

PELANGGARAN HAK KONTRAK KERJA PEKERJA MIGRAN INDONESIA HONGKONG 2025

VIOLATION OF EMPLOYMENT CONTRACT RIGHTS OF INDONESIAN MIGRANT WORKERS HONG KONG 2025

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ABSTRAK

Penempatan Pekerja Migran Indonesia (PMI) ke luar negeri, khususnya ke Hong Kong, menyimpan berbagai tantangan serius, terutama dalam hal pelanggaran hak-hak kontrak kerja. Penelitian ini bertujuan untuk memahami bagaimana penerapan prinsip *Human Security* dilakukan oleh Pusat Pelayanan Pelindungan Pekerja Migran Indonesia (P4MI) Sidoarjo dalam menangani kasus pelanggaran tersebut. Dengan menggunakan pendekatan kualitatif deskriptif, data diperoleh melalui wawancara langsung dan observasi terhadap salah satu kasus nyata yang dialami oleh PMI bernama Putri. Hasil penelitian menunjukkan bahwa P4MI Sidoarjo tidak hanya menjalankan fungsi administratif, tetapi juga menjalankan peran sebagai pelindung hak dan martabat PMI melalui penyelesaian kasus secara humanis, advokasi hukum, serta bantuan akses jaminan sosial. Pendekatan ini sejalan dengan konsep *Human Security* yang menekankan perlindungan individu dari ketakutan dan kekurangan. Penanganan kasus oleh P4MI menunjukkan perlunya penguatan lembaga di tingkat daerah dalam memastikan perlindungan menyeluruh terhadap PMI.

Kata Kunci: *Pekerja Migran Indonesia; Pelanggaran Kontrak Kerja; Human Security; P4MI; Hong Kong*

ABSTRACT

The placement of Indonesian Migrant Workers (PMI) abroad, especially to Hong Kong, holds serious challenges, especially in terms of violations of labor contract rights. This study aims to understand how the application of Human Security principles is carried out by the Sidoarjo Service Center for the Protection of Indonesian Migrant Workers (P4MI) in handling cases of such violations. Using a descriptive qualitative approach, data was obtained through direct interviews and observation of one



real case experienced by a migrant worker named Putri. The results show that P4MI Sidoarjo does not only carry out administrative functions, but also plays a role as a protector of the rights and dignity of migrant workers through humanist case resolution, legal advocacy, and social security access assistance. This approach is in line with the concept of Human Security, which emphasizes the protection of individuals from fear and deprivation. The handling of cases by P4MI demonstrates the need to strengthen institutions at the regional level to ensure the comprehensive protection of migrant workers.

Keywords: Indonesian Migrant Workers; Labor Contract Violation; Human Security; P4MI; Hong Kong

A. INTRODUCTION

1. Background

The global world of work continues to evolve with the times, encouraging labor mobility across countries and even continents. According to Indonesia's Central Bureau of Statistics (BPS) in 2023, Indonesia is one of the second largest migrant worker sending countries in Asia after the Philippines.¹ Indonesian Migrant Workers (PMI) have a major role in the Indonesian economy, among others seen from the receipt of remittances which contribute almost 10% of the country's total foreign exchange. In addition, migrant workers also have a positive contribution to improving the economy and welfare of families left behind, as well as to improving the skills and income of individual migrant workers themselves.² And recorded in official data from Bank Indonesia and the Ministry of Protection of Migrant Workers (KP2MI), the total foreign exchange contribution from Indonesian migrant workers in 2024 reached Rp 241 trillion and in 2025 it is targeted that foreign exchange earned from PMI can reach Rp 300 trillion.

However, behind this large contribution, Indonesian migrant workers still face serious challenges, ranging from poor working environment, violation of basic rights, to lack of legal and social protection. The Indonesian government has systematically regulated all procedures for becoming a migrant worker to ensure optimal job placement and protection from pre-departure to

¹ Arianti Widya Krisna Wicaksono, "Indonesia Is the Second Largest Sending Country for Migrant Workers," Viva News & Insight, n.d., <https://www.viva.co.id/english/1670105-indonesia-is-the-second-largest-sending-country-for-migrant-workers?page=all>.

² Muhammad Putra Vika Septi Rahmawati, Raniah Salsabila, Qisha Quarina, "Labor Economics: Pekerja Migran Indonesia: Problematika Pahlawan Devisa Negara," *Bidang Kajian Microeconomics Dashboard Universitas Gajah Mada* 6 (2024), <https://microdashboard.feb.ugm.ac.id/kajian-vol-6-labor-economics-pekerja-migran-indonesia-problematika-pahlawan-devisa-negara/>.

after returning to Indonesia. Every Indonesian citizen who wants to work abroad must fulfill certain administrative and procedural requirements in order to be registered as an authorized migrant worker³.

