

## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Introduction**

According to the United Nations Population Division (UNDP), there were approximately 214 million migrants in 2010. The International Organization for Migration/IOM has further stated that since the early 21<sup>st</sup> century, 120 million people have migrated around the world (IOM, 2010, p. 2). Furthermore, the International Labour Organization (ILO) (2010, 2011) also posits that women domestic workers and caregivers have dominated migration in the last two decades (Huang, 1996; Chin, 1998; Kaur, 2006, 2007, 2013). These statistics demonstrate the importance of migration for both rich and poor countries and that migration is one of the most topical and political issues facing the global community.

In the Southeast Asian region, large numbers of migrant workers from poorer developing countries like Indonesia and the Philippines, migrate for work to Singapore and Malaysia (Kaur, 2004, 2005). High unemployment levels in Indonesia and the Philippines, especially in the rural areas, has forced millions of people to seek work overseas in sectors such as manufacturing, agriculture, construction, services and hospitality, as well as the domestic work sector. Semi-skilled and low-skilled male and female migrants dominate migration flows while domestic workers (hereafter DWs) are women migrants (Kanapathy, 2006; Krisnawaty, 2006; Nehrling, 2010; Ananta, 2010).

Indonesia is the second largest labour-exporting state after the Philippines in Southeast Asia. Moreover, according to Ananta (2008) and Orange, Seitz and Kor (2012), the deployment of an ever increasing number of Indonesian domestic workers has highlighted many issues of concern that include exploitation, abuse, poor working conditions and even human trafficking. In short, the largest number

of women DWs who experience abuse, exploitation and human trafficking in Singapore and Malaysia are predominantly from Indonesia (HRW, 2004, 2005; ILO, 2010; IOM, 2010; Kaur, 2005; Adriyanto, 2006; Susilo, 2006).

In recent years the ILO, the IOM and the UN have taken up issues such as physical abuse, exploitation and trafficking of domestic workers. The 2011 ILO Convention (No. 189) on Domestic Workers (formally known as the Convention concerning Decent work for Domestic Workers) sets labour standards for domestic workers. It entered into force on 5 September 2013. Under the terms of this Convention, domestic workers are considered workers and are entitled to decent work. Uruguay was the first state to ratify this convention while the Philippines was the second. However, it is the labour-sending states that have mainly ratified the Convention, while few of the destination states have done this. Interestingly, 21.5 million or 41 per cent of domestic workers are in the Asia-Pacific region, but few are covered by a statutory minimum wage legislation. In Indonesia while new regulations have been introduced to promote domestic workers' rights, the government has not ratified the DW Convention 189. However, Indonesia has currently accepted recommendations to consider ratification of the Convention. [HRW, 28 October 2013, <http://www.hrw.org/node/119849/section/4>].

## **1.2. Background to Study**

International labour migration is mainly due to economic and social disparities between countries. Indonesia has a population of 241 million (BPS/The Indonesian Central Bureau of Statistics, 2012), and is considered a developing country in Southeast Asia. Indonesia has also become a labour reserve for Singapore and Malaysia, which have much smaller populations and require low-skilled foreign workers especially for manual work. Economic survival has also become the main driver of migration for both men and women. Low-skilled women migrants are recruited in these countries mainly for domestic work. This

research provides a comprehensive study of the labour migration of Indonesian domestic workers to Singapore and Malaysia from 1978 to 2012. It gives the relevant historical background in Indonesia, Singapore and Malaysia to contextualise migration. The thesis essentially focuses on Indonesia as a labour brokerage state and Singapore and Malaysia as labour-importing states. It also examines the economic reasons for women's migration, Indonesia's labour management and protection regimes including policies, laws, regulations, law enforcement, procedures, bilateral agreements, and adoption of international conventions. The role of INGOs and NGOs in ensuring DWs rights is also explored.

Firstly, although previous studies have concentrated on Indonesian migrant workers (MW), for example, Spaan (1994), Liow (2003), Hugo (2000, 2002, 2005), Raharto (1995, 2000, 2002, 2010), Hosen (2005), Kaur (2005, 2010), Lindquist (2000, 2010), the IOM (2010), the ILO (2005, 2010) and Orange (2008), most do not focus solely on migrant domestic workers. The Indonesian and Malaysian government policies regarding labour migration of Indonesian migrant workers have been studied by Kaur, while the IOM and the ILO studies have emphasised the reasons and causes of exploitation, abuse and trafficking. Hosen (2004), for example stresses the history of migration to Malaysia and the governance of migration by the Indonesian government. The researcher fills the lack of Indonesian DWs study, specifically on the protection management.

Secondly, some scholars who have researched on Indonesian DWs, for example, Coss et al. (2008), Moniaga (2008), Lindquist (2010), Morgan et al. (2011), Orange et al. (2012) and Hosen and Raharto (2013), have focused mainly on the deployment processes from Indonesia overseas. These include the regulations governing recruitment processes and intermediaries. Nevertheless, they do not focus on these migration processes from an integrated labour management systems analysis. Such an analysis includes detailed discussion of regulations,

laws and international conventions, management of protection, coordination with government departments in sending and receiving countries and with non-state actors.

Thirdly, while research on remittances and economic upliftment of migrant workers after their return has been conducted by Eki (2002), Raharto (2002), Hugo (2000), Rahman (2009) and Ananta (2010), these researchers chiefly focus on how remittances are used after the migrants return home. They do not sufficiently examine the strategies for economic development implemented by the Indonesian government to improve the economic circumstances of migrant workers upon their return. For instance, there are no detailed studies on how the Indonesian DWs financial system can be monitored in a transparent manner and ensure that they are not excessively indebted to recruitment agencies or other parties.

Furthermore, there are many studies on DWs that approach the issue either from a sociological viewpoint (Constable, 2000); from a feminist perspective (Yeoh, 2000; IOM, 2010; Solidaritas Perempuan, 2005); or focus on the migration patterns of migrant DWs (Yamanaka, 2010). Others examine women's remittance patterns and the children left behind (Devata, 2010). However, there is no work that discusses labour protection management from the perspective of an economic management protection model.

Even though there are many researches on migrant workers, but there is at present no specific study on the labour protection management of Indonesian DWs especially the study on the possible system that can ensure better protection for Indonesian migrant workers and its economic management point of view. Finally, this research aims to provide a new model for migrant DWs protection management and economic betterment strategies. Hence a "model" for migrant DWs protection is examined in my study that includes legal, social and economic

management of migration. It attempts to fill gaps in the literature on Indonesian DWs in Singapore and Malaysia, particularly with respect to the labour protection efforts of Indonesian consular representatives. These are compared with the policies and efforts of the Philippines state's consular representatives in the two destination countries.

### **1.3 Why is this Study Important?**

A study of labour protection strategies implemented by the Indonesian, Singaporean and Malaysian governments to minimise labour exploitation, abuse, and trafficking of Indonesian DWs is very important for a number of reasons.

Firstly, the number of Indonesian DWs, particularly females, who have migrated to Singapore and Malaysia and to other countries since the 1990s has increased threefold during the period under study (Sim, 2002; Huang, 1996; Chin, 1998; Raharto, 2002, 2011; Yeoh, 2004; Rahman, 2009; IOM, 2010; Kaur, 2010; Lindquist, 2010). However, along with the increasing number of female Indonesian DWs, the number of victims of labour exploitation, abuse, human trafficking and unequal conditions has also increased sharply in the last ten years (Spaan & Kohl, 2002; Hugo, 2002, 2010; Krisnawaty 2006; Moniaga, 2008; IOM, 2010; ILO, 2010; HRW, 2010). Therefore, further research is needed to help devise better protection systems for Indonesian DWs and reduce the degree of labour exploitation, abuse and trafficking suffered by them.

Secondly, Indonesian National Law No. 39/2004, as the only national law in Indonesia dealing with the placement and protection of migrant workers has many shortcomings in ensuring protection for migrant workers in general and Indonesian DWs in particular (Sparke, 2004; IOM, 2010, ILO, 2010; Institute for Ecosoc Rights, 2010; HRW, 2010; Ananta, 2010). Non-state actors, the ILO and the IOM have emphasized the necessity to urgently revise National Law No. 39/2004, which still puts the focus on the placement and not on the protection, of

the workers. Also, the Indonesian government and the *Dewan Perwakilan Rakyat/DPR* (The House of Representatives) tended to give less attention to these matters prior to 2012. Currently, the House of Representatives is still deliberating on this matter and waiting for input from interested parties to revise National Law No. 39/2004. Thus it is hoped that this research will lead to the promotion of a better protection strategy for Indonesian DWs and result in improving their circumstances.

The subject of abuse, exploitative working conditions and trafficking of migrant DWs around the world has received important attention from the United Nations, the ILO, the IOM and non-state actors around the world due to the publicity on the abusive conditions of migrant DWs in every part of the globe (Ford, 2004; Susilo, 2006). These efforts have led to the implementation and ratification of international conventions to protect migrant DWs.

Fourthly, better knowledge and discourses on migrant DWs have been an important agenda item in the 21<sup>st</sup> century. Many studies have been conducted to provide information on ILM and migrant DWs (Silitonga, 2006; Supriyanto, 2006). It is hoped this research may also shed new light that will help advance the human rights of migrant DWs.

Fifthly, the poverty levels and unemployment in most countries in the world, especially Southeast Asia, have encouraged migration as a strategy for mutual economic development between sending and receiving countries (Huan, 1994; Kasim, 1994; Chin, 1998; Adams & Page, 2005; Kaur, 2007; Kanapathy, 2007; Rahman, 2009). Better labour protection systems between sending and destination countries can improve economic cooperation and reduce political tension between countries.

#### 1.4 Objectives and Research Questions

This thesis is written in recognition of a particular social problem and investigates the processes of labour protection systems. These include state policies, laws, regulations, enforcement measures, bilateral agreements and the role of international conventions. It also explores the role of NGOs, gender protection programs, and the regulation of Indonesian DWs by the Indonesian, Singaporean and Malaysian governments. It then reviews the impact of strategies for improvement of the DWs' circumstances during the pre-departure, deployment and return processes.

This research aims to study Indonesia's labour migration policies and governance of migration in response to labour rights violations and abuse of Indonesian domestic workers in Singapore and Malaysia. The main objectives are:

- To ascertain the economic, political and other factors that influenced Indonesia to become a labour brokerage state.
- To examine the effectiveness of the Indonesian government's labour management system (including governance structures, labour migration policy and procedures, law enforcement, bilateral agreements, marketing and financial management, the role of intermediaries, coordination and evaluation of management) for Indonesian DWs bound for Singapore and Malaysia.
- To examine the working conditions, labour protection measures and experiences of Indonesian DWs in Singapore and Malaysia.
- To identify the way in which the existing migration structures, policies and procedures, as well as the existence of gaps in Indonesia, Singapore and Malaysia have resulted in the marginalization of Indonesian DWs. These are compared to international standards and best practice models, such as that implemented by the Philippines.
- To analyse the underlying factors that prevent equitable provision of labour rights and human rights protection for migrant domestic workers

In order to achieve the central and secondary objectives of the thesis, this research attempts to answer the following research questions:

1. Why, and in what ways has the Indonesian government transformed itself into a labour brokerage state, preparing workers for foreign jobs, developing a bureaucracy to send them abroad, and regulating them for work abroad? How effective is labour protection management of the Indonesian DWs in the pre-departure and returning processes in Indonesia? (addressed in Chapters 4 and 5).
2. How do the Singaporean and Malaysian states regulate the recruitment and employment of Indonesian DWs under their immigration laws? What are the working conditions of the Indonesian DWs in these countries? What are the roles of Indonesian government representatives and NGOs in those countries in protecting Indonesian DWs? (addressed in Chapters 6 and 7).
3. To what extent have Indonesian DWs' remittances benefitted both the Indonesian government and the Indonesian DWs? What programs has the Indonesian government developed to enhance the economic betterment of Indonesian DWs after their return to Indonesia? Do the workers' remittances help in the economic development of Indonesia in the long term? (addressed in Chapter 8).

## **1.5 The Structure of the Thesis**

The thesis consists of nine chapters:

Chapter One: Introduction

Chapter One provides the conceptual background of the study and the importance of the study. It also discusses the research questions and outlines gaps in our knowledge on the topic.

Chapter Two: Literature Review

Chapter Two reviews the literature on international labour migration (ILM) and migrant domestic workers and the remittance structures and management. It

includes a discussion of the migration and development approach, the migration management approach, labour protection management (international standards), labour protection standards in the sending and destination countries, inequality in migration and gender inequality. Research on DWs in other countries, and on Indonesian DWs in Singapore and Malaysia is then reviewed.

#### Chapter Three: Research Methodology

Chapter Three describes the data sources, data collection, research methods and data analysis.

#### Chapter Four: An Historical Overview of Politics and the Economy in Indonesia and International Labour Migration since 1830

Chapter Four provides a historical account of Indonesia's economic and political frameworks in order to explain why Indonesia has become a major labour exporter in Southeast Asia. This chapter outlines the political and economic changes in Indonesia since 1830 and their impact on migration policy.

#### Chapter Five: Indonesia as a Labour Brokerage State

Chapter Five explains the major factors why international migration has become an important strategy in Indonesia. This chapter reviews the establishment of migration policies, labour accords, the preparation of Indonesian DWs for work abroad, including preparations during the pre-departure period, such as recruitment, training and sheltering, the licensing of labour recruiters and the role of recruitment agencies. This chapter also looks at the labour protection administration of the Indonesian government for the protection of Indonesian DWs during the pre-departure and return processes. The experiences of Indonesian DWs during the pre-departure and returning processes are compared with those of Filipino DWs. The role of NGOs in these processes is also examined.

#### Chapter Six: Indonesian Domestic Workers in Singapore, 1978 - 2012

Chapter Six introduces the history of Indonesian DWs in Singapore, their numbers, origins and the role of intermediaries in the migration process. This chapter also describes the policies and regulations of the Singaporean government for managing Indonesian DWs and the situation of Indonesian DWs compared to Filipino DWs in the country. The role of INGOs and local NGOs in Singapore is also considered from the perspective of media analysis, interviews, and results of questionnaires. This chapter also includes the concept of the Integrated Protection Management for Indonesian DWs (IPM DW) in Singapore. Finally, the response of the Singaporean and Indonesian governments as well as that of the Indonesian Embassy is reviewed, in the context of criticism by international organisations and NGOs.

#### Chapter Seven: Indonesian Domestic Workers in Malaysia, 1984 - 2012

Chapter Seven examines the history of Indonesian DWs in Malaysia, the numbers involved, the women's origins and the role of intermediaries in the migration process. The chapter also discusses the original Memorandum of Understanding (MOU) between Malaysia and Indonesia and the new revised MOU. This chapter also provides a description of the policy and regulations of the Malaysian government in the management of Indonesian DWs, and the situation of Indonesian DWs compared to Filipino DWs in the country. The role of INGOs and local NGOs is then discussed, as are the findings of media analysis, interviews and questionnaires. The concept of Integrated Protection Management for Indonesian DWs (IPM DW) that can provide better protection for Indonesian DWs in Malaysia is then outlined. Finally, the response of the Malaysian and Indonesian government (and the Indonesian Embassy in Kuala Lumpur) with respect to the criticism of international organisations and NGOs is examined.

## Chapter Eight: Indonesian Domestic Workers' Remittances: Migration and Development?

This chapter examines the benefits of the remittances from Indonesian DWs who work in Singapore and Malaysia, from both macro and micro perspectives. These remittances provide benefits for the migrant workers' families in Indonesia and the community at large by promoting economic growth. Yet the question that should be asked is: "Do the domestic workers themselves receive any benefits?" Finally, what sort of a remittance management model is appropriate for Indonesian DWs?

## Chapter Nine: Conclusion

In the last chapter, important conclusions are drawn from all of the findings and discussion, and some recommendations are provided for the Indonesian, Singaporean and Malaysian governments for ensuring better protection for Indonesian DWs.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This chapter presents the literature review with regard to the aim of the research. It is purposed to investigate the labour protection management for Indonesian domestic workers (Indonesian DWs) that has been implemented by the Indonesian, Singaporean and Malaysian governments during the pre-departure, deployment and returning processes in order to minimise the domestic workers' incidence of abuses, exploitation and even human trafficking. It will examine the literature concerning the following themes:

- Theory of migration
- Migration and development approach
- Migration management approach
- International labour migration
- How international organisations promote labour migration management
- Labour protection management
- Standard of labour protection management in the sending countries
- Standard of labour protection management in the destination countries
- Promoting bilateral agreements and MOUs
- Assistance to develop migration management
- Discourses on migration, inequality and gender inequality
- Research on domestic workers in different countries
- Research on Indonesian domestic workers in Singapore and Malaysia
- Advocacy and the role of non-state actors

#### **2.2 Theory of Migration**

The theory of migration is derived from the 19<sup>th</sup> century work of Ravenstein, and it suggests that there is a relationship among these concepts: migration and distance, the process of migration, the disparities between rural and urban areas,

technological development, transportation and profit-oriented decision-making by individuals (Velazquez, 2000, p. 138).

