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Analysis of the Legal Protection of the Indonesian and South Korean Governments in Protecting the Human Rights of Prospective Indonesian Migrant Workers in the Korean G to G Program

Muhammad Hasyim¹, Zudan Arief Fakrulloh²

¹Universitas Borobudur, Jakarta, Indonesia, muhamadhasyim999@gmail.com

²Universitas Borobudur, Jakarta, Indonesia, cclsis@yahoo.com

Corresponding Author: muhamadhasyim999@gmail.com¹

Abstract: A scheme for the placement of prospective Indonesian migrant workers to work in South Korea through the G to G Korea Program. This G-to-G program opens up opportunities for prospective Indonesian migrant workers to work in South Korea. However, in the process, prospective Indonesian migrant workers often face various problems that can threaten their human rights, such as many prospective migrant workers having to wait for years and even until some do not manage to get a placement to work in South Korea. This study analyzes the legal protections provided by the Indonesian government and the South Korean government to prospective Indonesian migrant workers in the Korean G-to-G program, and evaluates the effectiveness of these protections in guaranteeing their human rights. This study uses a normative legal research method by analyzing the laws and regulations that apply in Indonesia and South Korea as well as literature, journals, books and academic documents related to the protection of prospective Indonesian migrant workers. This research aims to find solutions so that the placement of prospective migrant workers runs better so that there is no accumulation of prospective migrant workers who have not received placements which in the end the rights of prospective migrant workers can be protected.

Keywords: Indonesian Migrant Worker Candidates; G to G Korea, wan achievement, Legal protection

INTRODUCTION

The growth in the number in Indonesia every year leads to an increase in unemployment. This happens due to a lack of available jobs. The number of jobs in Indonesia is not proportional to the number of people looking for work, making it increasingly difficult for people to get jobs.(Marlina, Cecilia, and Hafizh 2024). Finding a high-paying job is a national problem. Many working-age people are unemployed due to a lack of formal employment. The limited number of jobs available also often does not match the skills and

capabilities of the workforce.(Harjanti 2021) The more job offers compared to the number of people looking for work make many people prefer to move abroad. Migration is when a person moves to another place, but does not stay for long and still has family or a relationship with their place of origin, which is usually called circular migration.(Soemitra et al. 2023).

One of the reasons people work abroad is to work in South Korea. Working in South Korea is considered proud because it has a higher salary than other countries such as Malaysia, Saudi Arabia, Singapore, and Hong Kong. In addition to the high salary, working in South Korea is also guaranteed to be safe by the government.(Marlina et al. 2024). The South Korean government is also trying to improve the protection of Indonesian migrant workers by accepting several international agreements and making rules to protect the rights of migrant workers. However, there are still some unresolved issues, such as wage disparities and unfair treatment between native Korean workers and migrant workers.

The phenomenon of migrant workers in South Korea is an important thing in the country's labor dynamics. Over the past few years, South Korea has increasingly needed foreign workers, particularly in manufacturing, construction, and fisheries. This is because South Koreans are increasingly reluctant to work in these fields, as they are often considered uncomfortable, difficult, and risky.(Hasyim and Barthos 2025). The process of working in South Korea through the *Government to Government* (G to G) Program begins with the registration of Indonesian Migrant Worker Candidates (CPMI). The cooperation between the Indonesian and South Korean governments, based on a Memorandum of Understanding (MoU) between the Indonesian Ministry of Manpower and Transmigration and the South Korean Ministry of Manpower, regulates the placement of Indonesian migrant workers in Korea through the Work Permit System (EPS).(Hasyim 2024).

High wages are the main reason for many people to work abroad, especially in South Korea. CPMI considers this inappropriate because the current condition of workers in Indonesia who are not very high in education can get jobs with large salaries in the country. The amount of wages received when working in South Korea is around 25 million to 30 million per month.(Sembada, Prasetyo, and Yarmanto 2024). Indonesian migrant workers working abroad often do not have much knowledge about the procedures for moving abroad as well as the working conditions they face. Due to the lack of information, these migrant workers are easy to fall victim to fraud, both from domestic and foreign parties.(Anon 2000).