The placement country of Hong Kong has provided dynamic problems for migrant workers in the country over the past few years. Working as a migrant worker in Hong Kong is greatly facilitated by the Zero Cost scheme offered by several Indonesian Migrant Worker Distribution Companies (P3MI) and migrant labor legislation in Hong Kong, but cases of labor contract violations and violence against migrant workers are still high. Violations of employment contracts such as salary deductions, violations of working hours, discrimination in the system or employer, to verbal and physical violence are problems that often arise from PMI working in Hong Kong. This situation is not enough if only done with supervision and there is a need to anticipate and handle these cases. With Law No. 18 of 2017 and also Presidential Regulation No. 165 of 2024 on the Protection of Indonesian Migrant Workers which will strengthen the role of the state in providing comprehensive protection to migrant workers, covering legal, social and economic aspects, both before, during and after the working period abroad⁴.

The institutional transformation of BP2MI from an agency to a ministry, currently known as KP2MI, gives it the full mandate and authority to form and implement migrant worker policies. This has increased the role of local level Task Implementing Units (UPT) such as BP3MI in provinces and P4MI in cities and districts in providing services and direct handling of cases including cases of migrant workers in Hong Kong.

P4MI Sidoarjo as a Task Implementing Unit (UPT) functions as an extension of the government in providing services and protection to prospective and Indonesian migrant workers, especially in East Java. On the other hand, P4MI Sidoarjo also conducts counseling and socialization in various vocational schools and also coordinates with several agencies to strive for the protection of Indonesian migrant workers.

Relevant research, such as research conducted by Wahyu Rasyid entitled “Juridical Analysis of Prevention and Handling of Non-Procedural Indonesian Migrant Worker Practices by the Indonesian Migrant Worker Protection Service (P4MI) of Parepare City”⁵. The research focuses on legal efforts and the role of P4MI Parepare in preventing and handling the practice of placing Indonesian Migrant

³ “Kerja Di Luar Negeri? Pastikan Menjadi Pekerja Migran Indonesia Yang Prosedural,” Kantor Imigrasi Kelas I khusus TPI Batam, n.d., <https://kanimbatam.kemerkumham.go.id/berita/2020/12/kerja-di-luar-negeri-pastikan-menjadi-pekerja-migran-indonesia-yang-prosedural>.

⁴ “Peraturan Presiden Republik Indonesia Nomor 165 Tahun 2024 Tentang Kementerian Pelindungan Pekerja Migran Indonesia,” 5 November 2024, n.d.

⁵ Dodie Baltazar Taher Abejo Wahyu Rasyid, Sunita, “ANALISIS YURIDIS PENCEGAHAN DAN PENANGANAN PRAKTIK PEKERJA MIGRAN INDONESIA NON PROSEDURAL OLEH PELAYANAN PELINDUNGAN PEKERJA MIGRAN INDONESIA (P4MI) KOTA PAREPARE,” *MEDIA KEADILAN Jurnal Ilmu Hukum*, no. 18 (n.d.): 72–86.

Workers (PMI) who are not in accordance with procedures using empirical normative research methods. The research also provides guidance so that Parepare residents do not become non-procedural PMI placement practices so as to minimize the occurrence of rights violations, improper treatment, and various forms of exploitation abroad.

Another research was conducted by Labib Muttaqin, Reisa Indira, Rochman Hadi Mustofa, Sabar Narimo, and Naili Sa'ida with the title "Legal Protection and Fulfillment of Rights for Indonesian Migrant Workers (PMI) in Hong Kong"⁶. This research explains the importance of legal protection and fulfillment of rights for Indonesian Migrant Workers (PMI) in Hong Kong as well as efforts to educate and raise awareness of PMI regarding their rights based on Indonesian legislation and Hong Kong government policies. This research focuses more on protection and education when before leaving for the Hong Kong placement country and identifies the challenges of implementing this.

2. Problem Formulation

Based on the description above, the problem formulations discussed in this research are as follows: "How is the application of the principle of Human Security by P4MI Sidoarjo in protecting the rights and obligations of migrant workers in Hong Kong? "

B. Research Method

1. Approaches

The research method in this article uses a descriptive qualitative approach that describes what the role of P4MI Sidoarjo is, how violations of labor contract rights occur, and what the handling process is carried out by P4MI. According to Sugiyono, the research method with a descriptive qualitative approach aims to understand a social phenomenon in depth by emphasizing meaning, process, and context⁷.