The early theory of migration is the neoclassical economic theory which says that labour migration happens due to geographical differences with regard to the supply and demand of the workforce, including different demographic growth, living standards, job opportunities and political conditions (Castles & Miller, 1993). In other words, the reason to migrate is considered as a market phenomenon since it is economically triggered e.g. in order to maximise the income (Massey et al., 1993). Unfortunately, the social and political aspect of migration is often not considered (Massey et al., 1993; Goss & Lindquist, 1995).

To overcome the weaknesses of the early theory, Piore (1979, p. 165) proposes the dual labour market theory. This theory states that constant labour demand is the determinant factor in an advanced industrial economy. Moreover, the economic dualism considers that status and prestige are the important components (Hagen-Zanker, 2008, p. 7); for example, the native workers are not willing to fill a labour shortage in unskilled jobs in the secondary sectors, and this shortage is mostly filled by migrant workers who are not considered to be the citizens of (destination) countries. However, the focus of the analysis is very limited since it does not analyse migrant decision-making (Hagen-Zanker, 2008, p. 7).

To overcome the limitations of the Piore and Hagen-Zanker theory, the pull and push theory was proposed. This theory hypothesises that to migrate, people are encouraged by pull and push factors. Pull factor means that migration occurs when the people who live in a “less-developed” economy are attracted to migrate to a place that has a “well-developed” economy. This means that the labour migration occurs due to the intention to gain a better income and living condition. An example is the labour migration from Indonesia to Singapore in order to obtain better welfare.. In other words, the pull factors are the “bright lights” of the destination country, which ‘pull’ people from their original country (Sahota,

1968). Thus, the pull factors could consist of better income and living conditions in the destination countries (Debrah, 2002; Moniaga, 2008). High demand for a foreign workforce is triggered by rapid development and structural transformation (Kanapathy, 2006; Kaur, 2013).

On the other hand, the push factors are the factors that encourage people to move from their homeland to another country, regardless of the economised situation in the destination country. They leave their home country to look for better condition. The contributing factors are poverty, slow economic growth, low living standards, high unemployment and political repression.

However, the pull and push theory has weaknesses, for example, the market and the structure of global economy are not considered. As a result, the theory called “The world system theory” proposed by Wallerstein (1976) emerged. He states that labour migration from poorer areas to richer areas is triggered because of the condition of the international market system and the social and economic transformation (Massey et al., 1993). Furthermore, this theory follows the historic structural approach of Marxist theories and does not consider the individual motivation to migrate but rather the dynamics of the market and the structural condition of the global economy.

To overcome the weakness of the world system theory, the “relative deprivation theory” by Stark (1991) is proposed. Proponents of this theory believe that people migrate because of interpersonal income comparison, and it aims to increase incomes to alleviate relative poverty (Stark, 1991, p. 24). Therefore, migration is believed to be the means to reduce income inequality and to invest in long-term human capital formation to increase their relative satisfaction (Stark, 1991; Massey et al., 1993).

Despite their good intention to maximise the benefit of migrant workers, especially migrant DWs, these theories do not cover the issues of migration

management by the governments of both the sending and destination countries. These theories are also incapable of providing an effective protection management for migrant domestic workers. This thesis intends to fill these gaps.

### **2.3 Migration and Development Approach**

Migration is strongly correlated with economic development. Taylor (2006, p. 5), for example, states that international migration brings along high costs and risks, but it can provide some positive economic values for both migrant workers and the origin countries. In brief, the migration and development connection points to the benefits that can be gained by countries due to labour migration. In other words, labour migration can bring benefit through the remittance transfers for the macro economy in the country of origin, for example by alleviating unemployment, easing labour market pressure and assisting the balance of payments of the country and the migrant themselves (and their families).

Most researchers link economic development and migration because the remittances generated by the migrant workers forms some authentic evidence of income for the sending countries, which they can manage and utilise optimally. The migration and development nexus focuses on three components called the 3-Rs (Martin, 2004). The first component is recruitment, which identifies who the recruiter is and who the workers are, the type of jobs available, and the procedure to go abroad. The second one is the remittance as a form of foreign exchange transferred to the origin countries, and information is collected regarding how much migrant workers earn and how they allocate it, thus the benefit of remittance with regard to investment can be studied further. The last one is return, which is about the migrants who go back to their home countries. The relationship between migration and development in the origin countries is closely associated with the remittances and the volume of social capital and skills brought back by the migrant workers to their hometowns (Black & Sward, 2009; Shaw, 2010; Vargas-Silva et al., 2009). The ILO (2007, p. 3) believes that the policies to integrate migrants into the society and labour market, including measures to maximise the

use of their savings, skills and networks, are required for the improvement of labour migration around the world.

ILM development encourages economic growth in the sending countries, due especially to the positive impact of remittances. Migration can lead the economic growth of poor countries through the remittances, which can be used as a source of investment (Castles, 2008; Guliano & Arranz, 2009). Migrants tend to create positive trends by investing and increasing people’s welfare in relation to the general social and political reforms (de Haas, 2009). The research conducted by Abella (2000, 2010), Blank (2005) and Kaur (2010) shows evidence of the close relationship between ILM and economic development.

De Haas (2007, p. 1) found that remittances around the world increased sharply to US\$167.0 billion in 2005 from US\$31.1 billion in 1991, and US\$76 billion in 2000. The amount continued to increase, and in 2010 it reached US\$325 billion (World Bank, 2011). The dramatic increase in remittances has encouraged Hugo (2007) to state that a sending country must create a good remittance management system and formalise the remittance transfer process, for example, by providing a transfer service via banking system that is well monitored, so that the government can gain more benefit and advantages from the remittances. However, Hugo has not proposed and explained a good model for a remittance management system that can enhance sustainable economic growth for migrant workers and their countries of origin. This thesis fills this gap by proposing a concept for a remittance management system that will be discussed in Chapter Eight.

**Table 2.1: Remittances in the Southeast Asian Countries (in US\$ million).**

<b>Country</b>	<b>2005</b>	<b>2007</b>	<b>2008</b>	<b>2011</b>
The Philippines	13 566	16 301	18 643	21 311
Indonesia	5420	6174	6795	7139
Malaysia	1281	1803	1920	1754
Thailand	1187	1635	1898	1788

Source: Adapted from World Bank, 2012

Table 2.1 presents the data on remittances in Southeast Asia from 2005 to 2011. As shown in the table, it is obvious that the Philippines scored the highest in 2011 and its remittances reached US\$21 311 million compared to Indonesia, which only gained US\$7139 million.

There have been many studies on Indonesian remittance management because Indonesian migrant workers (especially Indonesian DWs) make a huge contribution to the country. In 2012 alone, the remittance sent to the beneficiaries in Indonesia was recorded more than US\$6 billion (IMF, 2012; ILO, 2012). Therefore, the program of sending migrant workers, which has been established since the third Five Year Economic Plan (called Repelita III), is needed for economic development (Hugo 1995, 2000, 2002; Raharto, 2007). Interestingly, the income earned by Indonesian DWs is larger than that of the other categories of migrant workers (Completely describe in Chapter Eight) (BNP2TKI, 2012). Ironically, they are the ones who suffer the most from abuse and exploitation and they are also the most neglected in the Indonesian management system for migrant workers.

Clearly, the large amount of remittance transferred to Indonesia requires a better remittance management system, which is more strategic and transparent. This idea has been raised by international financial institutions such as the World Bank and the Asian Development Bank/ADB. They have encouraged the governments in sending countries to continuously manage the remittances professionally (Abella, 2000, de Haas, 2009).

The World Bank (2011) states that Indonesia ranks eleventh among the top fifteen countries that received the largest amount of remittances in 2010 (see also Cantos & Labetubun, 2009). This means that despite its bigger size, the remittances received by Indonesia are lower compared to the remittances received by comparable countries, such as the Philippines (Coss, et al., 2008; Cantos & Labetutun, 2009). Many experts believe that Indonesia should be able to overtake

the Philippines with regard to remittance income because Indonesia has greater human resources; it is five times larger than the Philippines. However, this is unlikely to happen with the current remittance management of the Indonesian government is still very weak and provides insignificant protection and a minimal economic development program for migrant workers, especially Indonesian DWs. So, there is an urgent need for a better system in Indonesia.

Although there are many studies on remittance, the studies on the models of protection management that could result in a better system for remittances in Indonesia are still rarely found. Most studies only focus on the role and the allocation of remittances (Eki, 2000; IOM, 2010). The use of remittances has been investigated by the IOM (2010), which found that the remittances were the only source of income that migrant workers and their families relied on (after the return of the DWs). However, the migrant workers and their families still lack knowledge about how to manage and invest their remittances or save for long-term planning. Therefore, a remittance management system which prioritises long-term investment and which will bring profits for related parties is needed to improve migrant workers' economic well-being. Remittance management will be discussed in depth in Chapter Eight.

The concept of remittance management has a strong relationship with the main concept of migration management, as explained in the following section.

#### **2.4 Migration Management Approach**

Migration management is an important concept with regard to ILM. A country will not gain maximum economic development without good migration management. In this respect, Martin (2007, p. 6) provides a clear illustration that migration management is vital and required by both the sending and destination countries. It is strengthened by the theory that since the 1990s, migration has been triggered by poverty and lack of development in origin areas. However, the proponents of the paradigm believe that migration is a chance to promote

economic development (Black & Sward, 2009, pp. 2-3), which is part of governments' strategy to alleviate poverty, reduce unemployment and develop human resources (for migrant workers and their families).

Each theory of migration management, however, is not complete. For example, Ratha (2003) emphasises the importance of migration management in the national agenda to encourage remittances. However, Ratha has not included the elements of integrated migration management, such as cooperation between NGOs and the sending country government. It will be difficult for migrant workers' sending countries to achieve the Millennium Development Goals (MDGs), programs to give a better life, health, education and career, and work with dignity, if there is no stable, transparent and sophisticated migration management that can be accessed by all parties (IOM, 2005).

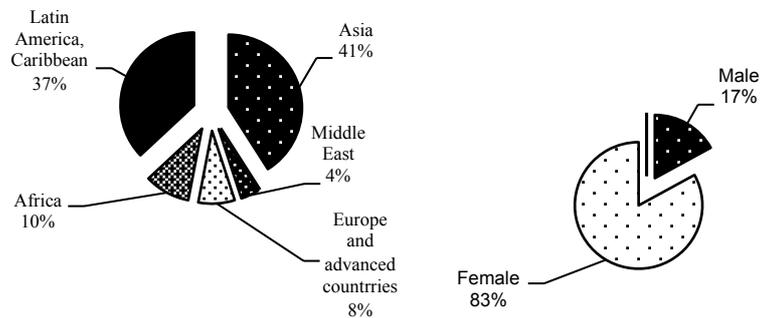
Another example of partial migration management is the essential component of migration management related to the intra-governmental policy coherence between the governments and stakeholders. It is important to identify the stakeholders and explore their role and possible contributions through collaborative efforts. However, there is no way to coordinate the efforts of stakeholders and government if there is no strong integrated management system based on the international standards. The IOM (2005, p. 4) argues that a better partnership in migration and development policy requires a strong capacity building that includes all relevant stakeholders. Yet, there is no sufficient literature to answer the challenge of meeting partnership needs related to the migration management. This means migration management theory provides little guidance for coordinating and integrating migration management between the sending and destination countries in one system using information technology, for example an Internet site that can be accessed by all the associated parties. If such a system is available, the migration management will allow many parties to participate fairly and openly. This thesis will present such a system and it will be elaborated in Chapters Six, Seven and Eight.

## **2.5 International Labour Migration**

International labour migration (ILM) is a global phenomenon (D'Souza, 2010, p. 35) and it happens in every region around the world (Piper, 2006; Kaur, 2000, 2002, 2005, 2007, 2010, 2013; Raharto, 2002, 2007, 2011; Hugo, 2000, 2010). The mobility of people from a sending country to a destination country is triggered by several factors including poverty (Massey, 1993; Suryahadi & Sumarto, 2003; Alisjahbana & Manning, 2006), unemployment (Suryadarma, Suryahadi & Sumarto, 2005, 2007; Alisjahbana & Manning, 2006), and social and gender inequality (Black, 2005; Ajis, 2010).

International domestic workers (DWs) have become an important focus of recent ILM studies because the number of DWs (mainly female) has increased around the world every year (Silvey, 2004, ILO, 2010a), see Figure 2.1. However, their condition is often ignored and gets lack of sufficient protection (Constable, 2003, 2005; Moniaga, 2008). Recently, DWs have continued to work in exploitative situations, such as abuses, exploitation and trafficking. In many cases, they are treated like slaves (Billo, 2010). Therefore, in 2011, the ILO issued International Convention C189 to protect DWs from these problems.

This condition has attracted considerable attention. The research on international migrant domestic workers has expanded rapidly and has been studied by researchers including Constable (2003, 2005), Moniaga (2008), Raharto (2011, 2013), and Mei (2011). Most of these researchers have concentrated on the shift of migration from being male dominated to dominance by women who work as migrant domestic workers. This condition is reflected in Figure 2.1.



**Figure 2.1: Distributions of domestic workers by sex and region, during 2007 and 2010 Estimates**

Source: Adapted from ILO (2010).

Figure 2.1 shows the distribution of domestic workers worldwide. Women comprised 83% of all DWs internationally in 2007 and 2010. The largest percentage of domestic workers is in Asia, and their participation is estimated at 41%. Around 37% of domestic workers are found in Latin America and the Caribbean. Only 8% are located in the advanced countries, including Europe. The IOM (2012) also states that the majority of DWs around the world are women.

Despite their dominance, domestic workers are often excluded from the employment regulations of the countries concerned (Human Rights Watch/HRW, 2004, 2005; Varia, 2007). Some countries, such as Malaysia, Pakistan, Korea, etc., have not covered minimum wage protection for domestic workers. The detailed data related to this matter is summarised in Table 2.2.

**Table 2.2: Inclusion/Exclusion of Domestic Workers from Minimum Wage Provision by Country and Region.**

<b>Region</b>	<b>Not covered by minimum wage protection</b>	<b>Covered by minimum wage protection</b>	<b>Covered by collective bargaining</b>	<b>Covered by other minimum wage fixing machinery</b>
Industrialised countries	Canada, Denmark, Finland, Japan, Switzerland	Belgium, France, Ireland, Netherland, Portugal, Spain, United Kingdom, United States	Austria, Germany, Italy	
Central, Eastern and South-Eastern Europe	Croatia	Bulgaria, Czech Republic, Estonia, Romania, Turkey		
Commonwealth of Independent States (CIS)		Kazakhstan, Republic of Moldova, Russian Federation		
Asia	Bangladesh, Cambodia, China, India, Indonesia, Republic of Korea, Malaysia, Thailand	Philippines, Vietnam		
Latin America	Peru	Bolivia, Brazil, Chile, Colombia, Costa Rica, Guatemala, Mexico, Nicaragua, Panama, Paraguay	Uruguay	Argentina
Africa	Egypt, Mozambique, Senegal	Burkina Faso, Cote d'Ivoire, Mali, Niger, South Africa, Tunisia		

Source: ILO (2010).

Table 2.2 shows that many countries in Asia have not covered minimum wage in their national legal law, for example, Bangladesh, China, India, Indonesia, Malaysia, Pakistan and Thailand. They are different from the countries that have paid more attention to minimum wage, such as Germany, the Philippines, the United Kingdom/UK, the United States of America/USA, Vietnam, etc.

## **2.6 How International Organisations Promote Labour Migration**

International organisations, like the International Labour Organization (ILO), the International Organization for Migration (IOM) and the United Nations (UN), are very assertive in promoting labour migration management since migration brings many advantages. It is predicted that 10% increase in international migration of a sending population would lead to 1.9% decline in the share of people living under poverty. The organisations such as the IOM and the ILO have a significant role in

providing advocacy concerning migration rules (Ramjoue, 2011, pp. 1-2; Gunawan, 2011).

Recently, labour protection has become a matter of concern for international migration and multilateral organisations. So, they have introduced standards for the protection and welfare of migrant workers and encouraged governments to implement better labour migration management (including policies, laws and regulations). Migrant workers' rights are covered in the international human rights conventions and are considered as part of universal human rights (Bustamante, 2002; Grant, 2005; Ruhs, 2009; ILO, 2010; IOM, 2012). These rights are recognised by the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

Historically, international organisations have contributed significantly to the protection of migrant workers, for example the ILO has stipulated several standards and assisted the states to make relevant policies and regulations concerning migrant workers and their rights. The ILO plays a significant role in establishing the knowledge base with regard to migration and migration policies and regulations, and in promoting human rights and decent work for migrants as stipulated in their recommendations incorporated in the ILO Conventions: 1) No. 97 on Migration for Employment Convention of 1949, 2) No. 143 on Migrant Workers (Supplementary Provision) Convention of 1975, and 3) No. 189 on Domestic Workers released in 2011, containing the latest recommendations. The ILO and other international organisations have stressed the need to establish a labour protection management system, which can effectively protect DWs.

