

## **Rising Incidents of Smuggling of Illegal Workers from Indonesia (Case of Illegal Workers from East Nusa Tenggara)**

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### **Abstract**

The problem of illegal labor smuggling is a serious problem. There are many things that must be reconsidered when a prospective worker wants to become a migrant worker. So that the presence of this research is to find out legal issues related to workers with illegal status which are balanced with workers with legal status as a form of comparison. This research was conducted using a method to facilitate and be able to support research interests. Where this research uses normative legal research. With this form of study using the statutory method, it is descriptive and analytical in nature and examines the meaning and intent of several sources of statutory regulations as well as the rules and standards used. By using secondary legal materials taken from several literacies such as journal articles and the thoughts of scholars as a basis for research and consideration in the analysis carried out by researchers. The method used for data collection in this study was library research, namely examining related library materials when conducting research. The results of the analysis stated that the lack of education and outreach related to legal and illegal status to the community was considered lacking. In addition, there is a lack of explanation why the process of obtaining legal status takes longer than that of workers with illegal status.

**Keywords:** Labor, Illegal, Protection, Law



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### **INTRODUCTION**

The current era of globalization creates possibilities for the establishment of an international free market. Each country has tremendous opportunities to meet its own domestic infrastructure and superstructure needs. Borders between countries are getting clearer because of advances in information technology and transportation. Much more accessible are the motorways. In this era of globalization, the development of international highways has also increased the movement of people and products between countries. The state indirectly opens wide the entrance and access within state borders by fulfilling its demands. Everyone can also easily move from one country to another, depending on their interests (Ioraa, 2023).

Seeing this phenomenon, several initiatives have been taken to maintain national security and stability, including by establishing immigration rules, but there are still many loopholes that can be exploited by individuals traveling between countries. The movement of people from one country to another in search of a better life in the destination country was the only type of migration activity that existed at first. However, with the emergence of nation-states that have sovereignty over a territory, migration flows are now required to follow legal patterns (Nwokeocha, 2023a). From the tendency to take illegal patterns as described above, this has triggered the emergence of various crimes against a background or colored by illegal pattern tendencies. One form of crime committed by persons or organizations that cross international boundaries is known as transnational crime. Where work and companies are carried out without proper paperwork or through customs is considered unlawful. Global security may be seriously threatened by transnational criminality. This is because transnational crimes often involve many countries and are difficult to identify. Smuggling of illegal workers is a type of

transnational crime. People smuggling is a category that includes illegal labor smuggling (Nwokeocha, 2023b). Returning to discussing illegal patterns, transnational criminal organizations that want to create illegal migration patterns are more likely to have opportunities to get involved when obstacles are found in the way legal migration occurs. This criminal organization preys on the shortcomings of the lower class in terms of economy, society, culture, and psychology. Migration smuggling is an example of a transnational crime that may develop into transnational organized crime, with the consequent creation of new security problems. As the largest archipelagic country in the world, Indonesia is vulnerable to smuggling, especially migrant smuggling (Obichili et al., 2023).

The main goal of all flows of people smuggling, or more specifically, any movement that occurs, is to find answers to every problem people face in their original locations. The desire to move to a better location will arise when people feel uncomfortable with their lives due to various reasons, including security, the economy (home, clothing, and food), or political conditions, race, religion, and others. the ideology in which they lived before. This cannot be disputed because, as the Romans and others have pointed out, relocation was always motivated by dissatisfaction with one's former location. In addition to the discussion of illegal labor smuggling. Accessed via the Bank Indonesia website, in 2022 the number of Indonesian workers placed in various countries has been recorded. In ASEAN countries alone, workers from Indonesia reached 1,773 people, then in countries other than ASEAN it reached 714 people. In Middle Eastern countries, there are up to 937 Indonesian workers. The following is complete data on the number of workers from Indonesia recorded in Bank Indonesia data from 2021 to 2022 (Bank Indonesia: 2022).