For those who want to work in Korea, prospective Indonesian migrant workers must register for the Korean language proficiency exam (EPS-TOPIK). The recruitment and selection process for the South Korea G to G Program carried out by In 2024 the Directorate of Government Placement for the Asia and Africa Region carried out the recruitment and selection process for the South Korea G to G Program reached 64,947 people and the document verification process for Prospective Indonesian Migrant Workers South Korea's G to G Program has reached 39,197 people.(Indonesia/BP2MI 2024). In May 2024, the number of participants who were declared to have passed the EPS-TOPIK General Fisheries Sector exam was 4,100 (four thousand hundred) people. In July 2024, the number of participants who have passed the EPS-TOPIK General Manufacturing Sector Batch I exam is 3,600 (three thousand six hundred). In September 2024, the number of participants who have passed the EPS-TOPIK General Manufacturing Sector Batch II exam will be 3,538 (three thousand five hundred and thirty-eight). The number of participants who were declared to have passed the EPS-TOPIK exam for the General UBT Shipbuilding Sector in 2024 was 293 (two hundred and ninety-three) people. The number of participants who were declared to have passed the EPS-TOPIK UBT General Service Sector 2 exam in 2024 was 4,782 (four thousand seven hundred and eighty-two) people.(BP2MI 2024).

From the data above, the number of prospective Indonesian migrant workers who have passed the exam and are entitled to be placed to work in Korea is 16,313 people. According to the Deputy Minister of Protection of Indonesian Migrant Workers (Deputy Minister of P2MI), Christina Aryani, as of September 23, 2025, 5,410 workers have been placed. The details are 3,603 migrant workers in the manufacturing sector, 1,785 migrant workers in the fisheries sector, and 22 migrant workers in the service sector.(Indonesia/BP2MI 2025). So there are still around 10,903 or about 66% of prospective migrant workers who have not been placed in South Korea.

This research is important to find a solution so that the human rights of prospective Indonesian migrant workers who have passed the exam can get their rights to be placed in South Korea based on applicable laws and regulations.

METHOD

This research method uses normative legal methods, with legal research methods that prioritize the analysis of existing legal rules, as a basis for answering the legal problems raised. This research does not rely on direct data collection in the field or interviews, but focuses more on the study of legal materials, both primary and secondary. The primary legal materials used include laws and regulations that are common in Indonesia and ministerial regulations, regulations of heads of agencies and other regulations related to the placement of prospective migrant workers to South Korea that are relevant. Secondary legal materials include legal literature, scientific journals, expert opinions, and other academic documents that can explain concepts and theories in depth.

The approaches used in this study are a legislative approach and a conceptual approach. The legislative approach is used to analyze the content of the applicable legal rules, while the conceptual approach is used to understand the meaning, principles, and legal theories underlying the protection for migrant workers, such as the theory of social justice, non-discrimination, and the right to welfare and legal protection. Through this method, this study is expected to provide a comprehensive overview of how Indonesian legal policies regulate and guarantee the placement rights of prospective Indonesian migrant workers in a normative context.

RESULTS AND DISCUSSION

1. Legal Protection of the Indonesian Government in the Placement of Prospective Indonesian Migrant Workers to South Korea.

According to Law no. 13 of 2003, it states that based on the labor law, there are rules that regulate legal protection for workers. Every worker has an equal opportunity, without any discrimination, to get the job.(Hidayati et al. 2025). Law No. 13 of 2003 was the legal basis for employment before the Job Creation Law. Until now, this law is still used as a reference in various aspects, such as the right of workers to get a decent livelihood. Every Indonesian citizen has the right to get a job, both domestically and abroad, as a migrant worker to earn a decent livelihood.

Law Number 18 of 2017 concerning Indonesian Migrant Workers regulates placement procedures and protection for Indonesian Workers working abroad. This is because work is one of the human rights that must be respected, maintained, and guaranteed by the state. The state is also obliged to ensure that citizens have the right to decent work and livelihood, both domestically and abroad. The granting of this job is based on the individual's abilities, skills, talents, and interests.(Fikri 2022). The law also explains how to send Indonesian workers abroad, including the conditions and steps to be taken to send them.

Article 30 paragraph (1) of Law Number 18 of 2017 states that Indonesian migrant workers are not subject to placement fees. This law contains rules regarding the protection of

Indonesian migrant workers. Article 30 paragraph 1 states that Indonesian migrant workers should not be charged placement fees, such as training fees, passport issuance, visas, medical checks, and plane tickets.(RI 2017). BP2MI Regulation Number 02 of 2020 includes, among others, job training, issuance of work competency certificates, passport replacement, police record certificates, social security for Indonesian migrant workers, health and psychological checks in the country, additional health checks if required by the destination country, local transportation from the place of origin to the departure location in Indonesia, and accommodation.