The conventions above provide detailed information regarding ways to protect migrant workers. Convention No. 97 is aimed at protecting migrant workers from discrimination and exploitation by setting the migrant's rights related to their remuneration, social security, taxation and access to trade unions. Recommendation No. 86 of Convention No. 97 deals with migrant workers'

welfare to ensure that they are provided with sufficient accommodation, food and clothing, training, access to education, and simplified administrative formalities. Convention No. 143 provides provision to support Convention No. 97 to guarantee equal treatment of migrant workers in terms of employment, social security, involvement in trade union and cultural rights. Domestic Workers Convention No. 189 of 2011 concerns the conditions of domestic workers to promote decent work. Unfortunately, many governments oppose this binding convention on domestic workers because they are reluctant to improve labour standards and they consider it impractical to monitor private households (Varia & Becker, 2012, Gunawan, 2013).

Unfortunately, researchers seem to have also neglected DWs. For instance, DWs have been seen as “hidden workers” and “invisible”, and unable to be turned into “real and visible workers”. This is because many researchers believe that DWs are always in invisible position controlled by the government or other parties. The author of this thesis believes that there is something “wrong” with the claim of invisibility of DWs. For this author, in this era of open information technology, the monitoring and supervision process of DWs in their employers’ houses could be conducted by using an integrated management and information technology system. For example, there are many DWs who use “Facebook” and email, and the HOME (Humanitarian Organisation for Migration Economics) of Singapore has set up a “network of DWs” around the world using “Facebook” (HOME, 2011). It shows that there is a “chance” to strengthen the implementation of Convention C189, as the situation of the migrant workers can be made more transparent, and the system can create an impression that DWs can be detected by everyone anywhere, if only the sending and destination countries are willing to ratify International Convention No. 189 on DWs and change their system of labour protection management to meet the international standards.

To shed more light on labour protection management, especially in Indonesia, more literature will be reviewed in the next section.

## **2.7 Labour Protection Management**

The theories of labour protection management have been proposed by Wickramasekara (2002), the IOM (2005, 2007, 2010), Asis and Agunias (2012) and the ILO (2010). The ILO believes that protection for migrant workers can be achieved well through strong protection management based on international standards. The protection of migrant workers can begin at the pre-departure stage, through to deployment and, finally, the returning stage. Wickramasekara (2002) and Lindquist (2010) believe that if labour protection management is strong in the recruitment process, by strictly imposing training standards, evaluation of recruitment agencies and the monitoring of the administration process at the pre-departure stage, the suffering of migrant workers could be reduced.

To implement the international standards in order to protect migrant workers, the ILO (2010) urges the sending countries to provide items of protection management such as law enforcement, national laws and the ratification of international conventions. The sending countries should also provide other items of labour protection such as strong regulations, MOUs with destination countries, law enforcement, etc. Without strong protection from the sending and receiving countries, the fate of migrant workers is very vulnerable (Tenaganita, 2008; Gunawan, 2013).

One of the important issues related to labour protection management is lack of seriousness of both sending and destination countries to ratify international conventions, which are crucial for the protection of migrant workers. Table 2.3 lists these conventions and the responses from the member states (some have ratified, some have not).

**Table2.3: Signature of Major International Conventions by Selected Countries of Labour Origin and Destination Countries in Asia, as of 30 October 2013.**

Country	C29	C87	C97	C98	C105	C111	C189	CEDAW	ICMW	TP
Bangladesh	√	√		√	√	√		√	√	
India	√				√	√		√		√
Indonesia	√	√		√	√	√		√	√	√
Malaysia	√			√	*			√		√
Nepal	√			√	√	√		√		
Philippines	√	√	√	√	√	√	√	√	√	√
Singapore	√			√	*	√				
Sri Lanka	√	√		√	√	√		√	√	#
Thailand	√				√			√		#
Bahrain	√				√	√		√		√
Kuwait	√	√		√	√	√		√		√
Qatar	√				√	√		√		√
Saudi Arabia	√				√	√		√		√
UAE	√				√	√		√		√

√ = already ratified

# Only a signatory

Source: United Nations Treaty Collection; Database of International Labour Standards; United Nations Office on Drugs and Crime (UNODC)

Index:

- C29 = Forced Labour Convention, 1930
- C87 = Freedom of Association and Protection of the Rights to Organise Convention 1948
- C97 = Migration for Employment Convention (Revised), 1949
- C98 = Right to Organise and Collective Bargaining Convention, 1949
- C105 = Abolition of Forced Labour Convention, 1957
- C111 = Discrimination (Employment and Occupation) Convention, 1958
- C189 = Domestic Workers' protection, 2011
- CEDAW = Convention on the Elimination of all Forms of Discrimination against Women, 1979
- ICMW = Convention on the Protection of the Rights of all Migrant Workers and Members of the Families, 1990
- TP = Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, 2003

Table 2.3 shows that the Philippines is the only country that has been determined to provide serious protection for their migrant workers, because its government has ratified all the international conventions. But, the other countries (including Indonesia) have not been optimal in ratifying those international conventions.

To find out how the governments protect migrant workers from exploitation, abuse and human trafficking, it is necessary to examine the objectives of labour protection management both in sending and destination countries.

## **2.8 The objectives of labour protection management**

The IOM (2010, p. 144) states that in international migration more attention has been paid to “labour protection management” around the world, especially for the purpose of protecting migrant workers. There are three important purposes of labour protection management, as outlined below:

First, the countries should have more or less “complete control” over migration to be able to manage migration effectively. The previous assumption which says that migrant workers could be imported every time they were needed, and then sent home when they were no longer needed, should no longer be adopted. This situation has been aptly observed by Max Fritch (see ILO, 2006, p. 23).

Second, monitoring of migration should be thorough, beginning from pre-departure through to deployment and, finally, to the returning process (Niessen, 2005, as cited in ILO, 2010, p. 144). The previous belief was that monitoring of the migration process should focus on one stage of migration process (partial monitoring), for example, sending country monitors migrant workers only at the pre-departure process, should be abandoned.

Third, there should be harmonious collaboration between all parties between sending and destination countries, NGOs, recruitment agencies and other stake holders (Newland, 2005, p. 15). The old view telling that all parties can operate separately without strong coordination between one and another (not integrated), should no longer be applied. The UN Commission on Human Rights urges the sending and destination countries to implement the elements of good governance of migration to protect migrant workers, for example, by strengthening services for human rights, promoting the law, strengthening democratic institutions and

participation to protect against corruption in the private and public sectors, and by strengthening international cooperation to support good governance of migration practices (United Nations Commission on Human Rights/UNCHR, 2004). In the domain of international migration, governance is assumed to “have a variety of forms, including migration policies and programs, discussions and agreements, multilateral and consultative processes, and the activities of international organizations as well as laws and norms” (Global Commission on International Migration/GCIM, 2005, p. 65).

Most mistakes related to the protection management of migrant workers are due to the unstable situations that occur during the formulation of laws and regulations. Transparency in this protection management is required because the open principles of protection management cannot be realised without transparency. This argument is supported by the 2004 International Labour Commission (ILC) resolution which recommends that coherent, comprehensive, consistent and transparent policies are required to manage migration effectively (ILO, 2004, p. 3). The ILO’s multilateral framework on labour migration stipulates that an open management framework, the components of which are integrated, is effective in realising good labour migration management (ILO, 2006).

Labour protection management should be run effectively, openly and coherently not only locally, but also nationally, regionally and internationally. To achieve this goal requires communication between the local and central governments. Further communication should be well-established, for example, by creating MOUs and bilateral agreements, and building communication with NGOs is also required to apply and strengthen labour protection management (IOM, 2010, p. 145).

### **2.8.1 Standards of labour protection management in the sending countries**

According to the ILO guide for protection management (2010), labour protection management in the sending countries should follow the items of protection standards in the pre departure and returning processes, as outlined below:

#### ***Item of protections in the pre-departure stage***

1. International convention ratification

There are many important international conventions to protect migrant workers, especially DWs during pre-departure that should be ratified by the sending countries, for example, C189 about DWs.

2. MOUs with destination countries

MOUs are very important for protecting DWs in the destination countries. Strong MOUs reduce the suffering of domestic workers abroad provided that they are implemented consistently.

3. Strong Regulations and laws

Without strong regulations and laws in the sending countries, DWs are vulnerable. For instance National Law No. 39/2004 about placement and protection of Indonesian migrant workers must be revised and amended, because it is mostly about deployment of migrant workers. There is very little attention given to protection.

4. Law enforcement

Without law enforcement, there are many corrupt practices in the migration process during recruitment that put DWs in vulnerable position.

5. Training Preparation

Training is very important to prepare DWs for working abroad, for instance, how to use a washing machine and skills in foreign languages.

6. Inspection

Inspection is very important in controlling the recruitment agencies and DWs' conditions during the pre-departure process.

7. Administration management

The sending countries should manage DWs administration well and transparently.

8. Correct Information

The sending countries should give the correct information about migration to DW candidates before departure. The information provided by the governments is very important for DWs, for example, how to handle problems abroad.

9. Gender protection

Gender protection is very important in providing more protection, especially for female DWs, many of who have become victims of abuse, exploitation and human trafficking.

10. Coordination with all parties

Without strong coordination among all parties, DWs are vulnerable.

Further items of labour protection management in sending countries should be added, because the current items of protections management are no longer adequate in protecting migrant workers, especially DWs. The items above only cover general migrant workers and tend to ignore DWs. The author of this thesis proposes the following items.

1. The head of the sending countries should be proactive

Without strong support from the head of the government (such as the Indonesian President), it is impossible to provide more protection for Indonesian DWs abroad, especially when DWs have problems.

2. Support from the House of Representatives

Without support from the House of Representatives/parliament (in Indonesia it is called DPR), it is impossible to formulate new national laws to protect DWs during the pre-departure stage.

3. Marketing management of DWs should be professional

Without professional marketing management, it is very difficult to promote Indonesian DWs and to compete in the international labour market of DWs.

4. Financial management

Financial management, including banking and remittances management for DWs is very crucial in protecting DWs from debt bondage and other financial problems during the migration process.

5. Human resource management

Human resource management is very important to support the migration process of DWs during pre-departure. The services provided by the sending countries, like the issuing visas, passports and other administration requirements, are the responsibility of the government officials.

6. Cooperation with NGOs

The sending countries should create strong cooperation with NGOs, because governments cannot handle the DWs' problems alone throughout the migration process.

7. Evaluation of management

Evaluation of management is very important for evaluating the process of labour protection management for DWs every year.

***Items of protections in the returning process***

1. Arrival protection

The sending countries should manage the collection of the returning DWs at the airport or other places of their arrival from abroad.

2. Advocacy

Advocacy for DWs who face problems abroad should be provided by the government.

3. Re-migration

The sending countries should prepare a program for DWs who wish to re-migrate.

Further item for DWs' protections during the returning process are required. They are:

1. Transportation management

Many DWs experience problems with lack of transportation to their homes when they arrive in Indonesia. In Indonesia too, most returning DWs are regularly deceived by agents or others who quote high fares for transportation to their homes.

2. Administration service center

The government should prepare an administration service centre for providing more information and protection for DWs.

3. Coordination with non-state actors

Coordination with non-state actors such as NGOs is very important to help DWs who have problems.

More detailed discussion on labour protection management in the pre departure and the returning processes is provided in Chapter Five.

## **2.8.2 Standards of labour protection management in the destination countries**

According to the latest reference released by the International Labour Organization (2010), a destination country should have the following items of labour protection management (international standards):

### ***Item of protections in the deployment stage***

1. Ratification of international conventions

The destination countries should ratify the relevant international conventions such as C189 to provide more protection for DWs.

2. Bilateral agreements and MOUs

Bilateral agreements and MOUs with the sending countries are very important in providing more protection for DWs.

3. National law and regulations

National law and regulation are crucial, without a national law or a regulation which is specifically aimed at protecting DWs in the destination countries, it is impossible to curb potential problems faced by DWs.

4. Law enforcement

Strong law enforcement is a requirement for providing more protection for DWs, especially when they face problems.

5. Coordination with the sending government representatives

Coordination with the sending countries is crucial for managing the DWs and solving their problems.

6. Inspection in the workplace

The sending countries should have a program to inspect the workplace of DWs. This also is crucial because many DWs are often trapped in the house of employers, and they cannot have contact with other people outside the house.

7. Gender protection

Most DWs in the sending countries are female, and they need more protection than male DWs.

The item of protections during the deployment process should also include the following:

1. Work performance of staff

Government officials in the destination countries should provide a good service for DWs.

2. Protection programs at arrival places

The destination countries should prepare protection for DWs at the airport or other arrival places.

3. Protection programs - post-employment

When the DWs finish their contract and need to go home to their countries, the destination countries should also provide protection against practices such as an illegal employment by their employers and illegal charges.

#### 4. Coordination with non-state actors

Coordination with non-state actors is very significant for covering the problems of DWs. The destination governments could not handle DWs' problems every day.

#### 5. Evaluation of management

The destination countries should evaluate the progress of the protection for DWs every year.

More detailed explanation about the labour protection management in the destination countries will be provided in Chapters Six and Seven.

To strengthen the labour protection of DWs abroad, it is very important to promote effective bilateral agreements and MOUs as discussed in the following section.

### **2.8.3 Promoting bilateral agreements and MOUs**

To establish an effective system of protection management for migrant domestic workers in destination countries requires a bilateral agreement and an MOU reflecting seriousness in protecting DWs. Martin (2008, p. 8) and Gunawan (2013) believe that a regional agreement governing labour migration will be more seriously considered in the future, for example, the Colombo Process and the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The Colombo Process includes themes of protection and provision of services for migrant workers, optimisation of the benefit of organised labour migration, capacity building, data collection, and interstate cooperation. Furthermore, the role of ASEAN is important for the cooperation between countries in the Southeast Asian region, especially cooperation between sending and destination countries in the management of migrant workers. This cooperation has been included in the ASEAN Declaration, which was officially adopted in 2012. The contribution of the NGOs working in the Southeast Asian region to this declaration has been a significant attempt to protect migrant workers and create

more decent and humane treatment of these workers. The ASEAN declaration is also aimed at reducing human trafficking and people smuggling in this region.

The destination countries are expected to formulate and create bilateral agreements and/or MOUs with sending countries so that the protection of migrant workers can be effectively performed. Without significant protection from the receiving country, the fate of migrant workers is very vulnerable (Gunawan, 2011; Kaur, 2012).

The role of the governments, both in the sending and receiving countries, is vitally important in providing protection mechanisms for migrant workers, especially when negotiating national and international policies for these workers (ILO 2010; Tirtosudarmo, 2010). Bilateral agreements and/or MOUs should be formulated to manage and regulate the migration flow between origin and destination countries and to provide better protection for the migrants.

In response to these requirements, most Asian countries prefer MOUs to bilateral agreements, because an MOU is more flexible and easier to modify when a change in economic and labour market conditions requires it. Because bilateral agreements are more formal, they are more difficult to change (Wickramasekera, 2006, p. 4).

Unfortunately, the literature discussing the relationship between MOUs and a transparent system of protection management for Indonesian DWs still cannot be found. Even after the MOU of 2011 between Indonesia and Malaysia, which contains revision of the previous MOU, there are still many problems that cannot be solved by both countries. It seems that the management model of this MOU should be questioned further, especially its ability to solve the problems suffered by Indonesian DWs. This model lacks an integrated and transparent monitoring system, which can be accessed by both countries, and can cover the real conditions of Indonesian DWs in Malaysia following the revision of the MOU in 2011.

To develop and effectively implement the program of migration and protection management in the sending and destination countries, it does not only require the MOU, but also strong support from international organisations. This point will be discussed further in the following section.

#### **2.8.4 Assistance to develop migration management**

To expand better migration management in the sending and destination countries, the ILO has formulated guidelines regarding the standard policies for origin and destination countries (ILO, 2012). The determination of the ILO in fighting for migrant workers' rights has been shown in C189 2011. On 5 September 2013, the ILO made the decision to support the ratification of C189 by the countries that have not ratified and implemented this international convention.

Protections for migrant workers and efforts to promote economic development of migrant workers have been fully supported by international organisations such as the ILO, the IOM and the UN. There are eight points that have been continuously developed by those international organisations: developing foreign markets, managing human resources, setting and reinforcing standards, monitoring private recruiters, providing support services, facilitating the remittance flow and reducing the cost of remittance transfers, encouraging migrants' saving and investment, and encouraging return migration (ILO, 2004, p. 124; Gunawan, 2013).

The ILO and the IOM in Jakarta have assisted the Indonesian government in preparing Indonesian DWs through training and education. In addition, the ILO has encouraged the Indonesian government to ratify C189 and the other international conventions on migrant workers that have not been ratified. The Jakarta branch of the ILO has provided financial support and training facilities for Indonesian DW candidates. It has cooperated with other NGOs in Indonesia and the Indonesian government. This international organisation has assisted Indonesia to achieve a better and more open recruitment management. This management has been supported by local recruitment agencies by developing an open marketing

process and promoting the provision of support and protection. However, the literature discussing the role of international organisations and NGOs, and the need to cooperate with each other and be managed by one central system of information management has not been found.

The efforts that have been taken by the international organisations in improving the quality of protection services for migrant workers in the sending and destination countries have encountered problems because there are many practices of inequality inside the migration industry and most unequal treatment has been suffered by female migrant workers, as discussed in the following section.