**V.30. NUMBER OF INDONESIAN MIGRANT WORKERS (IMWs) BY HOST COUNTRY**  
(Thousands of People)

		2021					2022		COUNTRY	
Q3	Q4	Q1*	Q2*	Q3*	Q4**	Q3	Q4**			
1,730	1,729	1,729	1,727	1,728	1,746	1,773	1,773	<b>ASEAN</b>	1	
1,630	1,628	1,628	1,625	1,625	1,641	1,667	1,667	Malaysia	2	
90	91	91	92	94	95	95	95	Singapore	3	
9	9	9	9	9	9	10	10	Brunei Darussalam	4	
0	1	1	1	1	1	1	1	Others	5	
<b>574</b>	<b>591</b>	<b>591</b>	<b>608</b>	<b>639</b>	<b>672</b>	<b>714</b>	<b>714</b>	<b>Asia excluding ASEAN</b>	6	
267	281	281	290	305	321	339	339	Hong Kong SAR	7	
287	290	290	294	307	314	331	331	Taiwan, Province of China	8	
7	7	7	9	11	17	22	22	South Korea	9	
7	7	7	9	11	12	15	15	Japan	10	
4	4	4	5	5	5	5	5	Macau	11	
1	1	1	1	2	2	3	3	Others	12	
<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>Australia and Oceania</b>	13	
0	0	0	0	0	0	0	0	Australia	14	
0	0	0	0	0	0	1	1	Others	15	
<b>928</b>	<b>929</b>	<b>929</b>	<b>930</b>	<b>931</b>	<b>933</b>	<b>937</b>	<b>937</b>	<b>Middle East</b>	16	
833	833	833	834	835	836	837	837	Saudi Arabia	17	
37	37	37	38	38	38	39	39	UAE	18	
11	11	11	11	11	11	12	12	Kuwait	19	
0	0	0	0	0	0	0	0	Bahrain	20	
2	2	2	2	2	2	3	3	Qatar	21	
2	2	2	2	2	2	2	2	Oman	22	
42	43	43	43	42	43	43	43	Jordan	23	
-	-	-	0	0	0	0	0	Egypt	24	
0	0	0	0	0	0	0	0	Cyprus	25	
-	-	-	-	-	-	-	-	Sudan	26	
0	0	0	0	0	0	0	0	Others	27	
<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Africa</b>	28	
0	0	0	0	0	0	0	0	South Africa	29	
0	0	0	0	0	0	0	0	Others	30	
<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>America</b>	31	
<b>4</b>	<b>5</b>	<b>5</b>	<b>4</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>10</b>	<b>Europe</b>	32	
-	-	-	-	-	-	-	-	Netherlands	33	
1	2	2	1	2	2	3	3	Italy	34	
0	0	0	0	0	0	0	0	Germany	35	
0	0	0	0	1	2	2	2	United Kingdom	36	
0	0	0	0	0	0	0	0	France	37	
0	0	0	0	0	0	0	0	Spain	38	
2	2	2	2	4	5	5	5	Others	39	
<b>3,237</b>	<b>3,254</b>	<b>3,254</b>	<b>3,270</b>	<b>3,307</b>	<b>3,363</b>	<b>3,436</b>	<b>3,436</b>	<b>Number of IMWs</b>	40	

Notes:  
Source : Bank Indonesia and BNP2TKI

From this amount, it can be seen that the Indonesian state itself has facilitated and is open to Indonesian citizens who wish to work abroad. This is of course done in order to protect Indonesian citizens in all aspects, be it in justice, legal protection, welfare to security regardless of anything. So it is clear, it is necessary to question again why the reasons that prompted the selection of illegal patterns in the distribution of workers originating from Indonesia to other countries. Of course this sparked a lot of speculation and affected the ease of protection from the Indonesian government for workers with illegal status (Daniel et al., 2022).

Based on the description above, this research is here to analyze the factors that encourage illegal patterns in the distribution of workers from Indonesia as happened to two prospective workers from NTT who had illegal status (Donovan: 2023). In that case, good things were still on the side of the two victims because the smuggling was thwarted. But what happens if the smuggling is not discovered and is also not thwarted. This will certainly add to the list of cases of illegal laborers who do not receive protection and are difficult to touch in the legal arena because they do not have sufficient evidence or documents that are considered authentic so that they can be grounds for protection (Ejem et al., 2022).

