

LEGAL PROTECTION OF INDONESIAN MIGRANT WORKERS INVOLVED IN ILLEGAL ACTIVITIES OF THE ONLINE SCAMMER SECTOR IN CAMBODIA

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Abstract

The increasing phenomenon of non-procedural Indonesian Migrant Workers (PMI) involved in Illegal activities such as online scamming is an increasingly worrying issue that requires serious attention. Because their departure is unofficial, the legal protection they receive is very limited. However, this does not necessarily eliminate their right to protection. Several international legal bases still provide room for protection, including the active and passive national principle, the principle of good faith of the state towards its citizens, the Articles on State Responsibility issued by the International Law Commission (ILC) in 2001, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1990. In addition to legal instruments, bilateral settlements between countries are also an important aspect in handling this phenomenon. Without good cooperation and coordination between sending and receiving countries, efforts to eradicate this practice will be difficult to achieve optimally.

Keywords : Legal Protection, Indonesian Migrant Workers, Bilateral Cooperation.

INTRODUCTION

The historical roots of Indonesian labor migration can be traced back to the colonial period (Fikriansyah & Julia, 2023). High wages are one of the main factors that encourage individuals to migrate. Research shows that the higher the wages offered abroad, the greater the interest of people to seek work in other countries (Indriani, Sayuti, 2024). The number of migrant workers does not include those who leave illegally or non-procedurally, despite the government's efforts to regulate and protect migrant workers, this *illegal* practice still continues to occur. Although many leave with the hope of improving their quality of life and helping their families, the reality is that they face high risks that can threaten their safety and well-being. Most of them are forced to work in situations that fall short of humanitarian standards, such as excessive working hours and minimal rest time. They are also at risk of physical and sexual abuse. There are many cases where they do not have access to legal support or protection from the authorities (Imamin, 2024)

Based on BP2MI data, until August 2024 there were 143 complaints, of which 67.13 percent came from Indonesian workers abroad who worked without following official procedures (Antara Jatim, 2024) . As with the case that recently surfaced, namely PMI who were exploited in Cambodia. This case began when the victim's brother received information from a labor channeling agent, the agent informed that there were jobs in Cambodia with better salaries of around Rp 7,000,000 to Rp 9,000,000. hearing this information the victim's brother

was interested and offered the job to the victim's younger brother (Dirgantara, 2022). Before being dispatched the victim was asked for Rp 4,000,000, after the money was handed over the agent took care of all the documents for the victim's departure including the passport which was finished 2 days after the money was handed over. In the end, the victim and her friends who were going to work in Cambodia departed on July 15, 2022 but the victims were not given any training before departure. When they arrived in Cambodia and started working, the victims were surprised because it was not in accordance with what was promised, the victims were forced to work for 16 hours a day in addition to that if the victims did not meet the target then they would be punished (Kumparan News, 2022). The victim mentioned that the punishment experienced by PMI while working there varied, namely being beaten, diestrums and some had their passports burned (Dirgantara, 2022).

The other case was befalling 11 Indonesian citizens consisting of Steven from Tangerang and 10 of his colleagues from Medan, North Sumatra (Damarjanti, 2023). The 11 Indonesian citizens include 10 men and 1 woman. Where they are aged between 19-38 years. They felt that they were lied to by the agent who initially told them that they would work as a call center with a salary of 12 million per month (SBMI, 2023). However, when they arrived in Cambodia they were not employed as call centers but were forced to work as *online scammers*. They work in front of computers, communication devices, and applications, for six days a week, sometimes seven days a week. They are forced to work with victims who are Indonesian where the action is launched through a matchmaking application called tantan, after launching persuasion, the victim is directed to a binary option application called Mekri where this application is a trade that involves investing in assets for a predetermined period. Binary options or binary options include a form of online trading instrument where traders predict or guess the price of an asset to rise or fall within a certain period of time. (Damarjanti, 2023). The salary given was not as promised. They only get USD 400 or USD 350 or around 5-6 million rupiah, even though they work more than eight hours per day and sometimes have to work on Sundays. The place where they work is guarded by a very high wall with strict surveillance and CCTV, besides that there are also security officers guarding with weapons (Damarjanti, 2023).

