

REGULATION OF THE MINISTER OF SOCIAL AFFAIRS OF THE REPUBLIC OF  
INDONESIA  
NUMBER 8 OF 2023  
ON  
HANDLING VICTIMS OF TRAFFICKING IN PERSONS AND TROUBLED INDONESIAN  
MIGRANT WORKERS

BY THE BLESSINGS OF THE ALMIGHTY GOD

MINISTER OF SOCIAL AFFAIRS OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that to protect victims of trafficking in persons and troubled Indonesian migrant workers, whether they have returned to their homeland or are still abroad, it is necessary to provide assistance;
  - b. that the existing regulations regarding handling victims of trafficking in persons and troubled Indonesian migrant workers are no longer in line with legal requirements, it is necessary to be changed;
  - c. that based on the considerations as referred to in point a and point b, it is necessary to issue a Regulation of the Minister of Social Affairs on Handling Victims of Trafficking in Persons and Troubled Indonesian Migrant Workers;
- Observing :
1. Article 17 section (3) of the 1945 Constitution of the Republic of Indonesia;
  2. Law Number 21 of 2007 on Eradication of Trafficking in Persons (State Gazette of the Republic of Indonesia of 2007 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4720);
  3. Law Number 39 of 2008 on State Ministries (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);

4. Law Number 11 of 2009 on Social Welfare (State Gazette of the Republic of Indonesia of 2007 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 4967);
5. Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as several times amended and last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
6. Law Number 18 of 2017 on Protection of Indonesian Migrant Workers (State Gazette of the Republic of Indonesia of 2017 Number 242, Supplement to the State Gazette of the Republic of Indonesia Number 6141);
7. Government Regulation Number 59 of 2021 on Implementation of Protection for Indonesian Migrant Workers (State Gazette of the Republic of Indonesia of 2021 Number 54, Supplement to the State Gazette of the Republic of Indonesia Number 6678);
8. Presidential Regulation Number 110 of 2021 on Ministry of Social Affairs (State Gazette of the Republic of Indonesia of 2021 Number 270);
9. Regulation of the Minister of Social Affairs Number 1 of 2022 on Organization and Work Procedures of the Ministry of Social Affairs (State Gazette of the Republic of Indonesia of 2012 Number 567);

HAS DECIDED:

To issue: REGULATION OF THE MINISTER OF SOCIAL AFFAIRS ON HANDLING VICTIMS OF TRAFFICKING IN PERSONS AND TROUBLED INDONESIAN MIGRANT WORKERS.

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

In this Ministerial Regulation:

1. Trafficking in Persons means the recruitment, transportation, harbouring, shipment, transfer, or receipt of persons by means of the violence threat, use of coercion, abduction, incarceration, fraud, deception, abuse of power or position of vulnerability, debt bondage, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation or which causes the exploitation of a person.

2. Indonesian Migrant Worker mean any Indonesian citizen who will work, currently works, or has done a work for wage outside the territory of the Republic of Indonesia.
3. Troubled Indonesian Migrant Workers means Indonesian Migrant Workers who face challenges such as violence, exploitation, deportation, abandonment, and social disharmony due to their inability to adapt to the country where they work, resulting in disrupted social functioning.
4. Family of Indonesian Migrant Worker means the husband, wife, children, or parents of worker including the relationship due to court's ruling and/or verdict, both the ones who live in Indonesia and the ones who live with Indonesian Migrant Worker abroad.
5. Victim of Trafficking in Persons, hereinafter referred to as Victim of TIP, means a person who suffers from psychological problem, mental disorder, physical problem, sexual abuse, economic hardship, and/or social hardship due to the Trafficking in Persons.
6. Social Rehabilitation means refunctionalizing and developing process of a person's ability to perform the social function reasonably within the community.
7. Social Security means one of the social protection forms to ensure that all citizens can fulfill their basic needs appropriately.
8. Social Empowerment means all efforts directed to make citizens facing social challenges have capacity to be able to meet their basic needs.
9. Social Protection means all efforts directed to prevent and handle risks arising from social shocks and vulnerabilities.
10. Minister means the minister administering the governance in social affairs.