## **Theoretical Basis**

### **Law Enforcement**

In Indonesia, there are quite a number of laws and regulations that regulate the protection of migrant workers, ranging from national laws (UU) to regional laws (Tambajong: 2021). This situation shows how seriously regulators take the important role played by rules and regulations in protecting migrant workers. There is no doubt that these rules and laws need to be followed. As for what is meant by "law enforcement" are various actions taken in the context of efforts to enforce legal provisions, both enforcement and prevention, and include all technical and administrative actions carried out by law enforcers, officials in the context of creating an atmosphere of security, peace and order and ensure legal certainty for the community (Anggrasena: 2010).

Satjipto Rahardjo argues that the purpose of law enforcement is to realize justice and social benefit in addition to obtaining legal certainty (Rompis: 2015). Legal certainty can stop someone from acting arbitrarily. Justice is related to the various interests of society. Social advantage is related to law enforcement results that do not cause unrest in society (Rompis: 2015). It is very difficult to create law enforcement that can create justice, benefits and legal certainty, because combining these three factors requires a lot of effort (Rompis: 2015). And of course law enforcement agencies are involved in combining these three factors (Ioraa, 2022).

In the framework of law enforcement which is reflected in the form of obedience, the role of the community apart from law enforcement officials is also very large. Meanwhile, Soerjono Soekanto claims that the elements that have an impact on society and law enforcement in the legal system are as follows (Soekanto: 2004):

1. The element of law, which in a practical sense refers to written rules made by central and regional authorities that are legal and universally recognized. A number of laws and regulations must be complied with in order to have a positive impact on society, including the following: laws made by higher authorities have a higher status; special law takes precedence over general law; and the law that was enacted later overturned the law that was in effect before. Ignoring these guidelines can undermine police enforcement. Law enforcement can also be hampered by a lack of implementing regulations and unclear legal language. The use of terms with ambiguous meanings can lead to ambiguity of words in laws and regulations.

2. People who participate directly or indirectly in law enforcement are considered as law enforcement considerations (Waluyo: 2022). Law enforcers often face a number of challenges when enforcing the law, including lack of adaptation, lack of desire, lack of forethought, consumerism, and lack of creativity. Developing the habit of being flexible, open-minded, sensitive, informed, organized, confident, and optimistic and respectful of yourself and others can help you overcome these challenges.
3. Aspects related to infrastructure or facilities that assist law enforcement, including human resources who are trained and experienced, adequate equipment, and sufficient funds.
4. Elements related to society, especially the arrangements in which laws are applied. The key to peace is said to be people's acceptance of the law. Usually, Indonesians understand the law and even associate it with those who uphold it.
5. Factors related to culture, namely as a result of work, creativity, and feelings that are developed through human will in social life.

### **Legal Protection for Migrant Workers**

In this case, it is prohibited for anyone to assign prospective migrant workers to positions or workplaces that are contrary to human values such as arrogance and decency as well as Indonesian and international laws. In fact, there have been several violations prior to deployment over the years (Martins, 2022). Many violations, especially when dealing with problems or during psychological and physical examinations. For example, during a psychological test, it is important to watch for signs such as a candidate leaving work against the wishes of their husband or parents. Despite this trend, there are many examples where prospective migrant workers leave without their will (Kartono, et al: 2012).

Indonesian Migrant Worker Protection Law Number 18 of 2017. Migrant Worker Protection Article 3 Indonesia intends to:

1. Ensuring compliance and implementation of the human rights of migrant workers and Indonesian citizens;
2. Provide family and legal, financial, and social protection for Indonesian migrant workers.

The criteria referred to in Article 5 are regulated in Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, including the following:

- (1) All Indonesian migrant workers must be at least 18 years old to be able to work abroad;
- (2) Has potential;
- (3) Physically and mentally healthy;
- (4) Registered and have a number of Jamsostek contributions; And
- (5) Have all necessary documentation.