The high number of migrant workers who work abroad requires the government to provide legal protection for them (Anggraini et al, 2020). In Indonesia, the protection of migrant workers is regulated in various laws and regulations, with the main objective of protecting the rights and interests of migrant workers and preventing exploitation. Some of the main regulations governing migrant workers are Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers. This law is the main legal umbrella for the protection of migrant workers. There is also Government Regulation No. 59 of 2021 on the Implementation of the Protection of Indonesian Migrant Workers and Ministerial Regulation No. 4 of 2023 on the Social Security of Indonesian Migrant Workers which regulates in more detail the implementation of the law, such as the procedures for placing migrant workers, the requirements for becoming a migrant worker, and sanctions for violators. *International* legal sources that can be used as a legal umbrella include the *International Labor Organization (ILO) Convention 97 of 1949 concerning Migration for Employment* (Migration for migrant workers). *International Labor Organization (ILO) Convention 143 of 1975. International Convention On The Protection Of The Right Of All Migrant Workers And Members Of Their Families 1990* (International Convention on the protection of all migrant workers and members of *their* families). There are strict sanctions for those who violate the laws and regulations on migrant workers, whether it is a channeling agent, placement company, or other parties involved. This protection aims to protect migrant workers from various forms of exploitation, such as forced labor, trafficking, and other human rights violations. Ensure the welfare of migrant workers

while working abroad, including the right to wages Based on this, the author aims to examine How is the legal protection of non-procedural migrant workers involved in the *Illegal* activities of the *Online scammer* sector in Cambodia and what are the forms of settlement between the Indonesian and Cambodian governments? What is the form of settlement between the Indonesian and Cambodian governments regarding the *Illegal* activities of the *Online scammer* sector in Cambodia.

METHODS

The research method in this study applies normative legal research methods, namely an approach that focuses on analyzing applicable legal norms in order to understand and explain a legal problem (Marzuki, 2011). This research also examines legal protection for non-procedural migrant workers involved in *illegal* activities as *online scammers* to dispute resolution between the two countries, namely Indonesia and Cambodia, in various laws and regulations and legal provisions relating to these issues to provide a comprehensive view. This research uses three approaches the first, the second statutory approach, conceptual approach, case approach. The first approach, namely the statutory approach, is carried out by examining all laws and regulations related to the legal issues being discussed or studied. Second, the conceptual approach, this approach focuses on understanding the legal concepts that form the basis of the legal issues of the research. (Fajar & Achmad, 2019). Emphasizes the analysis of the concept of legal protection and also the concept of dispute resolution. Third, the case approach, is one type of approach that is carried out by examining cases related to the research (Fajar & Achmad, 2019) . The cases that will be used relate to PMI involved in the *Illegal* activities of the *Online scammer* sector.

There are three sources namely primary legal materials, secondary legal materials, and non-legal materials. In this study, primary legal materials are legal materials consisting of relevant laws and regulations. Secondary legal materials refer to sources that include *textbooks* that discuss topics related to *illegal* activities, digital crimes, and relevant legal journals such as exploitation of Indonesian Migrant Workers (PMI), protection of non-procedural PMI, protection of PMI in Cambodia, and international dispute resolution. Non-legal materials are research sources that are not directly related to the law, but are still relevant to the topic under study (Marzuki, 2011). This material includes supporting data, English dictionaries. The collection technique in this research was carried out through literature studies of various This research applies prescriptive analysis techniques, which aim to provide arguments to the findings obtained during the research (Muhaimin, 2019) . In this approach, researchers provide an assessment or prescription regarding the truth or error of a legal fact or event, as well as what should be done according to the law (Marzuki, 2011)

RESULT AND DISCUSSIONS

1. Legal protection of non-procedural migrant workers according to passive national principles and active national principles

The state has legal authority or jurisdiction over each of its citizens, regardless of the location where they are located, either domestically or abroad (Ryngaert, 2021). This principle allows the state to ensure that every citizen remains responsible for their actions, even when they are abroad, and prevent actions that can harm the national interests and image of the country in the international arena. Based on the phenomenon if associated with the active national principle they as PMI are guilty of

committing a criminal act of fraud where their fraud victims are also fellow Indonesian citizens. Article 378 of the Criminal Code states that "Any person who, with intent to unlawfully benefit himself or another, by using a false name or false dignity, deceit, or a series of lies, induces another person to deliver any property to him, or to incur a debt or to cancel a debt, shall, being guilty of fraud, be punished by a maximum imprisonment of 4 years." The article explicitly states that perpetrators of fraud can be sentenced to imprisonment for a maximum of four years. Based on this provision, anyone proven to have committed fraud can be prosecuted in accordance with applicable regulations.