## **2.9 Discourses on Migration and Inequality**

There has been wide discourse in the ILM literature on migration and inequality. Yet, there is only a small amount of studies discussing an integrated management to reduce the inequality during pre-departure, deployment and the returning processes, especially the bad treatment suffered by female DWs. The integrated management is a strong management that is connected to the sending and destination countries transparently and can be accessed by every party, thus migrant workers' problems can be quickly detected in both the sending and destination countries especially the cases of inequality of conditions in terms of wage differences, treatment during the pre-departure processes, during employment and when they return and appropriate action can be taken, so that the problems do not become worse which could cause sufferings and misery, such as injuries and even deaths.

Black et al. (2006) and De Haas (2006, p.2) suggest the ways of migration in creating inequality between countries, societies, and migrants. For example, there is a country receiving an advantage and another country a loss, these are societies and migrant workers who gain profits, and societies and migrant workers who lose, such as the Filipino DWs who get better condition compared to Indonesian DWs due to their perceived higher skills. In other words, international labour migration is the result of apparent global economic inequalities and differences in

political and economic power between the sending and destination countries (Black et al., 2006, p. 1), which create further inequalities.

The different treatment experienced by female DWs in the destination countries, for instance, they are treated differently because female can work only as domestic workers compare to male who can work in plantation and manufacture (Moniaga, 2010; Lindquist, 2010). Therefore, Rodriguez (2010, p. 3) and the ILO (2010) believe that status and gender result in migrant workers – especially females – being treated apathetically in the destination countries compared to the males.

Other researchers, such as Amelina (2010), agree that there is a significant relationship between inequality in migration and the system of migration management run by the sending countries. The problematic migration management system brings some influences on the condition of migrant workers in destination countries. For example, if a sending country has weak migration management, resulting in many corrupt practices occurring, such as the supply of incorrect information on the skills of the migrants or fake certificates, then the migrant workers will continuously suffer inequality in the destination countries because their skills are not as good as described in their documents, and they may be paid lower than the migrant workers from other countries.

According to earlier reseach, most migrants who experience inequality in migration are women. Therefore, further discussion about gender inequality will be provided in the following section, included in some studies that have not been included in previous research on the subject.

### **2.9.1 Gender inequality in labour migration**

There are many studies, for example, United Nations (2006, p. 11) and Chammartin (2001, p. 41), which discuss the phenomenon of female migration all over the world and cite the absence of protection and equality, as well as

discrimination. Information on discrimination fails to convince policy makers (the official government who handle migrant workers, such as in Saudi Arabia, Singapore etc) to realise the importance of female DWs as being the vast majority of migrant workers who bring more remittances to the country, and consequently they fail to provide adequate and effective protection for them. Therefore, an integrated system is suggested in Chapters Six, Seven and Eight to deal with this issue.

Gender inequality in migration be prevented by establishing a strong institutional system in sending countries to enforce the law and regulation so that female DWs can be protected as suggested by Blank (2005) and Black (2005). For example, with a strong banking system backed up by transparent management, female and male DWs can receive equal rights in accessing migration capital/remittance or business capital following their return. Unfortunately, this idea has not been applied in a system that can integrate the financial and non-financial protection mechanisms. In response to this issue, the researcher will create an integrated economic management system in Chapter Eight, because this system can help to realise the dream of most female migrants who work as domestic workers, that is to bring some financial benefit to their families to meet their daily needs, such as education, daily consumption and other needs (Gee & Ho, 2006).

To shed more light on DWs, more studies on DWs in other countries around the world will be reviewed.

## **2.10 Research on Domestic Workers in Different Countries**

Research on DWs in different countries around the world commonly focuses on the condition of DWs, the policies, and the minimum protection provided by the sending and destination countries. For instance, the research done in the USA by Chuang (2010), and entitled *Achieving Accountability for Migrant Domestic Workers Abuse* compares the regulation of migrant workers in the USA relating to the issues of trafficking, exploitation and abuse. The findings of this research

highlight the failure of American legislation in protecting domestic workers, and also suggest that the government should encourage a better and more creative advocacy to assist victims of abuses and trafficking. A similar corroborating statement is made by Moniaga (2008) saying that DWs suffer exploitation and abuses because they are not covered by the national laws regulating their overtime pay, workplace health and safety, and preventing sexual harassment. Furthermore, in South Africa, Namukasa (2011) reveals that domestic workers only earn wages that are lower than the nation's minimum wages.

Furthermore, research on migrant workers in the United Kingdom (UK), by Lalani (2011) entitled *Ending the Abuse: Policies that Work to Protect Migrant Domestic Workers*, found that abuse is the main reason for changing employers in the UK because they do not have access to report their cases to the government or the NGOs. In China, Speake (2012) in her paper entitled *Project to Promote Equality and Decent Work for Women through Trafficking Prevention, Protection for Domestic Workers and Gender*, shows there are many workers experiencing excessive working hours, which 35% of migrant domestic workers in Beijing work more than ten hours a day and they do not receive a weekly day off.

Unfortunately, there is too little literature about labour protection management for DWs aimed at minimising abuses, exploitation and human trafficking. This research is aimed at filling these gaps. In the following section, the analysis will concentrate on the conditions of Indonesian DWs in Singapore and Malaysia that have been studied by several experts.

### **2.10.1 Research on Indonesian domestic workers in Singapore and Malaysia**

Beside, many studies on DWs around the world, research on Indonesian DWs who work in Singapore and Malaysia could be described briefly as follows:

Research on Indonesian DWs in Singapore has been conducted by researchers, for instance, Yap (1998) in her research entitled *Country Report on Singapore*. This

research finds that international migration (including Indonesian DWs) plays an important role in the Singaporean economy because it fills the labour shortage in several working sectors. Huang and Yeoh (1996) in their research entitled *Ties that Bind: State Policy and Migrant Female Domestic Helpers in Singapore*, show that Singaporean economy depends on female DWs.

The research that studies the working conditions and the abuses suffered by Indonesian DWs in Singapore has been conducted widely; one such study is by Varia in 2007 entitled *Sanctioned Abuses: The Case of Migrant Domestic Workers*. In this research, Varia (2007) reveals the poor working conditions of Indonesian DWs and the series of abuses and exploitation. She compared the cases in different countries namely Hong Kong, the Middle East, Malaysia and Singapore. Similar research, i.e. on the violence was conducted by Eagleton (2010) in the study entitled *Beyond the Right to Rest: An Evaluation of the Social and Legal Structures Shaping the Agency of Foreign Domestic Workers in Singapore*.

Research on Indonesian DWs in Malaysia has been conducted by several researchers, including Guinness (1990), who found that Malays prefer to employ Indonesian DWs because these workers are willing to work for lower wages compared to native Malay workers. Despite this reputation, these DWs have no effective political consideration from Malaysian government officials, such as the immigration or home ministry officials.

Several researchers have commonly discussed the bad treatment suffered by Indonesian DWs in Malaysia, such as unpaid wages and the absence of a national employment law for DWs. This is because domestic workers are excluded from the labour protection laws, and the Indonesian government does not pay serious attention in regulating the migration process. Moniaga (2008), who conducted this research, showed that while the MOU between Indonesia and Malaysia had been concluded, there were still many instances of physical and sexual abuse. However,

this research does not provide long-term solutions and a suitable model of migration management to protect DWs. In line with Moniaga, the research conducted by Orange, Seitz and Kor (2012) entitled *Information Dissemination Needs of Indonesian Migrant Domestic Workers in Malaysia* gives information related to the conditions of migrant workers abroad and the efforts at information dissemination as a way to protect migrant domestic workers.

Kanapathy (2006) has also conducted research on Malaysian government policy relating to the regulation of Indonesian domestic workers. However, her study does not provide an explanation as to how the state could protect Indonesian DWs. The recent research on policy conducted by Devadason and Meng (2012) entitled *A Critical Appraisal of Policies and Laws Regulating Migrant Workers in Malaysia* also does not provide information on integrated protection management for DWs.

The reviews above clearly show that previous studies on Indonesian DWs in Singapore and Malaysia have not touched on the crucial issues relating to integrated labour protection management for Indonesian DWs which could be implemented by the Singaporean and Malaysian government and under one information management system that could be accessed by all parties, such as the government, DWs, employers, recruitment agents and NGOs.

In discussing the management of Indonesian DWs in the three countries (Indonesia, Malaysia and Singapore), it is necessary to explain the literature on the role of NGOs (non-state actors) in those related countries. This is dealt with in the next section.

## **2.11 Advocacy and the Role of Non-State Actors**

The role of non-state actors in assisting with the problems suffered by migrant DWs has been discussed by researchers such as Ford (2000, 2002, 2010), Abella (2006) and Kaur (2010). Yet, the research that emphasises the role of local NGOs

in sending and destination countries under one “frame” of integrated management is still rarely found. Ford (2000, 2010) puts more focus on the “cooperative program between NGOs” rather than on the evaluation of labour protection management.

Many efforts have been taken by the NGOs in supporting the sending and destination countries to help Indonesian DWs. For example the Human Rights Watch/HRW (2004) illuminated the miserable case of Indonesian DWs in Malaysia, and also in Singapore (HRW, 2005). In 2010, Amnesty International published a report about the fate of TKI in Malaysia. However, the efforts taken by local NGOs in Indonesia, Malaysia and Singapore are still not discussed in the literature on international labour migration.

The interesting point of the research on the NGOs is most researches do not focus on the management model of cooperation between NGOs and the government in order to improve the protection for migrant workers. Most of them prefer focusing on the role of NGOs which is invisible to the government (Baccaro, 2001; Antlöv, et al., 2005; Eriksson & Winberg, 2011; Fontagné & Limardi, 2012).

Therefore, this research will provide further information on the role of local and international NGOs as the front line in the assistance provided to Indonesian DWs in the acquisition of their rights. The other focus is on the efforts made by NGOs and their suggestions to more realistic application of DWs’ protection after the declaration of C189 in September 2013 in Geneva, and its implementation in sending and destination countries.

## **2.12 Summary**

There are seven important points that can be drawn from this literature review. Firstly, international labour migration of domestic workers has become an important phenomenon because of the dramatic increase in DW numbers dominated by female. Unfortunately, DWs have not been recognised by many

countries around the world, as shown by the many countries that have not formulated the necessary regulations and national laws to protect them, while more and more of them have become victims of abuses, exploitation and human trafficking. It has become a major concern of United Nations to prioritise the protection for migrant DWs, especially female DWs.

Secondly, there are theories on migration, such as the neoclassic economy, dual labour market, and relative deprivation theories. However these theories only cover the mechanism of migration and labour market inequality.

Thirdly, the concept of modern migration management has become a priority of sending and destination countries. This is because the huge amount of remittance transferred to the sending countries and the economic benefit for destination countries are very significant for macro and micro economic development. The international organisations also support the creation of professional labour migration management, which can cover the problems experienced by migrant workers from pre-departure to their return. Unfortunately, the management of economic development for migrant workers, especially DWs as a base for economic development of the countries and individuals, has not been studied in the previous research. Most researchers have examined the allocation of remittances, training management and training for small business, but they have not studied an integrated management system that uses one information technology system, for example by using one transparent internet site which is accessible to all relevant parties. This thesis concentrates on filling this gap.

Fourthly, in 2010, the ILO issued the standards of labour protection management for sending and destination countries. The ILO also recommends that the countries involved in the migration process should ratify C189, so that DWs can gain more respect as “workers”, not as “modern slavery”.

Fifthly, there are many researchers who have studied the unequal conditions suffered by female migrant workers during migration process compared to their male counterparts. However, there are few researchers, who have considered and

proposed an integrated system of management that can minimise the inequality for female DWs during pre-departure, deployment and returning processes. This integrated information system is supported by the use of social media such as “Facebook” and email that can be easily accessed around the world. This system has a great potential to succeed because most DWs around the world can access the internet, or at least use online SMS (Short Message Service), thus they can report their problems and can get quick help to prevent worse conditions. In other words, they can have more protection.

Sixthly, there have been many studies on DWs employed around the world, such as in the USA, Germany, China, and South Africa. Most of those studies focus on the conditions of DWs who become the victims of exploitation, abuses and violence, but there is no research on a model of protection management for DWs, which is an integration of regulations, the President/country leader, the House of Representatives, the NGOs, marketing management, financial management and other protection elements, which will be discussed in the following chapters. Other research on Indonesian DWs in Malaysia and Singapore only focuses on the migration policies, history, migration process, remittance usage and others.

Lastly, the role of NGOs in supporting the program of DWs in every country has been commonly studied by various researchers, but there is still little research on the perceptions of decision-makers (the managers of NGOs) in the three countries, for example their views on how to establish cooperation between NGOs and the government under an integrated system. This research also examines the successes and failures of the NGOs in encouraging Indonesia, Singapore and Malaysia to provide DWs’ rights as mandated in the international standards after the declaration of C189. The next chapter will discuss the research methodology.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

As explained in Chapter One, the main focus of this research is recognition of a particular social problem to investigate the processes of labour protection and management systems. These include state policies, laws, regulations, enforcement, measures, bilateral agreements and the function of international conventions. It also explores the role of NGOs, gender protection programs, and the regulation of Indonesian DWs by the Indonesian, Singaporean and Malaysian governments. It then reviews the impact of strategies for improvement of the DWs' circumstances during the pre-departure, deployment and return processes.

This research aims to study Indonesia's labour migration policies and governance of migration in response to labour rights violations and abuse of Indonesian domestic workers in Singapore and Malaysia. The main objectives are:

- To ascertain the economic, political and other factors that influenced Indonesia to become a labour brokerage state.
- To examine the effectiveness of the Indonesian government's labour management system (including governance structures, labour migration policy and procedures, law enforcement, bilateral agreements, marketing and financial management, the role of intermediaries, coordination and evaluation of management) for Indonesian DWs bound for Singapore and Malaysia.
- To examine the working conditions, labour protection measures and experiences of Indonesian DWs in Singapore and Malaysia.
- To identify the way in which the existing migration structures, policies and procedures, as well as the existence of gaps in Indonesia, Singapore and Malaysia have resulted in the marginalization of Indonesian DWs. These are compared to international standards and best practice models, such as that implemented by the Philippines.

- To analyse the underlying factors that prevent equitable provision of labour rights and human rights protection for migrant domestic workers.

To achieve the central and secondary objectives of the thesis, this research attempts to answer the following research questions:

1. Why, and in what ways has the Indonesian government transformed itself into a labour brokerage state, preparing workers for foreign jobs, developing a bureaucracy to send them abroad, and regulating them for work abroad? How effective is labour protection management of the Indonesian DWs in the pre-departure and returning processes in Indonesia?
2. How do the Singaporean and Malaysian states regulate the recruitment and employment of Indonesian DWs under their immigration laws? What are the working conditions of the Indonesian DWs in these countries? What are the roles of Indonesian government representatives and NGOs in those countries in protecting Indonesian DWs?
3. To what extent have Indonesian DWs' remittances benefitted both the Indonesian government and the Indonesian DWs? What programs has the Indonesian government developed to enhance the economic betterment of Indonesian DWs after their return to Indonesia? Do the workers' remittances help in the economic development of Indonesia in the long term?

The topic in this thesis and the research questions are designed for macro and micro research related to Indonesian DWs, especially labour protection management involving Indonesia as the sending or origin country, and Singapore and Malaysia as destination countries. Research related to governance structure, policies, laws, procedures, policy practice, the role of intermediaries, NGOs and other international organisations in the three countries is considered a macro level study. The macro research is required to obtain research findings and recommendations for making policies in labour protection management. The

micro research in this thesis covers the opinions of the NGOs and the officials within the Indonesian government in handling Indonesian DWs. Remittances financial management and the protection of Indonesian DWs post-return from deployment are also the focus of this micro research.

### **3.2 The Location and Schedule of the Field Research**

The field research was conducted in the capital cities in three countries, Jakarta (Indonesia), Kuala Lumpur (Malaysia) and Singapore (Singapore), from 1 December 2011 to 28 February 2012. The time sequence is described in Table 3.1.