Law Number 11 of 2020 (Job Creation) Issued to encourage labor absorption and improvement of the business ecosystem, the Job Creation Law changed many provisions in Law No. 13 of 2003. Law Number 6 of 2023 This law ratifies the Job Creation Perppu into law, ensuring the sustainability of the Job Creation Law and is the basis for the current law. Law Number 11 of 2020 concerning Job Creation makes changes to the rules regarding labor, including sending Indonesian workers abroad. This change can be seen in several important articles that regulate how to manage permits, the role of institutions in charge of sending workers, and the rights of migrant workers.

Government Regulation Number 59 of 2021 concerning the Implementation of the Protection of Indonesian Migrant Workers explains the protection provided before Indonesian migrant workers work. In Article 4, it is stated that pre-employment protection includes two things, namely placement and coaching services as well as supervision.(Indonesia/BP2MI 2021). Placement services are services provided to prospective Indonesian migrant workers so that they can be placed abroad. The purpose of this regulation is to protect and ensure the rights of Indonesian migrant workers working abroad. With this regulation, Indonesian migrant workers are expected to be able to work safely and receive fair treatment.

Regulation Number 7 of 2022 concerning the Process Before Working for Prospective Indonesian Migrant Workers explains the steps that must be taken by prospective Indonesian migrant workers before working abroad. This regulation was issued on June 29, 2022. The goal is to protect and guarantee the rights of prospective Indonesian migrant workers. However, it should be noted that this regulation has been amended by BP2MI Regulation Number 8 of 2023, which updates several provisions related to the process before working for prospective Indonesian migrant workers. This regulation was made based on Law Number 11 of 2020 concerning Job Creation, which emphasizes the importance of protecting the rights of Indonesian migrant workers.

BP2MI Regulation No. 2 of 2023 explains the steps that prospective Indonesian migrant workers must go through before working, especially for those placed by the Indonesian Migrant Workers Protection Agency.(Indonesia/BP2MI 2023) These steps include: providing information to prospective migrant workers, registering, selection process, health and psychological examinations, signing placement agreements, entering into social security, taking care of work visas, carrying out Pre-Departure Orientation (OPP), signing Employment Agreements, departure process, G-to-G (*Government-to-Government*) agreements is an agreement session between the Indonesian government and the South Korean government regarding the sending of Indonesian workers to South Korea.

Presidential Regulation (Perpres) Number 165 of 2024: This regulation regulates the Ministry of Protection of Indonesian Migrant Workers which organizes government sub-affairs for the protection of Indonesian Migrant Workers in the field of employment.

A. Indonesian Migrant Worker Placement System in South Korea

South Korea officially opened labor cooperation in 2004. Subsequently, Indonesia signed a *Memorandum of Understanding* with South Korea on July 13, 2004 to send migrant workers from Indonesia to South Korea through a government-to-government cooperation

system. This MoU has been extended twice, namely in 2008 and 2012. (Fairuz, Djemat, and ... 2024). Intergovernmental cooperation between Indonesia and South Korea has provided benefits for each country, including economic growth and cultural interaction. However, it is important to remember that this collaboration must also pay attention to the rights and welfare conditions of Indonesian migrant workers in South Korea.

The procedure for hiring foreign workers who are allowed to work in Korea has become more transparent. This aims to prevent interference from intermediaries. An understanding (MOU) has been signed between the Korean government and the government of the country of origin of the workers who send foreign workers. (Roh 2014) Work Permit System (EPS): The South Korean government collaborates with the government of the foreign workers' home country to recruit foreign workers through the EPS system. This system makes it easier for foreign workers to work in South Korea in a more transparent and organized way.

The home country's government lists available jobs based on objective criteria, such as Korean language proficiency and foreign worker work experience, and then sends the information to the Korean government. The Korean language proficiency test was conducted in August 2005, so that foreign workers could find work in Korea based on clear and objective criteria. (Roh 2014). Korean language proficiency is one of the important requirements in the process of recruiting foreign workers. The Korean language proficiency test is held to ensure that foreign workers have sufficient language proficiency to work in South Korea.

The foreign labor process in Korea is managed by Korean HRD. The data of prospective workers is then selected by business owners in Korea. Korean entrepreneurs, usually called *Sajang*, will select prospective workers according to the desired field. After being selected, the Korean HRD will provide information to prospective migrant workers that they have found an employer.