It is important to understand that not all individuals involved in these activities are acting of their own free will. Many of them are coerced, threatened and exploited in transnational crime networks, so their status cannot be equated to that of criminals who knowingly commit criminal offenses. The state not only has the authority to punish, but is also obliged to provide protection to its citizens who are victims of exploitation.

In dealing with these cases, the state's approach focuses on criminal punishment, but must also consider protection and rehabilitation for victims. The state has a moral and legal obligation to ensure that those who are victims are not treated as criminals, but as individuals who need legal and social assistance. This approach is in line with Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (TPPO), which affirms that victims of human trafficking are entitled to protection and remedy from the state, the United Nations Convention against Transnational Organized Crime (UNTOC) and the Palermo Protocol, which mandate that states must provide assistance to victims of human trafficking, including exploited migrant workers, as well as the Non-Penalization Principle in international law, which states that victims of exploitation should not be punished for *Illegal* acts they committed under duress or coercion.

After the victims are successfully repatriated to Indonesia, the government is responsible for the rehabilitation of the victims as stipulated in Article 51 (1) of Law No. 21/2007 on the Eradication of Trafficking in Persons "Victims are entitled to obtain health rehabilitation, social rehabilitation, repatriation, and social reintegration from the government if they have suffered both physical and psychological suffering as a result of the criminal act of trafficking in persons." The government can work with the Ministry of Social Affairs (MoSA), Ministry of Manpower (MoM), and the Indonesian Migrant Workers Protection Agency (BP2MI) to provide psychological assistance and job training for repatriated victims. Victims who are forced to commit crimes often experience trauma including guilt, fear, and loss of confidence to return to normal life (G. J. Putra, 2024). They should receive psychological counseling services to help them process the trauma experienced. Social assistance is also needed to ensure that they can be re-accepted by their families and communities without negative stigma.

The passive national principle authorizes a state to take action or prosecute perpetrators of crimes that occur outside its territory if the victims of the crime are its citizens (Malcolm 2008). In other words, even if a crime is committed in another country by an individual who is not a citizen of the victim's home country, the victim's home country still has the right to enforce the law and hold the perpetrator accountable (Sefriani, 2017). In the context of this phenomenon, the application of the active national principle requires the government to not only provide protection for victims, but also take firm action against the perpetrators involved in the *Illegal* labor

recruitment and exploitation network. There are several parties that should be the target of legal action by the government. These actors play a role in the chain of *illegal* labor exploitation, either directly or indirectly.

- 1) Job Informers, Individuals or agents who spread fictitious job vacancies and deceive victims with the lure of high-paying overseas jobs. They are responsible for spreading misleading information, so that victims are attracted to work abroad without going through official channels. Perpetrators may be charged with fraud under Article 378 of the Criminal Code.
- 2) *Illegal* Labor Brokers, agents who arrange the departure of victims abroad without going through legal procedures, either directly or through third parties. They can be individuals, *illegal* labor companies, or criminal networks that use victims for economic interests. Based on Article 81 of Law No. 18/2017 on the protection of migrant workers, they are punishable by imprisonment for a maximum of 10 (ten) years and a maximum fine of Rp 5,000,000,000.00 (fifteen billion rupiah).
- 3) Employers in Cambodia, Companies or individuals in Cambodia who *illegally* employ migrant workers and force them to work in inhumane conditions. Those who utilize labor resulting from human trafficking are included in the category of main perpetrators. Based on Law No. 21/2007 on the Eradication of Trafficking in Persons, they are subject to imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years and a fine of at least Rp120,000,000.00 (one hundred twenty million rupiah) and a maximum of Rp600,000,000.00 (six hundred million rupiah).
- 4) Perpetrators of Physical and Mental Abuse, people who physically and psychologically abuse migrant workers, including supervisors or owners of *illegal* companies. The forms of violence committed include beatings, confinement, threats, and exploitation. Article 351 of the Criminal Code states that "(1) Maltreatment shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred Rupiahs. (2) If the act results in serious injuries, the offender shall be punished with a maximum imprisonment of five years."