2. Collecting Data Method

By using primary and secondary data collection techniques. Regarding primary data, the author conducted a direct review of the existing issues and also conducted interviews with several P4MI

⁶ Labib Muttaqin et al., "Perlindungan Hukum Dan Pemenuhan Hak-Hak Bagi Pekerja Migran Indonesia (PMI) Di Hong Kong," *CARMIN Journal of Community Service* 4, no. 1 (2024).

⁷ Sugiyono, *Metodologi Penelitian Kuantitatif, Kualitatif Dan R & D*, n.d., https://digilib.stekom.ac.id/assets/dokumen/ebook/feb_35efe6a47227d6031a75569c2f3f39d44fe2db43_1652079047.pdf.

Sidoarjo staff to obtain accurate information in the case. Observations were made by the author while the case was ongoing and being resolved. While secondary data taken by the author comes from journal articles, news, and archival documents that discuss issues relevant to the topic of this article and the official website and BP2MI.

3. Analysis Data Technique

The analysis included three main stages: data reduction, data presentation, and conclusion drawing. Data reduction was conducted by filtering out important information from interviews and observations of PMI cases in P4MI Sidoarjo. The data was then presented descriptively to show the process of handling cases chronologically. Furthermore, conclusions are drawn based on patterns that emerge in the data, to understand how the principles of Human Security are applied by P4MI in protecting the rights of migrant workers who experience labor contract violations.

C. RESULTS

1. Human Security

The beginning of the concept of human security was first put forward in the Human Development Report by the United Nations Development Programme (1994) in 1994 entitled, “New Dimensions of Human Security”⁸. The report also introduced a new concept of human security that equates security with people, not territory, with development, not armaments. It also emphasized that true security is not just protection from military threats, but also includes freedom from fear and freedom from want.

The concept of Human Security emerged as a response to traditional security approaches that are too state- and military-centered. One scientist named Edward Newman explained that this approach places the individual, not the state as the center of the main subject that must be protected from various forms of non-traditional threats, such as poverty, human rights, domestic violence to labor exploitation⁹. What is considered important in Human Security is the protection of humans directly, both from the threat of violence, as well as from lack of basic needs such as work, health, food, and a decent environment. A characteristic of the Human Security approach is that it seeks to secure issues as it broadens its approach to security. In addition to observing the individual as the object of reference

⁸ Achim Steiner, “25th Anniversary of the Human Security Concept,” UNDP, n.d., <https://www.undp.org/speeches/25th-anniversary-human-security-concept#:~:text=The concept of human security was brought to,rather than territories%2C with development rather than arms.>

⁹ Edward Newman, “Critical Human Security Studies,” *Review of International Studies* 36, no. 1 (2010): 77–94, <https://doi.org/10.1017/S0260210509990519>.

for security, human security seeks to see every critical and overwhelming challenge to the physical integrity of the individual as a security threat¹⁰.

This approach sees that threats to human security do not only come from outside the state, but can also come from within, such as an unjust social system, a repressive state, or exploitative working conditions. In the context of protecting Indonesian migrant workers (PMI), this approach is very relevant. PMI as the main subject are individuals who are vulnerable to various forms of violations both physical and verbal, such as examples of violations in employment contracts such as unpaid salaries, excessive working hours, harassment, and lack of access to legal assistance. Thus, the protection of migrant workers must see them not only as part of the “overseas labor force”, but as human beings whose rights must be safeguarded and guaranteed.

2. Background Issue

Working abroad is one of the choices of many people to get a job with a higher salary. Becoming an Indonesian Migrant Worker (PMI) is one of the main choices for Indonesian citizens. Hongkong is one of the major cities in Asia which is one of the main destinations for migrant workers to work. In general, Indonesian migrant workers who work in Hong Kong work as house maids and caregivers for the elderly¹¹. The job is usually obtained through the relationship of the prospective migrant worker himself either from friends, relatives or other people. The job can be obtained when the prospective Indonesian migrant worker already has an employer and has contacted the employer to work there.

There are requirements that must be met by a PMI to work in Hongkong. In addition, migrant workers are also entitled to perform their obligations, as well as get their rights. Obligations that must be fulfilled, including: doing work in accordance with the previously agreed work contract, doing work with full responsibility and integrity, not engaging in illegal or unlawful activities in Hong Kong, and maintaining good relations and the good name of the employer and the surrounding environment. However, migrant workers also have rights that must be obtained, including: getting a salary in accordance with the standard salary in Hong Kong, getting legal and social protection from the Hong Kong government, getting health insurance and job security, and getting guarantees of human rights and the rights of migrant workers. However, in some cases of complaints from migrant

¹⁰ Newman.