### **Illegal Labor**

Workers who falsify documents ranging from health records to other documents needed to become migrant workers as well as other types of irregularities are considered to be operating as migrant workers who violate the law or are known as illegal workers (Ilhamdani: 2023). The difference between legal and illegal TKI is that the former enjoy legal protection, but the latter do not, because they are not carried out in accordance with Indonesian regulations (Utami, et al: 2022). In line with being an illegal TKI, anything that violates the law has a negative effect. This will certainly harm parties or workers who come from Indonesia. Here are some of the bad effects (Abadi: 2019):

1. In the workplace, safety and security are not guaranteed.
2. Migrant workers cannot be legally protected if they are subjected to acts of violence.
3. There is a very small possibility that illegal migrant workers are paid.



4. Always worried because at any time could be detained by local state apparatus
5. An illegal TKI will not be covered by insurance in case of illness, accident or death.
6. Those who promise to confiscate and seize the wages of illegal migrant workers are known as PPTKIS.

## **RESEARCH METHODS**

This research was conducted using methods to facilitate and be able to support research interests. Where this research uses normative legal research. The form of study that uses the statutory method is descriptive and analytical and examines the meaning and intent of several sources of statutory regulations as well as the rules and standards used (Soekanto & Mamudji: 1990). By using secondary legal material taken from several literacies such as journal articles and the thoughts of scholars as a basis for research and considerations in the analysis carried out by researchers. The method used for data collection in this study was library research, namely examining related library materials when conducting research.

## **RESEARCH RESULTS AND DISCUSSION**

### **Forms of Legal Protection for Indonesian Migrant Workers (TKI) Abroad**

With regard to the placement of migrants from Indonesia, workers working abroad are treated with respect for their human rights, dignity and legal protection. Equal job opportunities are also provided, and employees are prepared according to the demands of the state. Because work is so important to human existence, everyone needs it. Work can be seen as a way for individuals to earn money to support their families and themselves. It can also be seen as a way for a person to achieve self-fulfillment, where they feel their life is more valuable for themselves, their family, and their environment. So it is important to respect everyone's intrinsic right to work. placement of migrants from Indonesia Workers who work abroad are treated with respect for their human rights, dignity and legal protection (Sari: 2019).

Given the value employees have for business, government, and society as a whole, consideration must be given to how to keep employees safe while conducting business. Workers can be protected in various ways, including by filing lawsuits, increasing awareness of human rights, and increasing physical, technical, social and economic protection through workplace regulations (Asikin: 2012). Protection for Indonesian Migrant Workers working abroad starts from the recruitment process and is included in every stage of the placement process, both while working and when returning to their country of origin. This is intended so that TKI can prevent any dangers that may arise when they travel abroad with the provision of accurate and authentic documentation (Sutedi: 2011).

Regulation, guidance, implementation and supervision of the placement and protection of Indonesian migrant workers abroad is the authority of the government (Yuliantini & MangkuL 2020). In carrying out the duties and obligations to improve efforts to protect TKI abroad, it is necessary: a) to guarantee the rights of prospective TKI/TKI, both those who depart through the implementation of TKI placements and those who depart on their own, are upheld; b) monitor the placement of prospective migrant workers; c) build and develop an information system for the placement of prospective migrant workers abroad; and d) use diplomacy. Some of these things are a reflection of Articles 5 to 7 of Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Migrant Workers Abroad. In addition, PP No. 3 of 2013 concerning the Protection of Indonesian Migrant Workers Overseas also emphasizes protection for Indonesian Migrant Workers abroad that protection will start from pre-departure protection, placement protection, during the period of employment to the protection provided when returning to Indonesia.