2. Legal protection of non-procedural migrant workers based on state good faith

The principle of good faith in law is a fundamental principle that requires each party to act honestly, fairly, and not to harm the other party in a legal relationship (Nursal, 2022). In international law and the protection of Indonesian Migrant Workers (PMI), this principle is the basis for the state in carrying out its obligations to protect its citizens, including those who depart non-procedurally and experience exploitation or crime abroad. For non-procedural migrant workers trapped in an *online scammer* syndicate in Cambodia, the principle of good faith requires the Indonesian government to continue to provide protection, even though they departed through *illegal* channels. As part of the principle of human rights protection, the government is still obliged to ensure the safety, welfare, and fulfillment of the basic rights of citizens, including in providing legal assistance, diplomacy, and repatriation for migrant workers who experience problems abroad. As stipulated in the Constitution of the Republic of Indonesia Article 28D paragraph (1) "Everyone has the right to recognition, guarantees, protection, and certainty of a just law and equal treatment before the law." Article 28G paragraph (1) "Every person shall have the right to protection of self,

family, honor, dignity, and property under their control and shall have the right to security and protection from threats of fear to do or not to do something which is a human right." Article 28I paragraph (4) "The protection, promotion, enforcement and fulfillment of human rights are the responsibility of the state, especially the government."

Even though they departed without following official procedures, the state still has a responsibility to protect its citizens, both at home and abroad. Repressive protection efforts carried out by the government are the rescue and repatriation of Indonesian Migrant Workers (PMI), this process involves various parties, including the Ministry of Foreign Affairs, the Ministry of Manpower, the Indonesian Migrant Workers Protection Agency (BP2MI), as well as the Indonesian Embassy (KBRI) and the Consulate General of the Republic of Indonesia (KJRI) in Cambodia.

3. Legal protection of non-procedural migrant workers according to the International Law Commission 2001 Articles on State Responsibility

According to the *International Law Commission (ILC) 2001 Articles on State Responsibility*, a state is responsible for acts or omissions attributable to it, whether committed by the government, state officials, or other parties acting on behalf of the state. In addition, the state is also responsible if the act violates international obligations applicable to the state. This principle emphasizes that the state cannot avoid its responsibility in the event of a violation of international law, especially one that causes harm to other parties (Sefriani, 2017).

The phenomenon of non-procedural Indonesian migrant workers (PMI) involved in *illegal* activities such as *online scams* in Cambodia can be studied based on the *International Law Commission (ILC) 2001 Articles on State Responsibility*, because this article regulates state responsibility for acts of violating international law. *Article (1) "Every internationally wrongful act of a State entails the international responsibility of that State."* The article means that if Indonesia is involved in wrongful acts in the context of Indonesian citizens involved in *Illegal Online scammer* activities then Indonesia must be responsible either in terms of providing punishment or providing protection for those who are forced to be involved. *Article (2) B "There is an internationally wrongful act of a State when conduct consisting of an action or omission: (b) constitutes a breach of an international obligation of the State."* (There is an internationally wrongful act of a State when *conduct* consisting of an action or omission: (b) constitutes a breach of an international obligation of the State.)" In this context, state negligence occurs when the government fails to protect its citizens from *illegal* labor exploitation, especially in the case of migrant workers who are recruited through unofficial channels and end up in human trafficking practices or organized crime.