¹¹ Adi, “Daftar TKI Hongkong: Panduan Lengkap Untuk Pekerja Migran,” Jangkar Global Group, n.d., <https://jangkargroups.co.id/daftar-tki-hongkong/>.
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workers, there are many rights that are not fulfilled by an employer who is not in accordance with the initial employment contract¹².

As of January 2025, there were around 128 complaints which showed an increase of 12.28% from January of the previous year of 114 complaints. Complaints of Indonesian Migrant Workers in January 2025 were dominated by women as many as 84 complaints, up 29.23% from the previous month which amounted to 65 complaints¹³. Hong Kong is the second largest country after Malaysia which is the destination of PMI to work. From several cases of complaints, there are migrant workers who work in Hong Kong making complaints to P4MI Sidoarjo for unfulfilled rights during work.

P4MI Sidoarjo is one of the agencies that receives complaints from migrant workers from various countries, including Hong Kong. One of the PMI complaint cases handled by P4MI Sidoarjo is the following case. According to Dwi R.N.R., one of the P4MI staff in the field of labor analysis, this case began because of actions that were not in accordance with the work contract agreed upon by the PMI and his employer. An employer did not give rights to an Indonesian migrant worker named Putri (name withheld). Putri is one of the PMI who works in Hong Kong and works as a house maid. While working in Hong Kong, Putri felt that there was a discrepancy with the agreement with her employer in the employment contract. Due to this conflict, Putri was sent home directly and unilaterally by her employer without any discussion and negotiation with the parties involved.

When she arrived in Indonesia, Putri tried to contact P4MI Sidoarjo's social media account (@p4misidoarjo) via Instagram direct message. Initially, Putri told the chronology of events that happened to her through Instagram direct messages. Putri asked about the situation that happened to her when she worked in Hong Kong, until the reason why she was sent home unilaterally by her employer. When this indicated a violation, P4MI Sidoarjo responded by asking Putri if she wanted to file a complaint. After that, Putri responded by saying she wanted to file a complaint about the case. P4MI Sidoarjo informed Putri about the complaint system in KP2MI by directing her to fill out the form provided. The form contains the biodata of Indonesian migrant workers, an explanation of the chronology experienced by Indonesian migrant workers, and the demands desired by the complainant. With the presence of complaints and explanations from Putri, the case experienced by Putri can be followed up with the parties concerned.

3. Handling carried out by P4MI

¹² Adi.

¹³ Pusat Data et al., "Data Penempatan Dan Pelindungan Pekerja Migran Indonesia Periode Januari 2025," n.d., Data Penempatan dan Pelindungan Pekerja Migran Indonesia Periode Januari 2025.

After the complaint was entered into the Crisis Center system¹⁴, P4MI Sidoarjo processed the complaint that had been sent by the daughter. In the complaint, the daughter mentioned that the daughter was sent home (intimate) because the employer said that there was a work contract violated by the daughter without mentioning by the employer what violations were committed by the daughter. Then the daughter also demanded her right to be given a proper resting space in accordance with the existing work contract, because all this time the daughter lived in the employer's son's room and if the son returned home then the daughter slept in front of the TV and slept with other people. And finally, the daughter mentioned that when she was repatriated to Indonesia, she was detained by the Migrant Worker Distribution Company (P3MI) to pay debts to P3MI and her salary was not given to her.

After the complaint was processed, P4MI sent an invitation letter to P3MI to clarify the issue at the P4MI Sidoarjo office. When the first clarification was made, P4MI confirmed to P3MI regarding all complaints given by the daughter and her demands. Here, P4MI only received a report from the employer that the daughter lacks ethics in doing things, such as continuing to plug in the magiccom that has no rice. P3MI also explained that regarding the place of rest, indeed the employer gave the room to the daughter was her son's room (employer) and if her son came home the daughter rested in front of the TV or in the living room. And regarding the daughter's salary that was taken, P3MI explained that the salary was paid to the Hong Kong agency as a punishment for working less than one month. Here in terms of human rights, the employer should have compensated the daughter for unilaterally terminating her employment contract even though it was not written in the employment contract. In the first clarification, P4MI did not get the right answer to solve the problem, which in the end the problem was discussed at a later date by conducting a second clarification.

In the second clarification or continuation of the first clarification, P3MI was present again in the clarification and provided an attachment of details of costs or debts to be paid by Putri despite the Hong Kong placement country. The details contain the amount of residence fees at P3MI and training fees. Putri underwent training at P3MI for a long time which impacted on the costs burdened by her. The second clarification also explained that the salary and compensation should be given to Putri and not given to the Hong Kong agency. This became the main point in the second clarification and P4MI asked P3MI to resolve this matter. After negotiations between P4MI and P3MI, finally P3MI itself provides relief or compensation by reducing the debt that must be paid by Putri.