## Article 2

- (1) Handling Victims of TIP and/or Troubled Indonesian Migrant Workers is intended for:
  - a. improving welfare, quality, and survival levels;
  - b. restoring social function in order to achieve independence; and
  - c. enhancing social resilience for Victims of TIP and/or Troubled Indonesian Migrant Workers in addressing social welfare issues.
- (2) Handling Victims of TIP and/or Troubled Indonesian Migrant Workers, as referred to in section (1), is carried out through a social work approach.

- (3) In addition to Victims of TIP and/or Troubled Indonesian Migrant Workers, as referred to in section (2), the handling is also carried out for Family and/or substitute family.

#### Article 3

- (1) The social work approach, as referred to in Article 2 section (2), is a professional assistance process for Victims of TIP and/or Troubled Indonesian Migrant Workers to achieve social function.
- (2) Social workers in handling Victims of TIP and/or Troubled Indonesian Migrant Workers as referred to in section (1) can coordinate and/or collaborate with other relevant professions.

### CHAPTER II

#### HANDLING

##### Part One

##### General

#### Article 4

Handling of Victims of TIP and/or Troubled Indonesian Migrant Workers as referred to in Article 2 is carried out based on an assessment by a social worker.

#### Article 5

- (1) Handling is conducted for victims of TIP and/or Troubled Indonesian Migrant Workers who are suspected or have been exploited either domestically or abroad.
- (2) Exploitation as referred to in section (1) is the forms of:
  - a. prostitution;
  - b. forced labor or service;
  - c. slavery or similar practices to slavery;
  - d. oppression;
  - e. extortion;
  - f. exposure to radicalism or terrorism ideology;
  - g. physical, sexual, and reproductive organ exploitation may occur physically or online;
  - h. illegally transferring or transplanting organs and/or body tissues;
  - i. exploiting someone else's energy or abilities by another party for profit either material or immaterial benefits;
  - j. abandonment;
  - k. deportation;

- l. inability to adjust to a new workplace or country of employment, leading to impaired social function; and
- m. experiencing Trafficking in Persons.

#### Article 6

- (1) The Handling of Victims of TIP and/or Troubled Indonesian Migrant Workers is carried out through:
  - a. Social Rehabilitation;
  - b. Social Security;
  - c. Social Empowerment; and/or
  - d. Social Protection.
- (2) Social Rehabilitation, as referred to in section (1) point a, is implemented through social rehabilitation assistance.
- (3) Social Security, as referred to in section (1) point b, is implemented in the form of health social security.
- (4) Social Empowerment, as referred to in section (1) point c, is implemented in the form of economic development.
- (5) Social Protection, as referred to in section (1) point d, is implemented in the form of psychosocial support services and meeting basic needs.
- (6) Services for Social Rehabilitation, Social Security, Social Empowerment, and Social Protection, as referred to in section (2) to section (5), are carried out in accordance with the provisions of legislation.

#### Article 7

- (1) The Minister can facilitate the returning home of Victims of TIP and/or Troubled Indonesian Migrant Workers who will receive or have received assistance as referred to in Article 6 to their place of origin.
- (1) In carrying out the process of returning home as referred to in section (1) the Minister coordinates with relevant ministries/institutions, provincial governments, and/or regency/municipal governments.

## Part Two

### Stages

#### Article 8

- (1) The Ministry of Social Affairs handles the assistance for Victims of TIP and/or Troubled Indonesian Migrant Workers based on referrals from ministries/institutions, community reports, and/or case outreach.
- (2) Handling Victims of TIP and/or Troubled Indonesian Migrant Workers, as referred to in section (1), is carried out by:
  - a. facilitating access;
  - b. initial approach and mutual agreement;
  - c. comprehensive and ongoing assessment;
  - d. social service planning;
  - e. implementation;
  - f. monitoring and evaluation; and/or
  - g. post-services and termination.
- (3) Stages as referred to in section (1) are carried out by a work unit within the Ministry of Social Affairs.

#### Article 9

Facilitating access as referred to in Article 8 section (2) point a is derived from:

- a. referral;
- b. complaint reporting; and/or
- c. case outreach.

