effective supervisory system, with competent supervisory employees and an adequate number.

2. ILO Convention No. 29 on Forced Labour and ILO Convention No. 105 on the Elimination of Forced Labour

- Stipulates that all forms of forced labor must be abolished, and the state is obliged to take preventive measures, including through labor supervision.

3. Palermo Protocol (2000)

- It is a *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which complements the UN Convention against Transnational Organized Crime.
- Emphasizing the role of the state in prevention, victim protection, and international cooperation, including strengthening oversight of labor recruitment.

4. ILO's Decent Work Agenda

- Encourage the state to ensure that the labor monitoring mechanism is part of the strategy to prevent forced labor and trafficking in persons.

Employment Surveillance functions as *an early detection* of indications of trafficking, for example by checking employment contracts, monitoring recruitment agencies, and conducting surprise inspections in the workplace.

In the context of national law, the existence of supervisors is an extension of the state to carry out the constitutional mandate. In the international context, labor supervision is an obligation that must be carried out as a form of commitment to the agreements and conventions ratified by Indonesia.

2.The Role of Labor Supervision in Suppressing the Practice of Human Trafficking in Labor Recruitment in Indonesia

Labor supervision has a strategic role in preventing trafficking in persons, especially those who use labor recruitment modes. These roles include:

1.Administrative Examination and Legality of Recruitment

The supervisor ensures that the labor placement company has an official license and complies with the provisions of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers which regulates recruitment standards and employment contracts.²

2.Field Inspection

Conducting direct inspections at the work site to assess compliance with work norms as stipulated in Law Number 13 of 2003 jo. Law Number 6 of 2023, including ensuring that there are no indications of forced labor.³

3.Early Detection of Trafficking in Persons Mode

Identify signs of human trafficking, such as document withholding, unauthorized pay cuts, and over-cost hiring.

4.Prevention Through Education

Socializing workers' rights and the dangers of trafficking in persons to prospective workers and the public, in accordance with the mandate of ILO Convention No. 81 on Labor Supervision.

3.Obstacles to the Implementation of Labor Supervision in the Prevention of Trafficking in Persons

1.Limited Human Resources

The number of labor supervisors in Indonesia is only about 1,700 people to oversee millions of companies, far from the ideal standard according to the ILO.

2.Limitations of Authority

Supervisors do not have full authority in the criminal prosecution of trafficking in persons, so it is necessary to coordinate with other law enforcement officials.

3.Lack of Special Training

Not all supervisors receive training on the detection of human trafficking, even though this mode of crime continues to develop.

4.Weak Inter-Agency Coordination

Sectoral egos and overlapping authority often hinder the handling of cases, although Law No. 21 of 2007 on PTPPO encourages cross-sectoral cooperation.

² Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers.

³ Law Number 13 of 2003 jo. Law Number 6 of 2023 concerning Manpower.

5. Social and Cultural Factors

Low legal awareness in rural areas makes it easy for people to trust illegal recruiters.

6. Budget and Infrastructure Limitations

Limited operational funds result in infrequent inspections and uneven supervision coverage.⁴

4. Strategies to Strengthen Employment Supervision

Effective labor supervision requires a combination of strengthening regulatory aspects, institutions, human resources, and cross-sector cooperation. Some strategies that can be implemented include:

1. Strengthening Regulations and Supervisory Authority

- Expanding the authority of labor supervisors to be able to take initial legal action against indications of trafficking, so that it is not only limited to administrative sanctions
- Revise the implementing regulations of Law No. 21 of 2007 concerning PTPPO to explicitly include labor supervision as part of the preventive mechanism.

2. Capacity Building and Supervisory Competence

- Conduct specialized training on the detection of trafficking in persons and forced labor, including victim interview techniques and evidence collection.
- Refers to the International Labour Organization (ILO) standard on *Specialized Labour Inspection* for high-risk sectors such as fisheries, construction, and domestic work.

3. Utilization of Information Technology

- Build an online-based *Labour Inspection Information System* to monitor labor recruitment and facilitate the reporting of alleged violations.
- Integrating employment data with immigration and overseas workforce placement data.

4. Strengthening Cross-Sector Coordination

- Establish an Integrated Task Force for Labor Supervision and Prevention of Trafficking involving the Ministry of Manpower, the National Police, Immigration, the Social Service, and the Ministry of Foreign Affairs.
- Carry out *joint inspection mechanisms* at work sites that are prone to exploitation.

5. Increasing Public Awareness

- Conduct a national campaign in migration enclave areas to provide education on labor rights and the risks of illegal recruitment.
- Using social media, community radio, and educational institutions as a means of disseminating information.