### **Scope of Legal Protection for Indonesian Migrant Workers (TKI)**

Within the scope of protection, there are several aspects that make up this component, including the following:

1. Protected party. TKI still has a place as a challenger to TKI in the first step of protection. The TKI Law defines prospective TKI as Indonesian citizens who meet the criteria as job seekers who will work abroad and have been registered with the Regency/City Government agency in charge of the manpower sector (Article 1 point 2 of the TKI Law). The TKI Law also defines a TKI as any Indonesian person who meets the qualifications to carry out a working relationship while abroad for a certain time in return for compensation (Article 1 point 1 of the TKI Law). The definition of TKI is ambiguous because it may have multiple meanings. The first interpretation is that TKI are prospective TKI who have fulfilled all the criteria, but PAP, Insurance, and KTKLN are also required for TKI apart from documents. The problem is, what exactly are the provisions of Article 1 Number 1 of the TKI Law. According to the phrase "work relationship for a certain period of time with wages", the second meaning is called TKI if the prospective TKI has signed a work agreement. Actually, work agreements can be signed in the destination country. In addition, one still has to arrange insurance, PAP, and KTKLN, so signing a work agreement is not the last criterion for traveling abroad.
2. Community Role. By expanding the choice of private companies to place prospective migrant workers abroad through PPTKIS, the Indonesian Migrant Workers Law has provided an opportunity for the wider community to participate in the placement and protection of Indonesian migrant workers. In addition to the emergence of rogue PPTKIS who only intend to make money for TKI without thinking about the fate of TKI let alone provide protection for TKI in need, now it has finally been realized because of the increase in violations committed by PPTKIS. the portion of placement and protection given to PPTKIS is too large, making it impossible for PPTKIS to complete all the tasks they are currently carrying out. As a sovereign country, it seems as if the government is required to provide protection, but in reality conflicts often occur between government departments that handle migrant workers' problems. Local residents did not know where to go to complain about the violence they witnessed, such as when crew members were not paid. There is little doubt that this situation reduced public distrust of government. Even the locals are out to raise money for the release of the many migrant workers who face the death penalty.
3. Protection Time. The TKI Law further stipulates that the pre-placement, placement and post-placement periods are the protection period for TKI. Placement of Indonesian Migrant Workers includes service activities to match Indonesian Migrant Workers according to their talents, interests and abilities with overseas employers, which includes the entire process of recruitment, document processing, education and training, housing, preparation for departure, departure to destination countries, and return from destination countries. . This is based on the description regarding the placement of TKI in Article 1 Number 3 of the TKI Law. According to the definition of TKI placement, there is one range of activities, namely departure which is only regulated very loosely and is not in the right position. Pre-placement actions include deviations from the Indonesian Migrant Workers Act. Departure actually refers to the process of departure of Indonesian migrant workers from Indonesia and continues until they reach their final placement location. Departures covered by the TKI Law are only those made when leaving Indonesia. In fact, the transition from leaving Indonesia to the destination country is fraught with difficulties. The reason is, TKI who depart from Indonesia do not go directly to the destination country of the shipment. They may have to travel first. Various factors make this opportunity change the destination country for

Indonesian migrant workers. This is one of the issues that has made the moratorium ineffective in a number of Middle Eastern countries.

4. Facilities and Infrastructure. Seeing from the point of view of facilities and infrastructure. CTKI and TKI are not protected effectively by the TKI Law either in a preventive or repressive manner. Most of the infrastructure and facilities needed by TKI, including job training and housing facilities, will be provided by PPTKIS. It can definitely be abused. The facilities and infrastructure provided by PPTKIS are of course limited to a minimum to reduce costs and increase profits because PPTKIS is a private corporation and of course wants to generate the maximum profit.