#### Article 10

- (1) Initial approach and mutual agreement as referred to in Article 8 section (2) point b include:
  - a. initial assessment;
  - b. case response; and/or
  - c. initial agreement.
- (2) The initial assessment as referred to in section (1) point a is the process of collecting, analyzing, formulating problems, needs, potential, and resources that can be utilized in handling Victims of TIP and/or Troubled Indonesian Migrant Workers.

- (3) The case response as referred to in section (1) point b is the activity carried out to respond to emergencies and crises that require quick handling based on rapid assessment results.
- (4) The initial agreement as referred to in section (1) point c is carried out to discuss cases of Victims of TIP and/or Troubled Indonesian Migrant Workers by social workers, social counselors, or other professionals involved in handling Victims of TIP and/or Troubled Indonesian Migrant Workers within the Ministry of Social Affairs.

#### Article 11

- (1) The comprehensive and ongoing assessment as referred to in Article 8 section (2) point c is an effort to collect thorough and in-depth data and information, as well as a continuation from the initial assessment and quick response results.
- (2) The comprehensive and ongoing assessment as referred to in section (1) includes:
  - a. medical;
  - b. legal;
  - c. physical;
  - d. psychosocial;
  - e. mental;
  - f. spiritual;
  - g. interest and talent;
  - h. family tracing; and/or
  - i. other relevant aspects needed to handle the problems.

#### Article 12

Social services planning, as referred to in Article 8 section (2) point d, is carried out by:

- a. resource system mapping;
- b. social services planning; and
- c. joint determination.

#### Article 13

The implementation as referred to in Article 8 section (2) point e is carried out in family, community, and/or residential based.

#### Article 14

- (1) The monitoring as referred to in Article 8 section (2) point f is tracking the progress of social welfare services for Victims of TIP and/or Troubled Indonesian Migrant Workers.
- (2) The evaluation as referred to in Article 8 section (2) point f is a comprehensive assessment of handling Victims of TIP and/or Troubled Indonesian Migrant Workers, covering either the process or indicators of achievement in the service program.
- (3) The Monitoring and evaluation as referred to in Article 8 section (1) and section (2) are carried out based on performance indicators covering inputs, processes, outputs, benefits, and impacts.

#### Article 15

- (1) The post-service as referred to in Article 8 section (2) point g is the follow-up service provided to Victims of TIP and/or Troubled Indonesian Migrant Workers after they have completed the initial services.
- (2) The follow-up service as referred to in Article 8 section (1) is implemented to improve the capabilities of Victims of TIP and/or Troubled Indonesian Migrant Workers in using the available resources within their social environment and/or support referral institutions to be more suitable with the needs of ex-Victims of TIP and/or Troubled Indonesian Migrant Workers.
- (3) The post-service as referred to in section (1) is provided based on the assessment results by social workers.
- (4) The termination as referred to in Article 8 section (2) point g is the process of ending services when there is a discontinuation of services between the service provider and Victims of TIP and/or Troubled Indonesian Migrant Workers.

#### Article 16

Further provisions regarding handling Victims of TIP and/or Troubled Indonesian Migrant Workers are determined by Madya High-Ranked Officials responsible for Victims of TIP and/or Troubled Indonesian migrant workers.

#### Article 17

The period of handling Victims of TIP and/or Troubled Indonesian Migrant Workers is adjusted to the needs of the Victims of TIP and/or Troubled Indonesian Migrant Workers according to the results of social worker assessments.



Article 18

- (1) Every Victim of TIP and/or Troubled Indonesian Migrant Workers who receive assistance must be registered or enrolled in the integrated social welfare data.
- (2) The procedure for registering Victims of TIP and/or Troubled Indonesian Migrant Workers in the integrated social welfare data is carried out in accordance with the provisions of legislation.

CHAPTER III

SOCIAL REINTEGRATION

Article 19

- (1) Social reintegration means the process of registering Victims of TIP and/or Troubled Indonesian Migrant Workers to be able to return to the environment of the Family/ substitute family and the community.
- (2) Social reintegration as referred to in section (1) aims:
  - a. to reintegrate Victims and/or Troubled Indonesian Migrant Workers into the environment of the Family/substitute family and the community;
  - b. to avoid stigma for Victims and/or Troubled Indonesian Migrant Workers within the substitute family and community;
  - c. to make Victims and/or Troubled Indonesian Migrant Workers feel safe and not to become them Victims or Troubled Indonesian Migrant Workers again; and
  - d. to provide access to Victims and/or Troubled Indonesian Migrant Workers for resource systems in meeting their needs.
- (3) Social reintegration as referred to in section (1) is carried out by the Directorate handling Victims of TIP and/or Troubled Indonesian Migrant Workers.