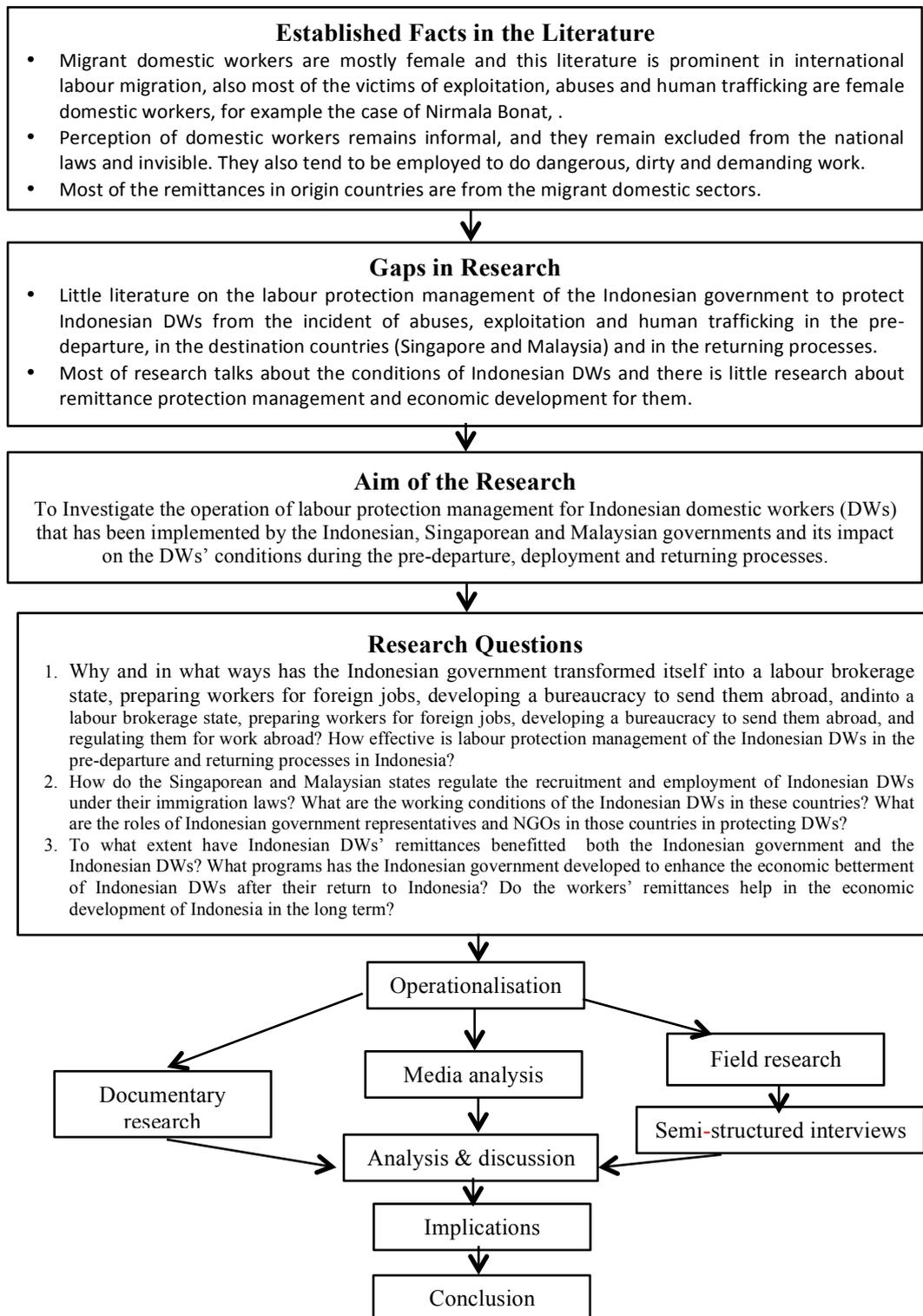
**Table 3.1: The Time Schedule and Location of the Field Research**

<b>Timetable</b>	<b>Locations</b>
1 December 2011– 4 January 2012 and 1 - 28 February 2012	Jakarta
4 - 17 January 2012	Singapore
19 - 30 January 2012	Kuala Lumpur

The researcher started the research after obtaining approval from the Ethics Committee of the University of New England on 29 November 2011.

### **3.3 The Key Terms, Definitions and Sources of Data**

The flow chart of the research is illustrated in Figure 3.1.



**Figure 3.1: The key aspects and the flow of the research**

### **3.3.1 Definitions of key terms in the research**

There are some key terms used in this research that need definition. They are as follows:

1. Indonesian DWs (Indonesian domestic workers) in this research mean Indonesian people, who migrate, mostly to Singapore and Malaysia, and are employed in homes as domestic workers. Their migration and employment overseas is made legal under the Indonesian Law of 39/2004. Only female Indonesian DWs will be examined in this study because the majority of Indonesian DWs are female and many of these females suffer from abuse and exploitation. The researcher will not highlight male Indonesian DWs, as the number is very small (i.e only 5 - 10% based on the data of Migrant Care (2011) and Solidaritas Perempuan (2011). These female DWs can be single, married or divorced and may have children. Their ages are between 19 and 40.
2. In this research, labour management systems mean policies and regulations of the Indonesian, Singaporean and Malaysian governments created to protect the Indonesian DWs from exploitation, abuse and human trafficking in the relevant process of migration. They are assessed based on international standards.
3. Labour protection management in the pre-departure stage represents worker protection management by the Indonesian government for Indonesian DWs during the pre-departure process. Seventeen items of protection are examined:
  - a. International conventions ratification
  - b. Bilateral agreements and MOUs
  - c. National laws and regulations for Indonesian DWs
  - d. Law enforcement
  - e. Indonesian President's role in protecting Indonesian DWs
  - f. House of Representatives' role
  - g. Human resources management and work performance of staff
  - h. Coordination management

- i. Cooperation with non-state actors
  - j. Gender protection program
  - k. Giving information
  - l. Marketing management
  - m. Financial management
  - n. Recruitment and training management
  - o. Administration and IT database
  - p. Inspection/control
  - 1. Evaluation of management
4. Labour protection management in the returning process is worker protection management for Indonesian DWs provided by the Indonesian government in the returning process. Six items of protection are examined:
- a. Protection at arrival places
  - b. Transportation management
  - c. Administration service centre
  - d. Advocacy and law support service
  - e. Coordination with non-state actors
  - f. Training and re-migration
5. Labour protection management in the deployment process is worker protection management for Indonesian DWs, provided by the Singaporean and Malaysian governments in those destination countries. Twelve items of protection are examined:
- a. International conventions
  - b. Bilateral agreements and MOUs
  - c. National laws and regulations
  - d. Work performance of staff/human resources
  - e. Coordination with Indonesian government's representative
  - f. Law enforcement
  - g. Gender protection
  - h. Protection programs at arrival places
  - i. Protection programs in the workplace

- j. Protection programs during the returning process
  - k. Cooperation with non-state actors
  - l. Evaluation of management
6. Remittance protection and economic development for Indonesian DWs means the programs and strategy employed by the Indonesian government to protect Indonesian DWs' remittances and develop their economy and investment after returning from Singapore and Malaysia.
  7. Abuse in this research is sexual, verbal and physical abuse and maltreatment experienced by Indonesian DWs. This treatment is committed either by recruiting agents, employers or other persons.
  8. Exploitation means an act of forcing a worker to work day and/or night without rest, without or with an inappropriate wage. Most of the employers are treating their migrant domestic workers unfairly in order to get benefit from their work and exploitation is often followed by some violence or abuse.
  9. Human trafficking. The definition of human trafficking used in this research is "...The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation...." (UN 2000, p.3).
  10. Unequal conditions. An unequal condition is a condition whereby a worker is treated differently to another person doing the same job. It refers to the inferior conditions provided for Indonesian DWs compared to the conditions provided for their counterparts, especially Filipino DWs, during the pre-departure, deployment and returning processes.
  11. Non-state actors in this research mean all organisations of civil societies, such as Non-Government Organisations/NGOs, Trade Unions, Faith-Based organisations, the International Organization for Migration (IOM Jakarta) and the International Labour Organization (ILO Jakarta).

### **3.3.2 Source of data**

At the regional and international levels, in terms of providing a background context and to find the evidence, the researcher collected the relevant macroeconomic and historical data, and information about international migrants' rights and conditions, and recent ILO conventions and recommendations that form the core information about migrant workers' treatment standards. International organisations like the United Nations (UN), the World Bank, the International Labour Organisation (ILO), and the International Organisation for Migration (IOM), the International Monetary Fund (IMF) and the Asian Development Bank (ADB) provide good sources of global economic and socio-demographic data and the historical background of international labour migration (ILM). Other relevant information was also collected from the broader literature on migration, like that published by the Indonesian Institute of Sciences (LIPI), the Human Rights Watch (HRW), UNESCO, NGOs including Migrant Care, the Institute for Ecosoc Rights, Solidaritas Perempuan, CARAM Asia, Tenaganita, HOME (Humanitarian Organization for Migration Economics), TWC2 (Transient Workers Count Too), the Asia Centre at the University of New England, and the Asia Migrant Centre.

The information was drawn from reports on the Indonesian, Singaporean and Malaysian economic indicators, socio-demographic data, the history of those countries in terms of international labour migration, figures on labour migration and labour-related policies, laws and regulations. These sources were used to provide quantitative and qualitative data input for the "macro" level examination, and achieve the secondary objectives of this research. Also, annual official reports, research studies and many other relevant publications from government agencies were considered important and formed good sources of information for the research.

In this research, the researcher compared the labour protection management run by Indonesia with that run by the Philippines, which has been considered the best model by Blank (2011), Asis and Agunias (2012), the IOM (2010) and the ILO

(2010). The Philippines is also considered to be a good example for every sending country of migrant workers in the world (ILO, 2010, 2011; IOM, 2010, 2012; CARAM Asia, 2010). The Philippines has been assertive in its effort to establish and maintain a protection program for its migrant workers, especially Filipino Domestic Workers (Filipino DWs). This country is also the second country in the world that has ratified International Convention C189 on domestic workers.

Finally, at the micro level, the researcher collected data from Indonesian government officials and non-state actors through interviews in the three countries. These interviews explored the experience of non-state actors regarding the implementation of labour protection management in the field.

### **3.4 Data Collection Tools and Analysis**

The methodology used in this research is not designed for hypothesis testing, which uses a quantitative procedure; although a quantitative procedure (simple descriptive statistics) was used in some parts of the data analysis.

This study relied on assorted and multi-level data, so the methodology required a variety of approaches for information collection. This research used a combination of four key data collection methods: searching documents and administrative records, employing questionnaire surveys, undertaking semi-structured interviews, and media analysis.

#### **3.4.1 Searching documents and administrative records**

This method was used because it is a common and effective method used by many researchers in the field. It has been used by researchers including Moeller (1982), Brackstone (1987), Baharuddin (1996), Hakim (2000), Martin (2005), Read (2010) and Kaur (2013). It could be used to collect both qualitative and quantitative secondary data, which are gathered and recorded by many different kinds of government and non-government organisations. This technique is commonly employed by social scientists to categorise, investigate, interpret and

identify the limitations of physical sources, whether they are in the private or public domain (Payne & Payne, 2004, p.6). Public documents include local and national government documents, administrative records, acts and regulations, media statements, public relations handouts and annual reports.

Administrative records and documents are reviewed to gather both qualitative and quantitative information that has mainly been recorded by the Indonesian, Singaporean and Malaysian governments, and by multilateral organisations such as the United Nations agencies, by other governments such as the United States, and by NGOs and other organisations related to migration policies and human trafficking. Assessing labour protection management, including migration policies and law, through documentary research has its own limitations. To avoid or overcome them, this research approaches migration policies from a multidisciplinary perspective.

### **3.4.2 Questionnaires**

The questionnaire was considered very important for collecting data to gain information from as many people as possible. A questionnaire is a printed set of questions to be sent to and answered by respondents (Payne & Payne, 2004). The questionnaires were used to collect primary data and it followed a well-tested tradition from the society (Burns, 1997; Hakim, 2000; Martin, 2005).

Nineteen copies of the questionnaire were given to all the respondents in the twenty organisations in the three countries (Indonesia, Singapore and Malaysia). The samples (19 respondents) were chosen based on purposive sampling. They were chosen on the basis of experience in managing and being the main actors in Indonesian DW protection management for more than seven years (internationally recognised). Mitchell and Jolley (2013, p. 286) say that this questionnaire/survey method can help the researcher to focus on the most relevant informants, that is, the people who have been directly involved in the decision-making process, for example, managers of the NGOs and the heads of government

agencies. Since the focus of this research is on the decisions about labour management in the three countries, the researcher did not interview or distribute the questionnaire to Indonesian DW victims of labour exploitation, abuse and unequal conditions. Another reason is that the Ethics Committee did not permit the obtaining of information from the victims.

As required by the University of New England's Human Research Ethics Committee, the names of the respondents were not identified in the information collected. This is to keep their identity confidential. All of the responses to this questionnaire were presented in several forms. The researcher gave a "special code" to each of the respondents to protect their identity.

Copies of this structured questionnaire were given to selected Indonesian government officials and non-state actors who understand well the DWs' situation and are in the "frontline" of labour protection management in Indonesia (the sending country) and in Singapore and Malaysia (destination countries). The researcher gave questionnaires to all the directors/coordinators of programs of the selected organisations. They were the decision-makers in those institutions who were highly involved in dealing with the labour protection management of Indonesian DWs.

**Table 3.2: List of the Names of the Organisations/Institutions that were Given Copies of the Questionnaire**

<b>No</b>	<b>Organisations/Institutions</b>
	<b>Jakarta (Indonesia )</b>
1	Ministry of Manpower and Transmigration (The Director of Protection of Indonesian Migrant Workers Working Overseas)
2	National Body for Placement and Protection of Indonesian Migrant Workers Overseas (BNP2TKI) (The Director of Placement and Protection)
3	Ministry of the Empowerment of Women (The Director of Women Migrant Workers Protection)
4	International Labour Organization (ILO) Jakarta (Program Coordinator, ILO in Jakarta)
5	NGO International Catholic Migration Commission (ICMC) (The Director ICMC in Jakarta)
6	NGO American Center for International Labour Solidarity (ACILS) (The Director of ACILS)
7	NGO Migrant Care (The Executive Director of Migrant Care)
8	NGO Solidaritas Perempuan (The Coordinator of Anti-Trafficking Program, Solidaritas Perempuan)
9	NGO The Institute for Ecosoc Rights (The Director of the Institute for Ecosoc Rights)
10	KSBSI Trade Union (The Coordinator, Program of Indonesian Migrant Workers)
	<b>Kuala Lumpur (Malaysia)</b>
11	Indonesian Labour Attaché in Kuala Lumpur (The Director of Labour Attaché)
12	NGO Tenaganita (The Executive Director of Tenaganita)
13	NGO Migrant Care Malaysia (The Director of Migrant Care Malaysia)
14	NGO CARAM Asia (The Coordinator of Anti-trafficking CARAM Asia)
15	MTUC (Malaysian Trades Union Congress) (The Coordinator, Program of Migrant Workers Protection)
16	NGO Health Equity Initiatives (The Executive Director of Health Equity Initiatives)
	<b>Singapore</b>
17	NGO HOME (The Humanitarian Organisation for Migration Economics) (The Executive Director of HOME)
18	NGO TWC2 (Transient Workers Count Two) (The Executive Director of TWC2)
19	NGO IFN (Indonesian Family Network) (The Coordinator, Program of Indonesian DWs' Protection)

### **3.4.3 The semi-structured interviews**

The interview method used in this research is the semi-structured interview, which is similar to the one used by Lindquist (2010) in interviewing the migrant worker agents and Indonesian DWs in Lombok to find out the recruitment process there. A formal semi-structured interview was conducted for a direct and face to face communication between the researcher and the respondents. This method was used because it can provide more informative and detailed responses compared to those from the questionnaires (Neuman, 2006, pp. 290-91; Burns, 1997). To ensure the quality of the data collected from the interviews, this study followed the interview pattern proposed by Kvale (1996), and King and Horrocks (2010).

The interviewees were all respondents to the questionnaires (see Table 3.2 for the names and locations). The questions asked in the interviews were similar to the questions in the questionnaire but more detailed and the answers could be longer than the questionnaire. The interviews were recorded and noted.

As stated by Minichello et al. (1995, pp. 65-6; Babbie, 2007, p. 384), in semi-structured interviews, questions can be flexible. Therefore, the researcher was able to focus on important information, including the perception of the subjects and their opinions.

### **3.4.4 Media analysis**

This research also employed media analysis to look more closely at the situation of Indonesian DWs and their protection in Indonesia, Malaysia and Singapore. As suggested by Kaur (2005, 2013), media analysis is very important to be able to see “the reality show” of the conditions of Indonesian DWs in order to gain more understanding of their situation. This media analysis was also helpful in understanding the correlation between labour management of DWs in many countries (Liow, 1998 and as suggested by other researchers like Kaur, 2005).

The overall information was then analysed using the following procedures:

1. Identification of main themes and sub-themes as seen from the perspective of effective labour protection management that decreases labour exploitation, abuse, unequal conditions and human trafficking and promotes the interests of Indonesian DWs.
2. Identification of supporting or negating evidence for each theme and sub-theme.
3. Triangulation, that is, cross-checking of the truthfulness of each theme and sub-theme and other details.
4. Complementing the primary data analysis with information from secondary sources such as reports from NGOs, reports from government officials, books, journal articles, news reports, government documents, etc.
5. Composing a summary and conclusion.
6. Writing up the results of the analysis.

### **3.5 Summary**

In reaching the objectives of this research, four methods of data collection were employed. The four methods were collecting administrative records and documents, employing a questionnaire, conducting semi-structured interviews and conducting a media analysis. In short, the use of these methods has enabled the researcher to obtain appropriate data to achieve the specific objectives of the research, realising its central aim, and documenting the extent and characteristics of labour protection management in the three countries.

The differences between this researcher and other researchers are that the researcher has been involved in the activities of NGOs in the three countries by helping the NGOs to assist the victims of Indonesian DWs. The researcher was also involved in assisting some programs of Indonesian government officials. Thus, the researcher was able to obtain information directly from respondents with regard to the application of labour protection management for Indonesian DWs.