Then P4MI here also tried to help Putri claim her BPJS Employment. Because Indonesian migrant workers who are registered as BPJS Ketenagakerjaan participants have the right to claim

¹⁴ “BP2MI - Crisis Center,” n.d., <https://crisiscenter.bp2mi.go.id/>.
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benefits if they experience termination of employment (PHK), depending on the type of program followed and the period of participation¹⁵. When Putri's BPJS Ketenagakerjaan can be claimed, the money can be used to pay debts to P3MI, it is one of the other efforts made by P4MI, to resolve this problem. The second clarification was closed with an agreement letter between P4MI and P3MI so that this problem would not be continued into the realm of law and was completed in the second clarification.

In the end, Putri paid the remaining debt to P3MI, and P4MI made a case closure recommendation on this case. After the case was closed, P4MI archived the case handling documents containing Evidence of Complaint, Complaint and Claim Form, invitation letter for clarification, first clarification and second clarification, and agreement letter between P4MI and P3MI.

4. Analyze the role of P4MI Sidoarjo using Human Security approach

In the context of protecting Indonesian Migrant Workers (PMI), especially those placed in Hong Kong, the role of P4MI Sidoarjo can not only be seen as an administrative implementer, but also as an actor protecting human rights and dignity as emphasized in the human security approach¹⁶. This approach places the individual at the center of security policy, emphasizing two main principles: freedom from fear and freedom from want¹⁷.

Putri's case is a concrete illustration of how P4MI plays an active role in ensuring human security directly. When Putri, as a migrant worker, was unilaterally sent home by her employer in Hong Kong and did not receive a salary or proper housing during her employment, this condition clearly violated the principle of human security. Not only did she experience economic deprivation (salary and resting place), but she also lived in constant uncertainty and fear during her employment.

P4MI responds to these complaints with mechanisms that are not merely administrative, but also humanistic. Through steps such as providing fast access to complaints, clarifying directly with P3MI, and facilitating compensation negotiations, P4MI shows a comprehensive form of human-oriented protection. This shows how the principle of freedom from fear is implemented by creating a safe space for migrant workers to complain about their cases and not feel abandoned by the state.

On the other hand, P4MI also seeks to help Putri access her rights in social security such as BPJS Ketenagakerjaan, which is a tangible form of fulfilling freedom from want. This support shows

¹⁵ "Portal Pekerja Migran Indonesia," n.d., <https://www.bpjsketenagakerjaan.go.id/pekerja-migran-indonesia.html>.

¹⁶ Newman, "Critical Human Security Studies."

¹⁷ Steiner, "25th Anniversary of the Human Security Concept."

attention to the economic and welfare aspects of post-discharge that are often overlooked. This effort not only solves the immediate problem, but also provides a way out so that Putri can get back on her feet financially without having to rely on debt.

In addition, P4MI's approach also encourages the fulfillment of social justice principles. In the second clarification process, P4MI does not allow the inequality of power relations between PMI and channeling agents to continue, but instead encourages P3MI to fulfill its responsibilities. This role is important because PMI often do not have a strong bargaining position, especially after their return. In this case, P4MI appears as a facilitator of justice that bridges the needs of individuals with larger institutions.

Thus, P4MI Sidoarjo has directly applied the human security approach through efforts that are not only administrative, but also place humans at the core of protection. The treatment given to Putri as an individual reflects the state's efforts to ensure that migrant workers are not only counted as foreign exchange numbers, but also treated as citizens who have full rights, dignity and protection from the state. This approach needs to continue to be strengthened so that migrant workers are no longer a vulnerable group, but instead become part of a fully protected and humane society.

D. CONCLUSION

Based on the results of the research and analysis, it can be concluded that P4MI Sidoarjo plays an important role in implementing the human security approach in PMI protection, especially in cases of labor contract violations in placement countries such as Hong Kong. Putri's case shows how P4MI handles PMI complaints not only with an administrative approach, but also humanistically and focuses on restoring individual rights.

P4MI carries out protection functions starting from receiving complaints, facilitating clarification with related parties, negotiating settlements, to assisting the process of applying for social security. All of these steps reflect the principles of freedom from fear and freedom from want, which are at the core of the concept of human security. By ensuring that migrant workers continue to receive their rights even after being repatriated, P4MI also ensures that human security and welfare remain the state's top priority. This approach needs to be strengthened and replicated in other regions. This is because migrant workers are not only contributors to foreign exchange, but also citizens whose rights, dignity and future must be protected.

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