Article 20

- (1) Social reintegration is carried out through :
  - a. preparing the physical, mental, psychosocial, and spiritual conditions of Victims of TIP and/or Troubled Indonesian Migrant Workers;
  - b. preparing Family/substitute family and the community;
  - c. returning Victims of TIP and/or Troubled Indonesian Migrant Workers to their Family/substitute family;

- d. monitoring and evaluation of the progress of Victims of TIP and/or Troubled Indonesian Migrant Workers; and
  - b. termination.
- (2) Preparing the physical, mental, psychosocial, and spiritual conditions of Victims of TIP and/or Troubled Indonesian Migrant Workers as referred to in section (1) point a is conducted by studying and evaluating post-service results.
  - (3) Preparing Family/substitute family and the community as referred to in section (1) point b is done through coordination between social workers and/or social welfare personnel with Family/substitute family and the community on the timing of social reintegration.
  - (3) Returning Victims of TIP and/or Troubled Indonesian Migrant Workers as referred to in section (1) point c is conducted by returning them to the Family/substitute family.
  - (4) Monitoring and evaluation of the progress of Victims of TIP and/or Troubled Indonesian Migrant Workers as referred to in section (1) point d is carried out by the technical implementing unit of the Ministry of Social Affairs to monitor and evaluate the Victims of TIP and/or Troubled Indonesian Migrant Workers who have returned to the family or substitute families.
  - (5) Termination as referred to in section (1) point e is carried out based on monitoring and evaluation results.

#### Article 21

In the event of rejection by the Family or community against Victims of TIP and/or Troubled Indonesian Migrant Workers, social workers and/or social welfare personnel seek a substitute family in accordance with the provisions of legislation.

### CHAPTER IV

#### AUTHORITY

#### Article 22

The Minister has authority to:

- a. establish policies on handling Victims of TIP and/or Troubled Indonesian Migrant Workers including the formulation of norms, standards, procedures, and criteria;
- b. make preventive efforts either alone or together with relevant institutions or policy stakeholders to prevent the community from becoming Victims of TIP and/or Troubled Indonesian Migrant Workers;

- c. handle Victims of TIP and/or Troubled Indonesian Migrant Workers;
- d. assist the returning of Victims of TIP and/or Troubled Indonesian Migrant Workers indicating or becoming victims of trafficking in persons to the place of origin;
- e. provide Social Rehabilitation, Social Security, Social Empowerment and Social Protection during staying at temporary shelter and during handling of Victims of TIP and/or Troubled Indonesian Migrant Workers; and
- f. mentoring and strengthening the assistance provided to Victims of TIP and/or Troubled Indonesian Migrant Workers.

#### Article 23

Governors have authority to:

- a. verify and validate data received from the Ministry of Social Affairs;
- b. coordinate the returning with the Government and local governments in the regency/municipality of origin of Victims of TIP and/or Troubled Indonesian Migrant Workers;
- c. accept Victims of TIP and/or Troubled Indonesian Migrant Workers, along with their family based on the handover minutes from the Ministry of Social Affairs officers and the task force for Victims of TIP and/or Troubled Indonesian Migrant Workers;
- d. facilitate programs of Social Rehabilitation, Social Security, Social Empowerment, and Social Protection services for Victims of TIP and/or Troubled Indonesian Migrant Workers; and
- e. return Victims of TIP and/or Troubled Indonesian Migrant Workers and their family from the province to the regency/municipality of origin.