## CHAPTER FOUR

### AN HISTORICAL OVERVIEW OF POLITICS AND THE ECONOMY IN INDONESIA AND INTERNATIONAL LABOUR MIGRATION SINCE 1830

#### 4.1 Introduction

An historical account of Indonesia's economic and political frameworks is essential to explain why Indonesia has become a major labour exporter in Southeast Asia. There are several reasons for labour migration from Indonesia and several major factors affecting migration policy. Indonesia's population is 241 million (BPS, 2012) and the country is the fourth most densely populated country in the world. The Indonesian government, like many middle income countries, has been greatly influenced by the World Bank migration development nexus strategy for poverty alleviation. This chapter outlines political and economic changes in Indonesia since 1830, and their impact on migration policy.



**Map 4.1: Map of Indonesia**

Source: ([http://mercyindonesia.com/images/indonesia\\_map1.gif](http://mercyindonesia.com/images/indonesia_map1.gif) accessed on 10 October 2012)

## 4.2 Politics and Economy

The Dutch began colonising Indonesia in 1830. The Dutch conquest of Indonesia was piecemeal, since Indonesia is an archipelago comprising more than 13 000 islands, of which five are major islands, namely Java, Sumatra, Kalimantan, Sulawesi and West Papua.

### **The Dutch Administration Period, 1830 - 1942**

Initially, Dutch rule was paramount in Java and Sumatra and the capital at Batavia. The Dutch colonial administration established the Cultivation System with the aim of having a viable economy. The Cultivation System, which lasted from 1830 to 1870, centred on the production of sugar and coffee. The Javanese were forced to grow sugar cane and coffee, which earned enormous profit, for the colonial administration, as shown in Table 4.1. The Cultivation System only lasted until 1849, and then significantly declined.

**Table 4.1: Financial Profit of the Cultivation System 1840 - 1849 (in thousands of guilders)**

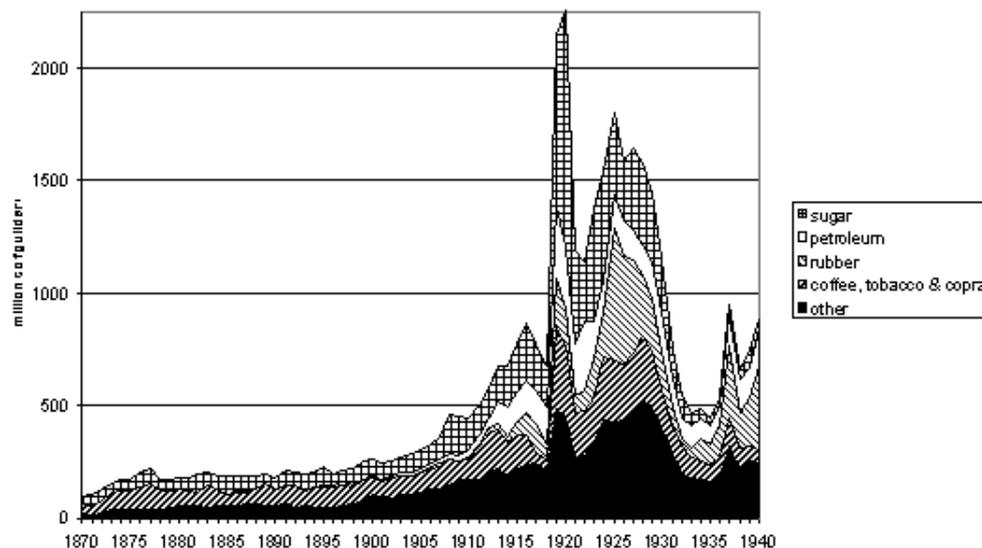
	1840 - 1844	1845 - 1849
Coffee	40 278	24 549
Sugar	8218	4136
Indigo	7836	7726
Pepper, Tea	647	1725
Total net profits	39 341	35 057

Source: (Fasseur, 1975).

The Cultivation System became less important by 1870 and the Dutch introduced a policy reform after 1870. According to Booth (1998, pp. 29 - 31), Java's economy changed dramatically during this period. The Dutch colonial administration subsequently expanded its economic activities to other regions in the archipelago, including Sumatra, Kalimantan, Sulawesi and Nusa Tenggara. It also added other agricultural commodities including copra, palm oil, fibers, rubber, and petroleum. This expansion required many more labourers. To meet

this requirement the Dutch brought in migrant workers as contract workers. They brought these workers from China and Java from 1870 to 1942 especially to work on plantations in various areas in the archipelago including Sumatra, Kalimantan and Sulawesi.

The diversification of commodities, the availability of the migrant workers and the increasing demands for the commodities in Europe boosted exports from the archipelago. The amount of exports reached its peak during this period, as shown in Figure 4.1. The expansion of these commodities required recruitment of migrant workers. Initially they introduced the coolie system to ship Javanese workers to employ them in various islands.



**Figure 4.1: Foreign Exports from the Netherlands-Indies, 1870 – 1940 (in millions of guilders)**

Source: (Touwen, 2008).

As shown in Figure 4.1, in 1920 the demand for sugar was the highest in the history of trade during the colonial period. By 1925 the demand for sugar had decreased, but it continued to be higher than commodities such as petroleum, rubber, coffee, tobacco and copra. Sugar declined due to the global economic crisis that began in 1930, and the export of sugar stopped in 1940. This was the

beginning of the end of Dutch economic domination in the archipelago, and two years later in 1942 the Dutch surrendered to the Japanese invading army.

### **The Japanese Occupation Period, 1942 - 1945**

The Japanese brought new hopes of independence for the indigenous Indonesians, since they promised liberation from the colonial power. Nevertheless, after a while it became clear that the Japanese were only interested in using the Indonesian people and their resources to support their war efforts against the United States and its allies. However, Indonesian freedom fighters managed to take advantage of the power vacuum after the surrender of the Japanese to the Allies. They successfully declared the independence of the country on 17 August 1945. Although the Dutch intended to recolonise Indonesia, the “freedom fighters” would not let the Dutch rob them of their hard fought independence. Through guerrilla warfare and diplomacy, they fought the Dutch and their allies fiercely. After four years of fighting the Dutch, the Indonesians finally gained world recognition for their independence.

### **Independence and Political Transition, 1949 - 1966**

In 1949, the Dutch gave full independence to Indonesia. Although the nationalists agreed to safeguard Dutch interests in 1957, Dutch interests were taken over by the Indonesian government. Dutch nationals were expelled and Indonesia also partially withdrew from the world economy. Economically, Indonesia concentrated on primary production but also adopted a policy of industrial development. However, the country lacked domestic capital, and by 1957 experienced capital shortages and declining income. The government also took over Dutch property between 1957 and 1959 consistent with Sukarno’s “Guided Democracy”. The state took over plantation and mining enterprises and all other sectors of the economy. Subsequently, it initiated state-led capitalised development (Robison, 1986, p. 24).

These measures led to shortages and Indonesia was cut off from foreign capital. The Sukarno government faced serious economic and political problems and his regime ended in 1965 - 1967. General Suharto then replaced Sukarno and established a military government. This led to the establishment of the “New Order” government.

The New Order government perhaps led to Indonesia’s “full cooperation” in the international economy, and to an inflow of foreign investment. It also led to regional development strategies and resettlement of people on the outer islands and the export of labour in the 1980s.

There were no major economic activities organised by the Indonesian government for four years after independence because the government was busy defending independence against the Allies (USA, British and especially the Dutch authority), which sought to recolonise the country. After the recognition of Indonesian independence late in 1949, the Parliamentary democracy era began in 1950 and lasted until 1959. During this period, there was still no significant economic development. This era was characterised by economic disorder, regional rebellions and post-war damage of essential industries, and food shortages. During the Guided Democracy era (1959 - 1965), Indonesia was struggling to overcome several economic and political problems such as regional dissidence, military-civilian conflicts, assassination and *coups d’etat*, and economic stagnation (Widodo, 2006).

Between 1945 and 1966, Sukarno essentially dismantled the last trappings of the colonial state in Indonesia. This process led to further changes in the country as Sukarno moved towards a nationalist policy. These changes have to be seen in the context of Indonesia’s economy and a comparison of economic indicators between Indonesia and other Southeast Asian countries, as shown in the Table 4.2. Generally, Indonesia’s economy grew more slowly compared to other Southeast Asian countries.

### **Suharto and the New Order Period, 1967 - 1998**

Suharto was appointed Acting President in 1967 and then Indonesia saw new changes. Economically and politically, Suharto restored relationships with Western countries and invited many Western and Singaporean capitalists to invest in Indonesia. In 1969 he began his first Five Year Development Plan (*Rencana Pembangunan Lima Tahunan I/Repelita I*). His economic development program was boosted by sharp increases in demand for aluminium, cement and iron, as well as textiles, food and cigarettes. In the 1970s, it was boosted further by a sharp increase in oil and gas prices followed by a sharp increase in oil and gas exports. Furthermore, the export of wood also increased, bringing in more foreign currency. After five Repelitas, Suharto with his New Order regime had achieved major economic and technological developments, and in 1993 the World Bank reported that Indonesia had been included as an “East Asian Miracle” in which it had had sufficient economic stability and a high level of foreign economic investment (World Bank, 1993, p. vi).

However, in contrast to his success in the previous 31 years, Suharto seemed powerless to overcome the 1997 monetary crisis. He failed to reduce the high inflation rate that significantly weakened the economic and financial systems of Indonesia. This condition has also been dubbed a “total crisis”, which started his downfall. It could be argued that his downfall was due to the desire for the democratization of the country as much as economic issue.

The Suharto regime managed to restore law and order after the political crisis and widespread killing of members and sympathisers of the Communist Party, and developed the country through a Repelita. This regime managed to restore the Indonesian economy and other sectors. However, after Asia was hit by a monetary crisis from 1997 to 1998, the Indonesian economy nearly collapsed, which eventually brought Suharto down. His deputy, B.J. Habibie, replaced him and this marked the beginning of the Reformation (*Reformasi*) era.

### **The Reformation Era (1999 - 2013)**

President Habibie restored democracy to Indonesia, but he made two major mistakes that also led to his political downfall and misuse of state funds. He was given a vote of no confidence in the Indonesian Consultative Assembly (the *Majelis Permusyawaratan Rakyat*/MPR). He was replaced by Abdurrahman Wahid, but this autocratic leader, who was popular among Westerners, also could not avoid making mistakes. For example, there was misuse of funding in the National Logistic Body (BULOG) and with the financial aid from Brunei Darussalam to help alleviate poverty. He was also brought down by a vote of no confidence in the MPR in November 2001. He was replaced by his deputy, Megawati Sukarno Putri. Megawati could not maintain her power and she lost the 2004 direct presidential election, being beaten by her former minister, Susilo Bambang Yudhoyono, abbreviated as SBY. To date (2013), SBY has been in power for two terms.

Indonesia continued to experience economic difficulties several years after the fall of President Suharto on 15 May 1998. He also left a huge amount of debt from international agencies such as the International Monetary Fund (IMF) and the International Crisis Group on Indonesia. So, although the successive governments of Habibie, Abdurrahman Wahid, Megawati and even SBY managed to gradually improve the economic condition of the country, they were busy paying off the debt. Therefore, the ability of the successive governments to provide adequate employment and prosperity for the people was severely limited.

To conclude, the Indonesian economy from 1950 until the Reformation period is shown in Table 4.2.

**Table 4.2: Gross Domestic Product (GDP) of Indonesia, compared with other Countries in the Southeast Asian region (starting 1950s)**

	Indonesia	The Philippines	Thailand	Malaysia	Singapore
1950 <sup>a)</sup>	874	1293.0	848	1696.0	2038.0.
1973 <sup>a)</sup>	1750.0	1956.0	1538.0	3167.0	5412.0
1990 <sup>b)</sup>	1543.37	1872.58	2910.23	4799.34	17 393.59
2000 <sup>c)</sup>	2623.0	2697.4	5496.8	10 621.6	38 063.1
2010 <sup>c)</sup>	3885.1	3560.5	7672.9	13 705.9	52 170.0
2012 <sup>b)</sup>	4963.63	4060.99	10 110.00	16 133.21	61 527.77

Sources:

- a) Real GDP per Person in 1950, 1973, and 1996 (Constant Prices based on PPP exchange rates, 1990 international dollars), Craft (1996).
- b) GDP based on PPP per capita GDP (Current international dollar). IMF World Economic Outlook database, October 2012.
- c) GDP per capita, PPP (constant 2005 international \$). World Bank, International Comparison Program database. [www.worldbank.org](http://www.worldbank.org).

From Table 4.2, it can be seen that Indonesian GDP in 1950 was only about 874 of the Philippines' GDP and almost the same as Thailand's GDP. Moreover, in 2012, Indonesian GDP had become higher than that of the Philippines (4963.63 compared to 4060.99). It can be concluded that because of gross economic growth from 1950 to 1973, Indonesia has great economic potential in the Southeast Asian region, although its development has not been as fast as that of the Thailand economy. So, if Indonesia can accelerate its economic growth, as has been the case in the last ten years (with 5 - 7% growth rates), the Indonesian economy could supersede the Thailand economy, mainly because Indonesia has an extensive cache of natural resources. Indeed, some economists have stated that that Indonesia could become the next "giant" of Asia after China and India (Dadush & Stancil, 2010). The reason for the slow economic growth in the past has been attributed to some "missed opportunities" (Booth, 1998). In fact, compared to the Malaysian and Singaporean GDP, Indonesia was approximately 50% GDP as compared to Malaysia, and 33% GDP compared to Singapore in 1950, while in 2012, Indonesia only has around 30% GDP compared to Malaysia and 15% GDP compared to Singapore.

Sadly, even though Indonesia has the largest population in the Southeast Asian region (241 million people), this does not mean Indonesia is better in economic terms. Table 4.3 compares Indonesia's population with other countries in this region from 1950 to 2012.

**Table 4.3: Indonesian's Population, Compared with Other Countries in the Southeast Asian region (starting in the 1950s)**

	Indonesia	The Philippines	Thailand	Malaysia	Singapore
1950 <sup>a)</sup>	74 837 000	18 397 000	20 607 000	6 110 000	1 022 000
1973 <sup>a)</sup>	27 662 000	38 634 000	40 219 000	1 743 000	2 192 000
1990 <sup>b)</sup>	184 345 939	61 628 668	57 072 058	18 208 562	3 047 000
2000 <sup>b)</sup>	213 395 411	77 309 965	63 155 029	23 414 909	4 027 900
2010 <sup>b)</sup>	239 870 937	93 260 798	69 122 234	28 401 017	5 076 700
2012 <sup>c)</sup>	241 000000	96 200000	69 900000	29 000000	5 300000

Source:

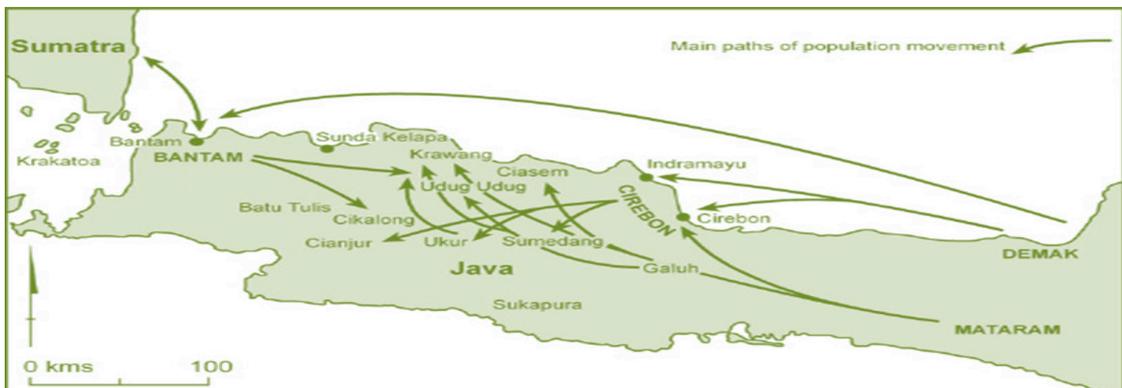
- a) United Nations, Department of Economic and Social Affairs, Population Division (2011).
- b) Total Population, <http://data.worldbank.org/indicator/SP.POP.TOTL>
- c) 2012 World Population data Sheet (Population mid-2012(millions)). PRB's World Population Data Sheet 50 Years 1962-2012. [http://www.prb.org/pdf12/2012-population-data-sheet\\_eng.pdf](http://www.prb.org/pdf12/2012-population-data-sheet_eng.pdf).

### 4.3 The Indonesian State and Migration Policy: A Brief Review

The migration of people from one region to another in the archipelago had occurred long before the colonial era (Hugo, 1980, p. 187), and included both voluntary and forced migration. This is not discussed in this thesis.

The Dutch encouraged migration within Indonesia to meet labour shortage needs after they decided to expand their economic activities to Sumatra, Kalimantan and Sulawesi and opened agricultural plantations in a bid to reduce population density in Java. In meeting labour needs on the plantations, the Dutch adopted a policy known as "contract workers". Under this policy, the Dutch administration brought workers from overseas and from Java. From overseas, they sourced Chinese migrants from Singapore as part of a labour exchange agreement between the British and the Dutch colonial administrations (Siddique & Suryadinata, 1981).