### **Legal Protection Efforts**

It is clear from the discussion of laws, regulations, and the scope of protection that the security of Indonesian migrant workers is a very complicated matter, so that to increase the number of migrant workers, integrated protection is needed by taking into account two elements, namely:

1. Responsible Party Provides Protection. One of the goals of the state is to preserve all of Indonesia's bloodshed, according to the fourth paragraph of the Preamble to the 1945 Constitution. Indonesia is a constitutional state, according to Article 1 of the 1945 Constitution. Indonesia must be able to defend the human rights of its inhabitants as a rule of law state. The 1945 Constitution also regulates the rights of citizens to obtain a decent job in Article 27 Paragraph 2 of the 1945 Constitution, the right to work for wages and receive fair and proper treatment in employment relations in Article 28D of the 1945 Constitution, and the right to choose a job in Article 28E of the Constitution. 1945. These clauses lead to the conclusion that the state has the duty to protect its population, including migrant workers. According to Satjipto Rahardjo, the executive with the bureaucracy in a contemporary state is the government in this case (Rahardjo: 2012). The central government and city government are separated by the provisions of Law no. 23 of 2014. While the Regional Government is the regional head as an element of the Regional Government administrator who oversees the implementation of government affairs which are the authority of the autonomous region, the Central Government is the President of the Republic of Indonesia who holds government power. The Republic of Indonesia is assisted by the Vice President and ministers. Courts play a function in law enforcement in addition to government. The scope of justice includes courts, police, prosecutors, and advocates (Rahardjo: 2012). Then there is the administration of justice, in this case including courts and prisons. In terms of taking action against parties who violate the idea of protecting migrant workers who are threatened with consequences, both criminal and administrative, the role of the judiciary is stronger. Laws relating to illegal migrant workers and their relation to the crime of human trafficking have been actively enforced by the police.
2. Integrated Service System for TKI. Protection must be carried out in an integrated manner through an integrated service system because of the many agencies involved, the large number of documents that must be handled, and the protracted procedures that must be passed to become a TKI. The concept of an integrated service system is not new. This mechanism has been put in place under the capital services framework. According to the explanation in Article 9 paragraph 1 of Law Number 25 of 2009 concerning Public Services, an integrated service system is a management unit in the provision of services carried out in one place and controlled by a management control system to simplify, speed up transfers, and reduce costs. PP No. 96 of 2012 concerning Regulations for Implementing Law no. 25 of 2009 concerning Public Services states in Article 14 paragraph (1) that this system can be implemented physically or virtually as long as it meets the service criteria.

One door and one roof service are two forms of an integrated service system, based on Article 14 Paragraph (2) PP No. 96 of 2012 concerning Implementation of Law no. 25 of 2009 concerning Public Services. The one-door service system manages various types of services in an integrated manner in one process starting from the application stage and ending through one door, while the two-door system manages organizations that do not have a process relationship from the application stage to completion through one roof through several doors. The one-door service has delegation or delegation of powers, while one roof does not always. This is a fairly important difference. Because choices can be made immediately at the service location without requiring central permission, the presence of this delegation of authority accelerates a one-stop integrated service system. Because there is very little interaction between the applicant and the authorities because everything can be done in one location, one-stop integrated services can help reduce the emergence of unlawful fees (Juniarso & Ridwan: 2014).

This situation is different from the one-roof service, when the length of service is longer than one door. This is because there are still several parties signing permits because the one-stop service does not require delegation of authority. Moreover, this situation prolongs the procedure for sending files. However, this one stop integrated service has several limitations related to the unlimited power of the central government. This unlimited power over national monetary and fiscal policy, foreign policy, defence, security, justice, and religion. Only the central government, vertical agencies in the regions, or governors who act as agents of the central government can exercise absolute control. There are problems with managing TKI documents related to absolute government affairs, such as the issuance of passports. Therefore, one stop integrated service system and one stop integrated service system can be combined to provide integrated services as a middle way.

### **Analysis of the Successful Thwarted Smuggling of Indonesian Migrant Workers from NTT**

The smuggling of Indonesian workers is very detrimental, both for the workforce and for the country. This is in line with what happened on March 20 2023 to two prospective migrant workers who were to be channeled into illegal workers. With the Protection of Women and Children (PPA) FP NTT and SRIKANDI FP NTT, The East Nusa Tenggara Youth Forum (FP NTT) succeeded in repatriating two victims of non-procedural (Illegal) Indonesian Migrant Worker (PMI) applicants from NTT. If one observes the reports presented on the news website, it is stated that the two victims had minimal information. Thus causing a lack of education related to procedural and full protection if you become a TKI who has official or legal status. This then reaps its own meaning that there is confusion for village or regional communities to distinguish between official and unofficial agencies.