The state must improve migrant worker protection mechanisms, strengthen regulations, and increase cooperation with destination countries to ensure the rights of migrant workers remain protected. *Article 31 "(1) The responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act. (2) Injury includes any damage, whether material or moral, caused by the internationally wrongful act of a State. ((1) The responsible State is obliged to make full reparation for the injury caused by the internationally wrongful act. (2) Harm includes any loss, whether material or moral, caused by the internationally wrongful act of a State.)"*

Under Article 31 of the *International Law Commission's (ILC) 2001 Articles on State Responsibility*, a state is responsible for providing reparations to a party who has suffered harm as a result of its negligence in fulfilling its international obligations. In the context of non-procedural migrant workers involved in *illegal* activities in Cambodia, state negligence can occur when Indonesia fails to provide maximum protection for its citizens so that they become victims of exploitation in online scam networks or trafficking in persons (TPPO).

Thus, Article 31 of the ILC 2001 emphasizes that the state is not only obliged to provide preventive protection to its citizens, but is also responsible if there is a failure in the protection system.

4. Legal protection of non-procedural migrant workers according to the *International Convention On The Protection Of The Right Of All Migrant Workers And Members Of Their Families 1990*

ICMW 1990 covers all migrant workers and their family members, both those who work legally (*documented*) and those who do not have official documents (*undocumented*). The legal protection provided is not only limited to migrant workers who have registered with the formal employment system, but also includes those who work in the informal sector or without official authorization. The Convention regulates various fundamental rights of migrant workers, including civil, economic, social and cultural rights. Indonesia has ratified the 1990 ICMW through Law No. 6/2012, which demonstrates the country's commitment to protecting Indonesian migrant workers (PMI), but the implementation of this convention still faces various challenges. One of the main challenges is increasing protection for migrant workers in destination countries that have not ratified the convention, so there are still limitations in the legal protection mechanism for them.

Article 7 "States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as as to sex, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or any other status. (States Parties undertake, in accordance with international human rights instruments, to respect and ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights set forth in this Convention without distinction of any kind such as sex, race, color, language, religion or belief, political or other opinion, nationality, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.)"

Article 7 states that the rights set out in the convention should be accorded to all migrant workers without discrimination based on immigration or employment status. This includes the right to be protected in case of problems while abroad.

Article 10 "No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. (No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.)" The article affirms that no migrant worker shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. In the context of the implementation

of article 10, countries that have ratified the ICMW 1990 are obliged to prevent, investigate and prosecute perpetrators of violence against migrant workers. This includes strengthening national legal systems, providing access to justice for victims, and cooperation between countries in dealing with cases of exploitation and human trafficking.

Article 23 "Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired. In particular, in the case of expulsion, the person concerned shall be informed of this right without delay and the authorities of the expelling State shall facilitate the exercise of such right. (Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of consular or diplomatic officials of their State of origin or of the State representing the interests of that State, if the rights recognized in this Convention are violated. In the case of expulsion, the person concerned shall be informed of this right immediately and the officials of the expelling State shall facilitate the exercise of this right." One of the important rights guaranteed in the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* 1990 (ICMW 1990) is the right to consular protection and assistance, as stipulated in Article 23. This article states that migrant workers have the right to request protection and assistance from the diplomatic or consular representative of *their* country if they face legal, administrative or social problems in the destination country. Consular protection for migrant workers can include various forms of assistance, such as legal assistance, advocacy in cases of human rights violations, administrative assistance related to residence or employment permits, and repatriation in emergency conditions.

Overall, Article 23 of the 1990 ICMW affirms that migrant workers have a fundamental right to protection and assistance from their home country through diplomatic and consular representation.

5. Indonesian state settlement efforts related to the *Illegal* activities of the *Online scammer* sector in Cambodia

1) Prevention (*Preventive*)

Some of the preventive efforts made include: Socialization and Education to the Public, The government actively educates the public about the dangers of online scam syndicates and how to avoid *illegal* job offers abroad. This socialization is carried out through mass media, seminars, and cooperation with migrant worker organizations to disseminate information on legal procedures for working abroad. The Ministry of Foreign Affairs, BP2MI, and Indonesian Embassies in various countries also play a role in providing valid information and reminding prospective migrant workers to be more careful in accepting job offers abroad. The Indonesian Migrant Workers Protection Agency (BP2MI) has tightened supervision of migrant worker recruitment companies to ensure that they follow official

procedures and are not involved in sending workers *illegally*. Supervision also covers *illegal* employment agencies that often utilize digital platforms to recruit migrant workers illegally. With stricter supervision, it is expected that the number of migrant workers recruited *illegally* can be minimized. Protection Services for Migrant Workers Abroad to prevent migrant workers from being trapped in dangerous situations, the government provides a complaint hotline and assistance services for Indonesian citizens abroad. The Indonesian Embassy in Phnom Penh and Consulates General in several other countries are active in handling reports of Indonesian citizens who need assistance. The government also provides legal assistance for migrant workers who are detained by destination country authorities due to alleged involvement in *illegal* activities.