⁴ BPS, *Indonesian Employment Statistics*, 2023

6. Strengthening Budget and Supervision Infrastructure

- Increase the allocation of the State Budget and Regional Budget for supervision operations, including official vehicles, digital devices, and field inspection costs.
- Ensure the existence of supervisory representative offices in border areas and labor recruitment centers.

This study uses three main theoretical frameworks that complement each other in explaining the importance of labor supervision as an instrument to prevent human trafficking in the mode of labor recruitment, namely:

1. Legal Protection Theory – *Philipus M. Hadjon*

- This theory emphasizes that the law must provide protection to society, especially vulnerable groups, through **preventive protection** (prevention before a violation occurs) and **repressive protection** (enforcement after a violation occurs)¹.
- In this context, labor supervision functions as a preventive protection through inspection and supervision of the recruitment process, as well as repressive protection through reporting and enforcement of violations of work norms that have the potential to become human trafficking.

2. Justice Theory – *John Rawls*

- Rawls emphasizes the concept of **distributive justice**, which is the fair division of rights and obligations in society².
- The application of this theory can be seen in the state's obligation to ensure that all workers, including migrant workers, have equal access to legal protection, compensation, and restoration of rights if they become victims of trafficking.

3. Modern Criminal Law Theory

- This theory views that the purpose of criminal sanctions is not only retributive (*retribution*), but also **social defense** (protecting the community) and **rehabilitation** for both perpetrators and victims.
- In relation to labor control, the application of this theory demands that the prosecution of trafficking in persons not only focus on punishing the perpetrators, but also rehabilitating the victim through labor protection and social rehabilitation mechanisms.

Supervision Constraints

The main obstacles include the limited number of supervisors, the lack of special training, the limited authority to take direct action against crimes, and low legal awareness of the public.

Strengthening Recommendations

The recommendations submitted include: increasing supervisory capacity, strengthening regulations to expand supervisory authority, synergy between agencies, and increasing public awareness through national campaigns.

Cover

A. Conclusion

1. The legal regulation of labor supervision in Indonesia already has a strong basis both nationally through the 1945 Constitution of the Republic of Indonesia, the Labor Law, the Indonesian Migrant Worker Protection Law, and the PTPPO Law, as well as internationally through the ILO Convention and the Palermo Protocol. However, its implementation still requires strengthening, especially in the integration of the labor supervision function with the mechanism for preventing trafficking in persons.
2. The role of labor supervision is very strategic in preventing human trafficking in the mode of labor recruitment through checking the legality of recruitment, field inspections, early detection modes, and education to prospective workers. This role is in line with Legal Protection Theory (Philipus M. Hadjon), which prioritizes preventive and repressive protection of vulnerable groups.
3. The main obstacles faced include the limited number and competence of supervisors, limited authority, lack of coordination between agencies, lack of budget, and low public legal awareness.
4. Strengthening strategies need to include increasing supervisory authority, special training to detect trafficking in persons, the use of information technology for surveillance, the establishment of an integrated cross-sectoral task force, public awareness campaigns, and additional budgets and surveillance infrastructure. This strategy is in line with the Theory of Justice (John Rawls) which emphasizes the equal distribution of rights protection, and Modern Criminal Law Theory which combines the function of community protection with the rehabilitation of victims.
5. With the right strengthening, labor supervision can be at the forefront of preventing and cracking down on the practice of human trafficking in the form of labor recruitment, while realizing social justice and the protection of labor rights in Indonesia.

B. Suggestion

1. Strengthening the Authority of the Manpower Supervisor

The government needs to revise the implementing regulations of Law Number 21 of 2007 concerning PTPPO and the Labor Law so that labor supervisors have the authority to take initial legal action against indications of trafficking in persons, not only limited to administrative sanctions.

2. Supervisory Capacity Building

The Ministry of Manpower needs to provide special training on the identification of trafficking modes, victim interview techniques, and evidence collection, referring to the ILO standard for *specialized labour* inspections.

3. Information Technology Optimization

The development of an online-based surveillance system (*Labour Inspection Information System*) that is integrated with immigration data and the placement of foreign workers needs to be accelerated to facilitate detection and reporting.

4. Effective Cross-Sector Coordination

An Integrated Task Force was formed involving the Ministry of Manpower, the National Police, Immigration, the Social Service, the Ministry of Foreign Affairs, and local governments to conduct joint inspections in areas prone to illegal recruitment.

5. Increasing Public Awareness

Local governments together with NGOs and the media need to conduct massive campaigns in labor migration enclaves to educate the public about the dangers of illegal recruitment and workers' rights.

6. Strengthening Budget and Infrastructure

The allocation of the State Budget/APBD for labor supervision operations must be increased, including the provision of official vehicle facilities, digital inspection devices, and supervisory representative offices in border areas.

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