Once prospective migrant workers receive a notification, they are required to apply for a work visa at the South Korean Embassy in the country where they reside. Prospective migrant workers must provide all the documents needed in the visa process, such as passports, employment contracts, and other documents. Once all the documents are complete, the South Korean Embassy will process the visa application. Prospective migrant workers can get work visas. Once the visa is issued, prospective migrant workers can prepare to go to South Korea and start their work.

After arriving in South Korea, migrant workers are required to register at the immigration office and obtain a foreign resident identity card. Furthermore, migrant workers will be accepted by companies in South Korea and start working. Companies may also provide orientation and training to migrant workers so that they can adapt to the work and life environment in South Korea.

1. Evaluation and Advice for Worker Placement on the Korean G to G System

Every citizen has the right to have decent work, which is part of human rights. This is in accordance with the principles in the Universal Declaration of Human Rights (DUHAM) and various other international conventions. The right to work and decent work is internationally recognized as part of human rights. As an Indonesian citizen, everyone has the right to work and obtain welfare, this is part of human rights. This is in accordance with the values of Pancasila and the 1945 Constitution. Article 27 Paragraph (2) of the 1945 Constitution states that every citizen has the right to work and get a decent livelihood in accordance with humanity. Manpower Law: Law Number 13 of 2003 concerning Manpower explains the rights of workers and the protection provided to workers in Indonesia.

To get a job, many Indonesian citizens have to work abroad, including South Korea. However, according to data, there are around 10,903 or about 66% of prospective migrant

workers who have not been placed in South Korea. It is clear that prospective migrant workers to South Korea do not get their rights as prospective migrant workers who have been competent to meet the requirements as determined by the South Korean government. Thus, the migrant workers did not get their human rights.

Currently the challenge faced is slow job placement: Prospective migrant workers experience delays in the job placement process, even though they have met all the required requirements. Also The information obtained is unclear: Prospective migrant workers may not get a clear and open enough explanation of the selection process and job placement. The time-consuming job placement process can be due to a number of things, such as the presence of few job openings, a complicated selection process, and difficult administrative rules. Prospective migrant workers may not have a clear idea of how to select and place jobs. This can happen because the authorities are not open in providing information or because prospective migrant workers have difficulty getting the correct data.

Collaborating and collaborating with agencies such as the Ministry of Foreign Affairs (KEMLU), the Ministry of Manpower (KEMNAKER), the Coordinating Ministry for Human Development and Culture (KEMENKO PMK), and Commission IX of the House of Representatives of the Republic of Indonesia can make the placement of Indonesian workers to South Korea more effective. The steps that can be taken are:

1. Coordinate with the Ministry of Foreign Affairs to improve diplomatic relations and negotiate with the South Korean government to increase the quota of Indonesian migrant workers stationed there.
2. Coordinate with the Ministry of Manpower to improve the quality and capabilities of Indonesian migrant workers so that they are more competitive than workers from other countries.
3. Coordinating with the Coordinating Ministry for Human Development and Culture to strengthen inter-agency cooperation in managing migrant worker issues.
4. Coordinate with Commission IX of the House of Representatives to better monitor and evaluate the implementation of the placement program for Indonesian migrant workers in South Korea.

In addition, there is a need for marketing to introduce and offer prospective migrant workers directly to companies in Korea. To increase the absorption of prospective Indonesian migrant workers (CPMI) in South Korea, KP2MI can work more closely with companies in South Korea to introduce CPMI Indonesia. This can be done by holding working visits, exhibitions, or promoting directly to companies there. Besides that, it can also be done by creating a website or a special platform to promote CPMI Indonesia to South Korean companies. The platform can display information about the profiles, skills, and work experience of CPMI.

CONCLUSION

To speed up the process of job placement to Korea, there needs to be good cooperation between office holders in Indonesia. Solid cooperation supports efficient coordination among the relevant institutions, so that job placement procedures can take place smoothly and efficiently. Through good collaboration, leaders can make decisions quickly and accurately to speed up processes.

To speed up placement, it can also be done by forming marketing to increase the number of Indonesian workers who are placed to work in South Korea. Also by increasing the satisfaction of companies in South Korea with labor placement services from Indonesia. As well as improving Indonesia's image as a country that provides quality workers in South Korea.

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