#### Article 24

Regents/mayors have authority to:

- a. coordinate the returning with the Government and local government of the province where Victims of TIP and/or Troubled Indonesian Migrant Workers are from;
- b. accept Victims of TIP and/or Troubled Indonesian Migrant Workers along with their family based on the handover minutes from the provincial social offices and the task force for Victims of TIP and/or Troubled Indonesian Migrant Workers;
- c. facilitate programs of Social Rehabilitation, Social Security, Social Empowerment, and Social Protection services for Victims of TIP and/or Troubled Indonesian Migrant Workers; and

- b. conduct returning of Victims of TIP and/or Troubled Indonesian Migrant Workers, along with their family, from the regency/municipality to the rural village/urban village of origin.

## CHAPTER V COORDINATION

### Article 25

The Minister coordinates the handling of Victims of TIP and/or Troubled Indonesian Migrant Workers with relevant ministries/institutions, provincial governments, and regency/municipal governments.

### Article 26

The Governors coordinate the handling and returning of Victims of TIP and/or Troubled Indonesian Migrant Workers from the debarkation points in the provinces to be returned to regencies/municipalities of origins.

### Article 27

The regents/mayors coordinate the returning of Victims of TIP including Troubled Indonesian Migrant Workers from debarkation points in the regencies/municipalities to rural villages/urban villages of origins .

## CHAPTER VI MONITORING, EVALUATION, AND REPORTING

### Article 28

- (1) The Minister, institutional leaders, governors, and regents/mayors monitor to ensure the running, cooperation, and effectiveness of handling and returning Victims of TIP and/or Troubled Indonesian Migrant Workers.
- (2) Monitoring as referred to in section (1) is intended to assess the progress and obstacles in the implementation of handling and returning Victims of TIP and/or Troubled Indonesian Migrant Workers.
- (3) Monitoring as referred to in section (1) is carried out in stages through coordination with related institutions/offices.
- (4) Monitoring as referred to in section (1) is carried out from planning and budgeting to the implementation of handling and returning Victims of TIP and/or Troubled Indonesian Migrant Workers in the current year.

Article 29

The community can monitor the implementation of handling Victims of TIP and/or Troubled Indonesian Migrant Workers in accordance with the provisions of legislation.

Article 30

- (1) Evaluation of the implementation of handling and returning Victims of TIP and/or Troubled Indonesian Migrant Workers is conducted periodically by the Minister, governors, and regents/mayors.
- (2) The results of the evaluation of the implementation of handling and returning Victims of TIP and/or Troubled Indonesian Migrant Workers are used as input in formulating policies, programs, and activities for the following year.

Article 31

- (1) The regents/mayors submit a report on the implementation of handling and returning Victims of TIP and/or Troubled Indonesian Migrant Workers to the governors.
- (2) The governors submit a report on the implementation of handling and returning Victims of TIP and/or Troubled Indonesian Migrant Workers to the Minister.
- (3) The report on the implementation as referred to in section (1) and section (2) is submitted every 6 (six) months.

CHAPTER VII

FINANCING

Article 32

All expenses arising from handling Victims of TIP and/or Troubled Indonesian Migrant Workers are:

- a. State Budget;
- b. local government budget; or
- c. other sources of funding that are legal and non-binding in accordance with the provisions of legislation.

CHAPTER VIII  
CLOSING PROVISIONS

Article 33

At the time this Ministerial Regulation comes into force, Regulation of the Minister of Social Affairs Number 30 of 2017 on Returning Indonesian Citizens who are Victims of Trafficking in Persons from Malaysia to their Place of Origin (State Bulletin of the Republic of Indonesia of 2018 Number 186), is repealed and declared ineffective.

Article 34

This Ministerial Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Ministerial Regulation by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta

on 27 Desember 2023

MINISTER OF SOCIAL AFFAIRS  
OF THE REPUBLIC OF  
INDONESIA,

signed

TRI RISMAHARINI

Promulgated in Jakarta

on 28 Desember 2023

DIRECTOR GENERAL FOR LEGISLATION  
OF THE MINISTRY FOR LAW AND HUMAN RIGHTS  
OF THE REPUBLIC OF INDONESIA,

signed

ASEP N. MULYANA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2023 NUMBER 1050

Jakarta, 9 December 2024  
Has been translated as an Official Translation  
on behalf of Minister for Law of the Republic of Indonesia  
DIRECTOR GENERAL FOR LEGISLATION,



DHAHANA PUTRA