The Dutch also transported Javanese workers to their colonies overseas, such as Suriname. The British also permitted the Dutch in Malaysia to recruit Javanese (Kaur, 2004, p. 4). To reduce the density of the population in Java, the Dutch adopted a policy known as “transmigration” which moved the people involved from densely populated centres in Java to other islands, including Sumatra, Kalimantan and Sulawesi. The main purpose was to populate empty areas on those islands. Map 4.2 illustrates the major paths of migration in the sixteenth and seventeenth centuries in Java.



**Map 4.2: Major Paths of Migration in the Sixteenth and Seventeenth Centuries in Java**

Source: (Hugo, 2004).

Some protection for Javanese workers in the plantation sector was provided by the Dutch colonial administration under the *Netherlands Indian Labourer Protection Enactment 1909*. This legislation regulated the recruitment of Javanese indentured workers and safeguarded them against labour exploitation and mistreatment. The recruitment of Javanese workers required a permit from the Dutch Governor-General through the office of the Dutch Consul-General in Penang or Singapore. In addition, Javanese workers could only be recruited by licensed recruiters (Kaur, 2005). In 1877, In East Sumatra (Deli), based on information from Breeman (Breeman, 1997) Dutch colony established the law to protect coolies” but in fact it is hard to apply because the interest of employers.

The migration of Indonesian workers to Malaya was supported by historical linkage and cultural homogeneity (Bahrin, 1967). The Javanese mainly worked in the plantation sector, as shown in Table 4.4.

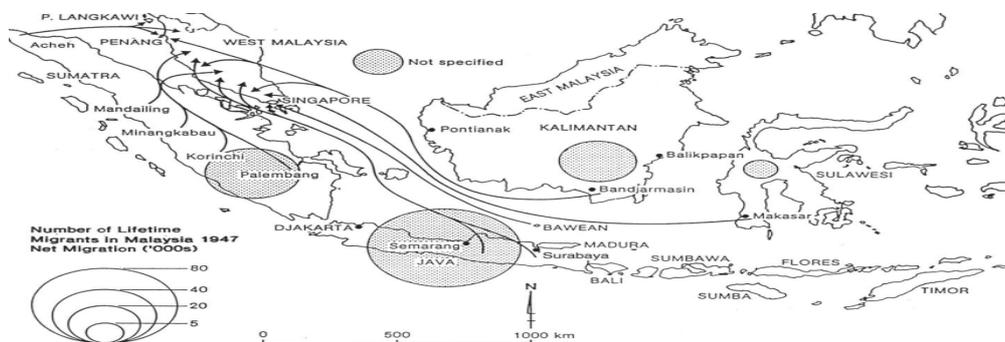
**Table 4.4: Malaya: Composition of FMS Estate Labour Force by Ethnic Group 1907 - 38**

Year	Indians	Chinese	Javanese	Others	Total	Indians as Percentage of Labour	No of Estates
1907	43 824	5348	6029	2872	58 073	75.5	287
1911	109	31 460	12 795	12 127	446	66.0	711
1915	476	27 446	8356	8592	050	74.0	719
1920	138	40 866	8918	5808	170	74.3	1105
1930	121	30 860	3665	2411	216	78.2	1757
1938	137	28 925	1762	2892	159	80.4	2388

Source: (J.N. Parmer, 1960, cited in Kaur, 2004).

The number of Javanese migrant workers in Malaysia from 1907 to 1938 was estimated at about 4000 migrants annually. Kaur (2004), states that the Indonesian population in Malaya increased from 117 600 in 1911 to 346 800 in 1967; mainly due to labour migration. There were 89 735 Java-born living in Malaysia in 1930 (Bahrin, 1967, p. 280) and there were 170 000 ethnic Javanese residents (Volkstelling, 1936, p. 45). In North Borneo (Sabah), there were 5237 Java-born people in 1922 (Scheltema, 1926, p. 874).

The movement of Javanese migrant workers is shown in Map 4.3 below.



**Map 4.3: Pre-World War Labour Migration from Indonesia to Malaysia**

Source: (Hugo, 2000).

According to Bahrin, labour migration to Malaysia from the Indonesian islands increased in the 1930s and by 1947 there were 189 450 Java-born residents, an increase of about 111% over the 1930 figure (Bahrin, 1965, p. 53).

From the 1930s the Dutch administration allowed female migration in the contract workers program but the salary of these women was very low compared to their male counterparts (Kaur, 2005). Prior to 1930, labour migration included men only. From 1880 to 1990 thousands of male workers from Java worked in East Sumatra (Deli), as tobacco plantation workers. After female migrants were allowed to work on the plantations, about 30% of the workers were female and 70% were male.

#### **Labour Migration, 1945 - 1966**

Prior to 1960, migration from Indonesia to Malaysia was mainly free cross-border movements among the people who lived in the border areas (Hosen, 2005). After Suharto became the second President, all matters in Indonesian affairs in every line and government structure were controlled by the military administration. Freedom of speech was banned and all sectors were centrally managed by the regime. However, the positive side of this situation was that stable political conditions prevailed and, therefore, economic development could take place.

The Indonesian state implemented new regulations to manage overseas labour recruitment in 1970, with active state support. Repelita was a program of economic development during the regime of the New Order (Suharto) from 1968 to 1998. Under Repelita III, the number of overseas Indonesian migrant workers totalled about 96 410 and at the end of Repelita IV, the figure reached 292 262 workers. It can be said that the total number of Indonesian migrant workers doubled during Repelita II (Hugo, 1993; Booth, 1998, pp. 335 - 6). This figure rose during the operation of Repelita V, when the figure amounted to 465 972 workers, reaching a maximum of 814 352 workers in Repelita VI (Amjad, 1996; Mei, 2006). Details of Indonesian labour migration are shown in Table 4.5.

**Table 4.5: Distribution of Indonesian Migrant Workers, 1974 – 1997**

No	Destination country	Repelita II (1974-79)	Repelita III (1979-84)	Repelita IV (1984-89)	Repelita V (1989-94)	Repelita VI (1994-99)
1	Saudi Arabia	3817	55 976	223 576	268 858	267 191
2	Other Middle East	1235	5349	3428	5145	16 071
3	Malaysia/	536	11441	37 785	122 941	392 512
4	Brunei	-	-	920	7794	
5	Singapore & Hong Kong	3729	6768	12 272	38 071	80 222
6	Korea/Taiwan/Japan	451	920	573	6 153	45 256
7	Others	7274	15 956	13 711	17 010	13 100
	<b>Total</b>	<b>17 042</b>	<b>96 410</b>	<b>292 265</b>	<b>465 972</b>	<b>814 352</b>

Source: Ministry of Manpower and Transmigration, 2004.

From 1 April 1969, a long-term development policy was introduced to manage labour migration. During the New Order period, the government's role was very dominant and prominent. For instance, governance of labour migration focused on the management of strategic industries and involved the DPR/*Dewan Perwakilan Rakyat* (The House of Representatives) as a formality.

In 1970, the government replaced this policy by government regulation No. 4/1970, *Antar Kerja Antar Daerah* (AKAD)/Inter-Provincial Labour Placement Program and *Antar Kerja Antar Negara* (AKAN) /International Labour Placement Program. TKI (*Tenaga Kerja Indonesia*) Department of Manpower was the replacement for Menteri Perburuhan (Adi, 1995; Silvey, 2004).

In 1984, *Pusat* AKAN (*Antar Kerja Antar Negara*) was established under the authority of the Department of Manpower to regulate migration processes. Then, in 1994, AKAN was dissolved and replaced by the Indonesian Migrant Workers Overseas Directorate (Echelon II). Subsequently, in 1999, this too was changed to the *Direktorat Penempatan Tenaga Kerja Luar Negeri* (PTKLN). The Directorate for Placement of Indonesian Migrant Workers Overseas was dissolved in 2004 (Yazid, 2008; Suparno, 2008; ILO, 2004).

The next major changes occurred after the downfall of Suharto and his replacement by Abdurrahman Wahid (1999-2001). Wahid was the first elected President and his tenure was known as the Reformation era. He reiterated his philosophy of religious tolerance, and reduced the military's dominant political role in the country (International Crisis Group, 2001).

Wahid introduced the concept of an “economic foreign policy” and promoted Indonesia abroad. He was also open to non-state actors, especially civil society organisations (Mulyana, 2011). In an effort to improve the quality of Indonesian migrant workers' placement, as well the quality of security and protection of Indonesian migrant workers, he established a BKP/*Badan Koordinasi Penempatan, TKI/Tenaga Kerja Indonesia* (Placement Coordination of Indonesian migrant workers) based on Presidential Decree No. 29/1999 on 16 April 1999. Then, in 2001, the *Direktorat Jenderal Binapenta* was dismissed and replaced with a new directorate, the *Direktorat Jenderal Penempatan dan Perlindungan Tenaga Kerja Luar Negeri* (PPTKLN).

These changes and the Directorate General PPTKLN/Placement and Protection of Foreign Workers resulted in a new organisational structure, the *Direktorat Sosialisasi dan Penempatan* (Directorate for Socialisation and Placement) for the placement of Indonesian migrant workers abroad. By the presence of the Directorate General PPTKLN, the placement of Indonesian migrant workers in the provinces and regions became the responsibility of BP2TKI (*Balai Pelayanan dan Penempatan TKI*), the Association for Service and Placement of TKI. As an effort towards improving the quality of Indonesian migrant workers' placement, as well the quality of security and protection of Indonesian migrant workers, on 16 April 1999, it was established as the *Badan Koordinasi Penempatan TKI* (Placement Coordination Body/BKPTKI) based on Presidential Decree No. 29/1999. The structure of the members consisted of nine organisations which deal with the matter of the TKI services. The next development happened in 2001.

In the Wahid era, there was also a new planning law for migration that was National Law No. 39/2004, the only national act formulated to protect migrant workers. This law, supported by government regulation, was a result of demands from the Indonesian people in the Reformation era. The incident of Nunukan happened in 2002. There were around 200,000 Indonesian migrant workers who were deported from Malaysia and who were stranded in the border area of Nunukan. This accident forced the Indonesian government to revise its policies on migrant workers in Malaysia through attempts to lobby the government of Malaysia and seek protection for Indonesian citizens. (Jakarta Post, 24 July 2004).

President Megawati, who ratified National Law No. 39/2004 in 2004 on the placement and protection of TKI, replaced Wahid. Section 94 subsections (1) and (2) also led to the establishment of *Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia* (BNP2TKI / The National Body for Placement and Protection of Indonesian Migrant Workers Overseas). The National Law on Placement and Protection of Indonesian Overseas Workers was intended to improve the quality of workers, reduce illegal/undocumented migration, build institutional mechanisms for placement and protection of migrant workers, authorise advocacy and introduce administrative and penal sanctions (Tirtosudarmo, 2009). Along with this law, the government encouraged the involvement of non-governmental organisations (NGOs) and tried to improve the management of TKI, which nevertheless was a very slow process (Yazid, 2008, p.2). Susilo Bambang Yudhoyono (2004 – 2013) replaced Megawati and his tenure saw further changes in the governance of international labour migration. Political tensions between Indonesia and Malaysia increased due to widespread reporting of mistreatment of Indonesian domestic workers.

#### **4.4 Summary**

Indonesia is the largest country in Southeast Asia with significant social, economic and political potential. The economy of Indonesia has significant

potential for exploiting its natural resources. Unfortunately, Indonesia still has not maximised that potential since its independence. During the Dutch colonial administration, Indonesia had produced many products, all of which had benefited the Dutch.

The policy of sending Indonesian workers abroad has existed since the colonial period under the Dutch administration. In that period, Indonesian migrant workers were under a “coolie contract” program and they were sent to Malaysia, Singapore, Suriname and other Dutch colonies to be employed for Dutch economic interests. Although the Dutch provided a protection policy for these migrant workers, it was not adequate to prevent violence and exploitation of these workers. After Indonesia gained her sovereignty in 1949, the program of sending migrant workers abroad was continued by the Indonesian government, especially during the New Order era through the Repelita program. Unfortunately, during this era, the government did not give priority to developing policies for protection of migrant workers, even though the government still sent them overseas in increasing numbers.

Since the Reformation era, the policy for placement of Indonesian migrant workers has changed drastically because of the introduction of new legislation (National Law No. 39/2004) about placement and protection of Indonesian migrant workers overseas, under the authority of the BNP2TKI and the Ministry of Manpower and Transmigration (see Chapter Five). However, the management of the TKIs and their potentials still needs serious attention to minimise incidents of abuse and exploitation of the DWs and maximise their huge potential, in particular the billions of dollars of remittance they can generate. The next chapter will discuss how the Indonesian governments have employed DWs as income generator, and how the government managed them (the DWs).

## **CHAPTER FIVE**

### **INDONESIA AS A LABOUR BROKERAGE STATE**

#### **5.1 Introduction**

This chapter investigates Indonesia as a labour exporter of Indonesian Domestic Workers (Indonesian DWs), including the major factors affecting migration, migration and development in Indonesia, establishment of migration policies, labour accords, pre-departure preparation of Indonesian DWs such as recruitment, training and sheltering, licensing of labour recruiters and the role of recruitment agency. It also will describe the labour protection management of the Indonesian government and the inequality of Indonesian DWs compared to Filipino DWs in the pre-departure and returning process.

#### **5.2 Major Factors Affecting Migration**

Poverty and unemployment are major factors that influence government's decision to send its migrant workers to some destination countries. Yet, mostly the government employed domestic workers to gain the income from this sector (BNP2TKI, 2010; IOM, 2010).

##### **5.2.1 Poverty and unemployment**

Indonesia is still categorised as a developing country (World Bank, 2011). Table 5.1 shows that Indonesia scores 4.4 in the global competitiveness index, while Singapore and Malaysia are above Indonesia with 5.5 and 4.9. In 1991 - 2010, GDP of Indonesia was only US\$ 3.3 billion and this was still lower than Malaysia and Singapore which are completely above Indonesia with 6.3 and 6.1.

**Table 5.1: Global Competitiveness Index 2010-2011 and GDP 1991-2010 in the Southeast Asia Countries**

Country	Global Competitiveness Index 2010-2011		GDP (US\$) billion	
	Score (1-7)	(Rank (out Of 139	1991-2001	2001-2010
Singapore	5.5	3	6.5	5.7
Malaysia	4.9	26	6.1	4.5
Thailand	4.5	38	3.6	4.1
Indonesia	4.4	44	3.3	4.8
The Philippines	4.0	85	3.1	4.5

Source: (World Economic Forum, 2011).

During the economic crisis, the poverty rate (the percentage of people living under poverty) increased from 11.34% in 1996 to 23.4% in 1999. This meant that there were 36 million people that moved into poverty due to the crisis. In 1999, the Indonesian economy started to revive, with an economic development of about 1.69% and in 2000 it reached 4.89% (Firdausy, 2005, p.3).

The increasing poverty and unemployment rates in Indonesia during the economic crisis, resulted in a mass migration abroad in search of work (Firdausy, 2005, p.3). The conditions were worse in 2003 in which the number of unemployment reached 10.6 million people or almost double since 1997 (Suradji, 2004).

The number of women migrant workers has dominated the domestic sector in the international labour market. Significant demands for Indonesian DWs in Singapore and Malaysia triggered the Indonesian government to increase its target of Indonesian DWs sent overseas since the 1990s through the Ministry of Manpower and Transmigration (Raharto, 2002; Hugo, 2010; Ministry of Manpower & Transmigration, 2011). Most migrant workers from Indonesia come from poor people in rural area, as shown in Table 5.2.

**Table 5.2: Poverty Number and Percentage of Poor People, 1976 - 2011**

Year	Poor People (million)		% Poor People	
	Urban	Rural	Urban	Rural
1976	10.00	44.20	38.80	40.40
1980	9.50	32.80	29.00	28.40
1990	8.70	17.20	13.40	13.80
2000	12.30	26.40	14.60	22.38
2010	11.10	19.93	9.87	16.56
2011	11.05	18.97	9.23	15.72

Source: BPS, Indonesian Statistical Bureau (2011).

Table 5.2 shows that the percentage of poor people in rural area is greater than in urban areas, for instance 40% versus 38.8% in 1976, 22.38% versus 14.60% in 2000 and 15.75% versus 9.23% in 2011. These data may provide a convincing reason why most of those who undertake international migration are from rural areas. The main migration is from the population in the poor provinces in Indonesia, as shown in Table 5.3. Thus, it shows that East Java, Central Java, and West Java are the main sources of Indonesian DWs.

**Table 5.3: The Population of the Poor Provinces in Indonesia, 2012**

No	Province	Number
1	East Java	5 356 210
2	Central Java	5 107 360
3	West Java	4 648 630
4	North Sumatra	1 481 310
5	Lampung	1 298 710
6	South Sumatra	1 074 810
7	East Nusa Tenggara	1 012 900
8	West Nusa Tenggara	894 770

Source: BPS/Indonesian Statistical Bureau (2012).

### 5.2.2 Gender inequality

At the international level, Indonesia has the highest gender inequality index compared to Singapore, Malaysia and the Philippines.