Then this can be a point or meeting point which is one of the factors why more and more migrant workers have illegal status, namely due to a lack of education from the government. However, in line with the reason why many prospective migrant workers have options or illegal pathways apparently have their own reasons. Quoted from a news page, the process of becoming a TKI with legal status requires a longer process than illegal. Regardless of the reasons why potential migrant workers belong to and choose illegal patterns, if one imagines that if two victims came from NTT, as happened and were successfully thwarted by FP NTT, the following are the possibilities that could occur if the two prospective migrant workers passed their departure:

1. Do not get protection in the realm of justice, security and safety in the eyes of the law.
2. Have a salary risk that is not in general.
3. Vulnerable to being caught or detained at the embassy of another country if they do not have complete documents showing the identity of the TKI.



4. There is no guarantee for the smooth working period.
5. If TKIs experience obstacles such as violence, termination of employment, it is possible that TKIs with illegal status will be classified as difficult in the transition period.
6. There is no official bureau that is responsible for all the problems experienced by migrant workers with illegal status.

In this way, the case involving the thwarted smuggling of workers from NTT became a step to prevent bad things that would happen to the prospective migrant worker in a bad condition. This is a good first step, so it will be better if all smuggling cases can also be known by any party and report it. This is of course aimed at the common good, there are no more victims who become migrant workers with illegal status.

Apart from the protection side for illegal prospective workers, there are threats that follow for a person or group of people who deliberately dispatch or facilitate prospective workers so that they have illegal status. Where the threat tends to be in the criminal realm. As the Law on the Protection of Indonesian Migrant Workers (PPMI) which was passed by the DPR last October states, perpetrators who are involved in illegally sending Indonesian Migrant Workers (TKI) to other countries can be punished with imprisonment for a maximum of 10 years and a maximum fine of Rp. 15 billion. According to R Soes Hindharno, the Ministry of Manpower conveyed this through the Director for Placement and Protection of Overseas Migrant Workers (PPTKLN).

Whoever deliberately places a TKI in a position and place of work that is not in accordance with the work agreement so that the TKI is injured is threatened with imprisonment for a maximum of 10 years and a fine of up to Rp. 15 billion. A similar warning is also addressed to anyone placing a migrant worker who does not meet the standards, including being registered, having a Social Security number, and having the required documents. So it can be concluded that the sending of prospective illegal workers will have an impact on the safety of prospective workers both from a legal point of view and a guarantee of balance in living life. In addition, there is no tolerance or justification for a person or group of people who dispatch prospective workers with illegal status. So that if there is concrete and real evidence, this will be followed up strictly.

## **CONCLUSION**

Smuggling of illegal workers is a type of transnational crime. Where workers who falsify documents ranging from health records to other documents needed to become migrant workers and other types of irregularities are considered to be operating as migrant workers who violate the law or are known as illegal workers. The difference between legal and illegal TKI is that the former enjoy legal protection, but the latter does not because it is carried out in accordance with Indonesian regulations. The smuggling of two prospective migrant workers from NNT can also be categorized as a form of transnational crime. So that there needs to be special attention related to the many cases of smuggling of prospective migrant workers. see what happened from the failure incident that was successfully carried out by FP NTT, The following are the conclusions that occurred: Lack of education for people who have the desire to work as migrant workers regarding official or legal or illegal status. Lack of oversight or lack of overall counseling. There needs to be an introduction to the bureaus that serve and are willing to be the party responsible for the departure of prospective migrant workers.

From the problems that occur in the presentation of the material, the following suggestions may be considered: There needs to be counseling by the regional government effectively by dividing it into sections, such as villages, hamlets or community associations.

Counseling is needed regarding the file management process regarding the reasons why it takes longer to become a prospective migrant worker with legal status when compared to illegal, accompanied by various risks that potential workers may face.

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