2) Recovery (Repressive)

The government has also taken firm repressive measures to crack down on syndicates involved in the exploitation of migrant workers and provide protection and rehabilitation for victims who have been caught up in these networks. Efforts that have been made include: Rescue and Repatriation of PMI Victims of Online Scam, The Indonesian government has made massive rescue efforts for PMI who are victims of labor fraud and exploitation in Cambodia. The Ministry of Foreign Affairs worked closely with the Cambodian government to evacuate the victims and repatriate them to Indonesia. Since 2022, more than 2,946 Indonesian citizens have been rescued and repatriated (G. M. Putra et al., 2023). Law Enforcement and Action against Syndicates, in an effort to take action against criminals who recruit and exploit migrant workers to work in online scam networks, the Indonesian government cooperated with Cambodian authorities to arrest the main perpetrators. Legal proceedings against *illegal* recruitment agencies in Indonesia are also ongoing.

Rehabilitation and Reintegration of Migrant Workers into Society, after being repatriated to Indonesia, many victims are traumatized and have difficulty re- adapting to normal life. The government provides rehabilitation programs for victims of exploitation so that they can return to society with a better psychological condition. Job training programs are also provided to help them gain better skills and avoid the risk of falling back into *illegal* work.

A. Cambodia's settlement efforts related to the *Illegal* activities of the Online scammer sector in Cambodia

Some of the efforts that have been made by the State of Cambodia are:

- 1) In December 2023, the Cambodian government opened a victim support center in Banteay Meanchey province to provide services including temporary shelter, health care, and vocational training for victims of human trafficking (U.S. Report, 2024).
- 2) The government's assistance policy for trafficking victims provides victims with a food allowance of 150,000 riel (\$37), a living allowance of 120,000 riel (\$30) for three months, job training, and reintegration assistance (VOA news, 2024).
- 3) Local authorities have raided residential compounds, established emergency phone lines and complaint systems, and repatriated hundreds of victim- survivors (ASEAN-ACT, 2024)

- 4) The Cambodian government continues to work on prevention. The National Committee for Counter Trafficking (NCCT) and its secretariat coordinated
- 5) anti-trafficking activities and began drafting the National Anti-trafficking Action Plan 2024-2028. The NCCT produces an annual report documenting the government's anti-trafficking efforts, the NCCT makes the report available to the public. The NCCT led 295 meetings in 2023 with various ministries to raise the importance of human trafficking in government, compared to 344 meetings in 2022. The
- 6) NCCT reportedly invited trafficking victims to attend meetings and workshops to improve policies through victims' expertise and recommendations (Cordisco Tsai et al., 2023).

B. Settlement efforts between Indonesia and Cambodia regarding the *Illegal* activities of the Online scammer sector in Cambodia involving Indonesian Citizens.

This phenomenon is a serious problem that must be addressed jointly by both countries, given its broad impact on the security and welfare of society. Some of the efforts that have been made by the two countries are:

- 1) In August 2022, the Minister of Foreign Affairs of the Republic of Indonesia, Retno Marsudi, held a meeting with the Minister of Home Affairs of Cambodia, Krolahom Sar Kheng, in Phnom Penh (Okezone News 2022). This meeting aims to discuss efforts to prevent Trafficking in Persons (TPPO) involving Indonesian citizens (WNI) in Cambodia. Foreign Minister Retno appreciated the cooperation of the Cambodian government in the rescue mission of Indonesian citizens from Sihanoukville and emphasized the importance of accelerating the return of victims and handling similar cases in the future (Antara News, n.d.). In addition, she encouraged the immediate completion of the negotiation of a memorandum of understanding between Indonesia and Cambodia on combating transnational crimes, which will serve as the basis for closer cooperation in prevention, protection of victims, law enforcement against TPPO perpetrators, and harmonization of related policies. The Cambodian Minister of Home Affairs expressed his support for efforts to accelerate the repatriation of Indonesian citizen victims and the completion of the negotiation of the memorandum of understanding. As a concrete step, the return of Indonesian citizens is planned to be carried out in stages according to flight availability (Detik News, 2024).
- 2) On August 21, 2023, during the 17th ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in Labuan Bajo, East Nusa Tenggara, the Indonesian National Police (Polri) signed six memoranda of understanding (MoUs) with the police forces of six ASEAN countries: Cambodia, Laos, Malaysia, Singapore, Thailand and Vietnam. The signing aims to strengthen bilateral cooperation in the prevention and control of transnational crimes, as well as increase law enforcement capacity in the region (Tempo, 2023). Of the six MoUs, three are new cooperation agreements with Cambodia, Malaysia and Singapore, while the other three are extensions and expansions of cooperation with Laos, Thailand and Vietnam. The main focus of these MoUs includes the prevention and enforcement of transnational crimes, such as

- 3) human trafficking, narcotics, terrorism, and cybercrime (Media Indonesia, 2023)

CONCLUSION

Legal protection for non-procedural migrant workers involved in *illegal* activities of the *online scammer* sector in Cambodia can be obtained by using several existing bases, including active and passive national principles. The protection obtained in the active national principle is that the state has a moral and legal obligation to ensure that those who are victims are not treated as criminals, but as individuals who need legal and social assistance. In the passive jurisdiction principle, the protection that can be obtained is that the government takes firm action against the perpetrators involved in the *illegal* labor recruitment and exploitation network. The second is the state's good faith, the protection obtained is that the state is obliged to carry out diplomacy, provide legal assistance, and ensure their repatriation and rehabilitation. The third is based on the International Law Commission 2001, the protection that can be obtained is to provide reparations for victims in the form of repatriation and restoration of PMI and compensation for victims. The fourth is based on the International Convention On the Protection Of The Right Of All Migrant Workers And Members Of Their Families 1990 protection that can be obtained is consular protection for migrant workers can include various forms of assistance, such as legal assistance, advocacy.

The settlement efforts made do not only depend on the unilateral policies of each country, but must be collaborative and involve various authorities in order to run more efficiently and produce effective solutions. The governments of Indonesia and Cambodia have made several preventive and repressive efforts to eradicate this phenomenon. The two countries have also cooperated as a form of diplomatic relations so that this phenomenon does not become more widespread, including the negotiation of a memorandum of understanding between Indonesia and Cambodia regarding the eradication of transnational crimes, which will form the basis for closer cooperation in prevention, protection of victims, law enforcement against TPPO perpetrators, and harmonization of related policies. POLRI signed a bilateral cooperation in the prevention and control of transnational crime with Cambodia during the 17th ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in Labuan Bajo, East Nusa Tenggara.

SUGGESTION

For Indonesian citizens, especially prospective Indonesian Migrant Workers (PMI), it is important to always be careful not to become victims of Trafficking in Persons (TPPO) to Cambodia which leads to exploitation as a scammer. One of the things to watch out for is the lure of easy work with very high salaries. Make sure the recruitment process is carried out through an official agent registered with BP2MI and always check its legality through official government channels. Do not be easily tempted by offers to leave quickly without clear procedures, because legal recruitment must go through a structured process, such as work contracts, work visas, training, and medical examinations. It is also important for prospective migrant workers to seek complete information about the destination country, including the work culture and risks they may face.

The Indonesian government must emphasize sanctions and tighten immigration so that this *modus operandi* does not happen again. The government should also provide socialization in any form, such as on social media, on banners or banners, and also in the form of seminars.

The Cambodian government must also conduct investigations and investigations regarding syndicates in their territory so that the phenomenon of non-procedural Indonesian Migrant Workers involved in *Illegal sector Online scammer* activities does not occur and recur.

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