**Table 5.4: Gender Inequality Index and Related Indicators**

Countries	Gender Inequality Index		Maternal Mortality Ratio	Adolescent Fertility Rate	Population with at least Secondary education (% ages 25 and older)		Labour Force Participation Rate (%)	
	Rank	Value			Female	Male	Female	Male
	2011	2011	2008	2011	2010	2010	2009	2009
Singapore	8	0.086	9	4.8	57.3	64.7	53.7	75.6
Malaysia	43	0.286	31	14.2	66.0	72.8	44.4	79.2
The Philippines	75	0.427	94	54.1	65.9	63.7	49.2	78.5
Indonesia	100	0.505	240	45.1	24.2	31.1	52.0	86.0

Source: Human Development Report (2011).

From Table 5.4 it is apparent that Singapore occupies 8<sup>th</sup> position on the gender inequality index, followed by Malaysia in 43<sup>rd</sup> place, the Philippines in 75<sup>th</sup> and with Indonesia in 100<sup>th</sup> position. In addition, only 24.2% of women get at least a secondary education, while for men this is about 31.1%. This is in contrast with the Philippines, where 66.9% of women and 63.7% of men access that level of education.

The data from the United Nations Development Program/UNDP (2011) show that during the Asian Financial Crisis of 1997, the number of Indonesian women who were paid below the poverty line doubled from 11% to 22%. Indonesian women are vulnerable to gender inequality in the distribution of income and wage differentials (UNDP, 2012).

Therefore, the Indonesian government creates a program to send its female workers overseas as Indonesian DWs in order to encourage economic development and alleviate poverty, unemployment and gender inequality in their origin place.

### 5.3 Migration for Development

Migration is very important with regard to developing the economy of sending countries through remittances (Rodriquez, 2010, p. 87; Kaur, 2013, p. 67). Kaur says that dual trends of the new international division of labour and “new world

domestic order” have strong relation between high income countries and middle and low income countries.

Many researchers and policy makers have begun to realise the benefit of remittances sent to sending countries which has increased from \$31.1 billion in 1990 to \$167.0 billion in 2005 and in 2012, \$220 billion (World Bank, 2012). According to this evidence, migration was believed to have a significant relation and benefit to economic development and human resources, especially for the sending countries. Moreover, according to de Haas (2005, 2010), Ratha (2003) and Kapur (2003), remittance is the trigger for economic development for the sending countries. Migrant workers, who work abroad, especially in domestic sectors, can change the “face” of the rural area to be a developed area as a result of the remittance transfer. Indonesia also receives some significant advantages because of remittance.

The remittances received by Indonesia are used to improve the macro economy which increases its GDP every year (in 2012 the remittance contributed US\$7 billion). However, this recorded amount of remittance transfer is only based on the legal formal banking reports (such as the Bank of Indonesia, and Bank Republik Indonesia/BRI). There is a dark figure of remittance data; this is data that has not been officially recorded which includes the remittance that is transferred via informal channels; for example, the transfer through their friends or relatives, agencies or carried by migrants themselves. The management of remittance in Indonesia will be explained in the Chapter Eight.

Indonesia announced new regulation in order to manage overseas labour recruitment in 1970. Only from 1979 did the Indonesian government actively support the sending of migrants overseas. Then in 1983, the Ministry of Manpower enthusiastically promoted and facilitated the sending of female DWs in particular. The sending of Indonesian DWs to Middle Eastern countries such as to the United Arab Emirates, Kuwait, and Qatar, started in the 1980s (Ananta

&Arifin, 2008). Migration to Middle Eastern countries involved brokers who had a strong “Arab connection” or who were of Arab descent. But most of the Indonesian migrant workers had an inappropriate level of educational background, thus they tended to be employed in informal sectors such as plantations, constructions and domestic work which provided little legal protection and low remuneration (Asyari, 2008),

Since Indonesia sent many DWs abroad, this country becomes a labour exporter of DWs as described in the next section.

#### **5.4 Indonesia as a Labour Exporter of DWs**

The large number of Indonesian migrant workers to Malaysia is because Malaysia has experienced a labour shortage due to rapid economic development compared to Indonesia. The other factors are the geographical, historical and cultural linkages between Indonesia and Malaysia (Mei, 2011). The New Economy Policy (NEP) is the Malaysian policy designed to alleviate poverty and distribute the national wealth. The NEP replaced The National Development Policy (NDP) which was purposed to encourage development in the private sector, and expand economic growth and human resources (Gomez & Jomo, 1997, p. 173). Rapid economic development in Malaysia encourages Malaysian women to pursue their career aspirations and it opens up the increase in demand of domestic workers who handle household chores and care for children and the elderly (Orange, Seitz & Kor, 2012). The middle-class of Malaysian women are usually not interested in these jobs because they offer a low salary and poor working conditions (Kaur, 2004).

Like Malaysia, Singapore also became a favourite destination for Indonesian DWs. Singapore is a developed country and has also been the/a main destination country of migration since 1970 (Yeoh & Devasahayam, 2004). In Singapore, migration is considered important because it is highly related to the economic growth of the country. The Singaporean population is estimated to be about 4.8 million which consists of 1.2 million foreigners and foreign workers comprising

36% of 3 million workers there (Migration News, 2013). Most women in Singapore work outside of their home, and they need domestic workers from various countries (such as Indonesia, the Philippines, Bangladesh etc) to maintain their home and look after their children and elderly people.

As a labour exporter of DWs, Indonesia has prepared many kinds of policies and labour accords, establishing recruitment systems, building the training facilities and controlling the implementation of its regulations.

#### **5.4.1 Establishing the migration policy**

In the Reformation era, the Indonesian government established migration policies such as National Law No. 39/2004, Presidential Decree 2000, 2007, 2010, 2011, the Ministry of Labour Force decisions and other protection mechanisms for Indonesian DWs. But, it seems, Indonesian DWs still face many challenges, as they have not received an adequate migration policy or labour protection management. Consequently, they are vulnerable to abuse and exploitation. Many domestic workers in Malaysia and Singapore experience labour exploitation and human trafficking and they are also trapped in the migration cycle. Brokers or recruitment agents and migration officials contribute to facilitating the perpetration of forced migration and may receive payments from some perpetrators (United Nations Commission on Human Rights, 2010).

The Indonesian government has taken various measures to address these issues. The International Organisation for Migration/IOM (2010) reports include the implementation of the 2004 Migrant Labour Law (Law No.39) and the establishment of the National Agency for Placement and Protection of Indonesian Overseas Workers (BNP2TKI). To combat labour exploitation and human trafficking through regulation and good management of international labour migration, Indonesia has strengthened its regulations by creating the anti-trafficking law (enacted in 2007).

Recently, Indonesia has taken further measures to strengthen labour protection for migrant workers. Presidential Decree No. 6/2006, for instance, outlined a plan of action that consisted of publishing a guide for activities, such as how to recruit migrant workers, where the migrants should pay the cost of migration, and how to punish the agents who break the law. The government also is reviewing existing laws and regulations, for example, National Law No. 39/2004 on the Placement and Protection of Migrant Workers is presently under review to improve its effectiveness and to make it compatible with the new Presidential decree (US Department State, 2010).

Despite these measures, there are other issues. For example, National Law 39/2004, which protects migrant workers, is still weak in many respects and is therefore not effective. For example, it is not clear who is responsible when a migrant worker experiences abuse or exploitation. Another issue is that there is no coordination between related ministries that handle different aspects of the workers. For example, there is no clear coordination between the Ministry of Foreign Affairs, which deals with returning workers' problems, and the Ministry of Social Welfare, which is responsible for providing counselling for them. Consequently, many workers who have returned do not know where to get help.

The International Labour Organization/ILO (2011) has adopted the convention about decent work for domestic workers, which is called Domestic Workers Convention No. 189/2011. The acknowledgment of this convention has indirectly become the basis for countries united in the ILO to manifest the rule in their national regulations. The first country that has ratified this convention is Uruguay. Uruguay made history by being the first country to ratify ILO Convention No. 189 (ituc-csi.org, 2011). In Asia, the Philippines is one of the countries that has ratified Convention No. 189; on the other hand, Indonesia has not ratified this convention.

Moreover, there have been attempts by the Indonesian government to stop labour exploitation in all processes of migration. In July 2011, the President of the Republic of Indonesia established *Badan Khusus Perlindungan Tenaga Kerja Indonesia* (Special Task Force for the Protection of Migrant Workers). It is expected that the BNP2TKI and the Special Task Force will learn from the Philippines regarding the management and protection of migrant workers as suggested by Blank (2011). Moreover, Table 5.5 shows the policies and legislation for managing Indonesian migrant workers/*Tenaga Kerja Indonesia* (called TKIs), starting from the Reformation era.

**Table 5.5: The Policies and Legislation for Managing Indonesian Migrant Workers in the Reformation Era**

Year	Policies and Legislations	Containing/Content
2000	The Government Regulation No. 92/2000	Types of Valid Non-tax State Revenues in the Ministry of Manpower and Transmigration
2004	National Law No. 39/2004	The Placement and Protection of Indonesian Workers Abroad
2005	Ministry of Manpower and Transmigration Decree No. KEP-14/MEN/I/2005	The Prevention of Non-procedural Departures of Indonesian Labour Migrants and Repatriation Services for Indonesian Labour
2005	Ministry of Manpower and Transmigration Regulations, including No. PER-04/MEN/III/2005	Implementation of the Pre-departure Briefing of Indonesian Migrant Workers Abroad
2005	Ministry of Manpower and Transmigration Decree No. PER-05/MEN/III/2005	Regulations on Administrative Sanctions and Means of Determining Sanctions in the Placement and Protection of Indonesian Overseas Workers
2005	Ministry of Manpower and Transmigration Decree No. PER-07/MEN/IV/2005	Accommodation Standards for Prospective Migrant Workers
2006	Ministry of Manpower and Transmigration Decree No. PER-19/MEN/V/2006	Managing the Placement and Protection of Indonesian Overseas Workers;
2006	President Instruction No. 6/2006	Reforming the System of Placement and Protection of Indonesian Migrant Workers
2006	Presidential Regulation No. 81/2006	The National Authority for the Placement and Protection of Indonesian Overseas Workers
2007	Government Regulation No 38,/2007	Division of Government Affairs between Government, Provincial Government and Regency/City Government
2007	Presidential Decree No. 02/M/2007	Appointment of Head of National Agency for Placement and Protection of Indonesian Manpower
2009	Presidential Regulation No. 47/2009	Establishment and Organisation of the Ministry of State
2010	Government Regulation No. 14, 2010	Implementation of Placement and Protection of Indonesian Manpower Abroad

Source: BNP2TKI (2010); BSR (2011).

Indonesia has some regulation and policies to manage Indonesian DWs, but the government does not have enough power to protect and to manage the recruitment process. It is because the Indonesian government does not have strong control with regard to the implementation of National Law No. 39/2004.

Generally speaking, based on the information from respondents in Jakarta, the Indonesian government is relatively weak with regard to the migration policies. It is different in the Philippines, which has formulated some policies with regard to the protection of migrant workers and the Philippines government's role is very strong (Blank, 2011).

#### **5.4.2 Labour accords and establishing a labour attaché**

It is very important to protect migrant workers through Memorandum of Understanding/MOUs (Greenway & Nelson, 2001; Eliot & Freeman, 2003). MOUs are also very important for Indonesia to manage the sending and protection for Indonesian DWs effectively (International Organization for Migration/IOM, 2010, p. 11). The Ministry of Manpower and Transmigration of the Republic of Indonesia has signed seven memoranda of understanding with several destination countries, including the Republic of Malaysia and Korea, Taipei, the State of Kuwait, and Jordan.

**Table 5.6: MOUs between Indonesia and Destination Countries**

Year	Countries	MOU Contents
1984 (Medan Agreement)	Malaysia	The sending of Indonesian migrant workers to Malaysia to be placed in the plantation, agriculture and some other sectors in Malaysia.
2006, revised in 13 May 2011	Malaysia	The placement and protection of migrant domestic workers.
2004	Malaysia	The agreement for sending TKI in the formal sector.
2008	Jordania	The sending of Indonesian migrant workers in the formal and informal sectors.
2007	Kuwait	The process of extension and the separation of Indonesian migrant workers in the formal and informal sectors.
2007	United Arab Emirates	The sending of Indonesian migrant workers in the formal sector.
2002	Taiwan	The sending of Indonesian migrant workers in the informal sectors.
2006	Republic Korea	The sending of Indonesian migrant workers in the formal and informal sectors (the system of G to G), system of labour permit.
2003	Qatar	The sending of Indonesian migrant workers in the informal sectors.

Source: Ministry of Manpower and Transmigration (2011).

Table 5.6 shows the MOUs signed between Indonesia and other countries to manage Indonesian migrant workers overseas and also to protect them in the deployment process. The first official agreement was signed in 1984 in Medan, which is famous as the “Medan Agreement”. This MOU deals with issues of labour migration, such as documentation and the fee/cost to be charged. However, the official channels operating under this agreement failed because they were more time consuming and more expensive than illegal channels using friends/relatives or brokers (Asyari, 2008).

Bilateral cooperation with Malaysia tends to run ineffectively and slowly. For instance, the MOU that should have been revised in 2006 was completed in May 2011 only after the insistence of non-state actors and many protests due to the increasing number of victims of abuses and exploitation among Indonesian DWs in Malaysia. This is in contrast with the Philippines, which is more active in supporting Filipino DWs in Singapore and Malaysia through labour accords and MOUs.

Several attempts were made to negotiate with Malaysia in order to make the Malaysian government willing to accept the amendment and revision of the MOU for Indonesian DWs which was signed on 30 May 2011 in Bandung, Indonesia (bbc.co.uk, 30 Mei 2011). Following the signing of the MOU in Bandung, on 16 November 2011 in Denpasar there was a meeting between the President of Indonesia, Susilo Bambang Yudhoyono, and the Prime Minister of Malaysia, Mahathir Mohamad, and this secured eleven important items:

**Table 5.7: The Contents of 2011 Indonesian DWs' MOU Revision, between Indonesia and Malaysia**

No	Contents
1	Passport must be held by Indonesian DWs.
2	Indonesian DWs have one day off in a week.
3	Placement cost based on <i>Cots Structure</i> that is already provided in Annex MOU 2006.
4	Salary Agreement.
5	Salary based on the market mechanism and salaries paid to Indonesian DWs through bank account.
6	Contract worker standards that have been signed by Indonesian DWs and users/employers.
7	Indonesian government and Malaysia only recognise Indonesian recruitment agencies /PPTKIS and Malaysian recruitment agencies that hold an agreement with the Indonesian and Malaysian government.
8	Indonesian DWs should attend training for 200 hours.
9	Malaysia will stop the Journey Performance Visa (JP-Visa).
10	Solving problems of Indonesian DWs based on the committee that was created by Indonesia and Malaysia.
11	Direct recruitment in Indonesia must follow the regulations and Indonesian law that was signed in protocol MOU 2006 and needs revision periodically for implementing Protocol MOU 2006, especially for Indonesian DWs recruitment and placement.

Source: BNP2TKI (2012).

Unfortunately, there are still many violations and much exploitation and abuse of Indonesian DWs committed by the employers, even though there was the revision of the Indonesia - Malaysia MOU (It will be presented in more detail in Chapter Seven).

### **Labour Attaché**

Indonesia has appointed and inaugurated a Labour Attaché in the destination countries of migration, but, in fact, the result has not been what was expected. This means that not all countries have a Labour Attaché; for example Indonesia has a Labour Attaché in Kuala Lumpur who is appointed to deal with all problems experienced by Indonesian migrant workers (including domestic workers), while

in Singapore, Indonesia does not have a Labour Attaché (in 2011 - 2012 when the researcher conducted the research/data collecting). Without the presence of a Labour Attaché in Singapore, domestic workers' problems can not be solved effectively.

The position of Labour Attaché was inaugurated by the Minister of Manpower and Transmigration and is placed in every embassy around the world (Only the countries which accepted Indonesian migrant workers). The role focuses on the problems of migrant workers and the Labour Attaché must coordinate with other attachés in an embassy, such as the Military and Police Attaché, and the Education Attaché. The Labour Attaché is also positioned so that they can connect with the Ministry of Foreign Affairs, the ambassador, the governments of destination countries and especially with the department handling the cases of migrant workers.

The differences between the Labour Attachés of Indonesia and the Philippines is that the Philippines' representative is more active and progressive compared to the Indonesian Labour Attaché, who tends to be unhurried and less responsive (interview with respondent "H"). The consequences are that the conditions and security of Filipino domestic workers in destination countries are likely to be more secure and protected by their Labour Attaché and their problems can be handled as fast as possible. This is in contrast with the condition of Indonesian domestic workers who tend to be less protected and get a slower response to the solving of their problem in the destination countries (interview with respondent "E").

After the formulation of the MOUs and the establishment of the position of Labour Attaché related to sending process for Indonesian DWs between Indonesia and receiving countries, the Indonesian government addressed the pre-departure process of Indonesian DWs.

### **5.4.3 Indonesian DWs' pre-departure preparation**

The growth in demand for Indonesian DWs has stimulated the spread of recruitment agencies for the placement of domestic workers.

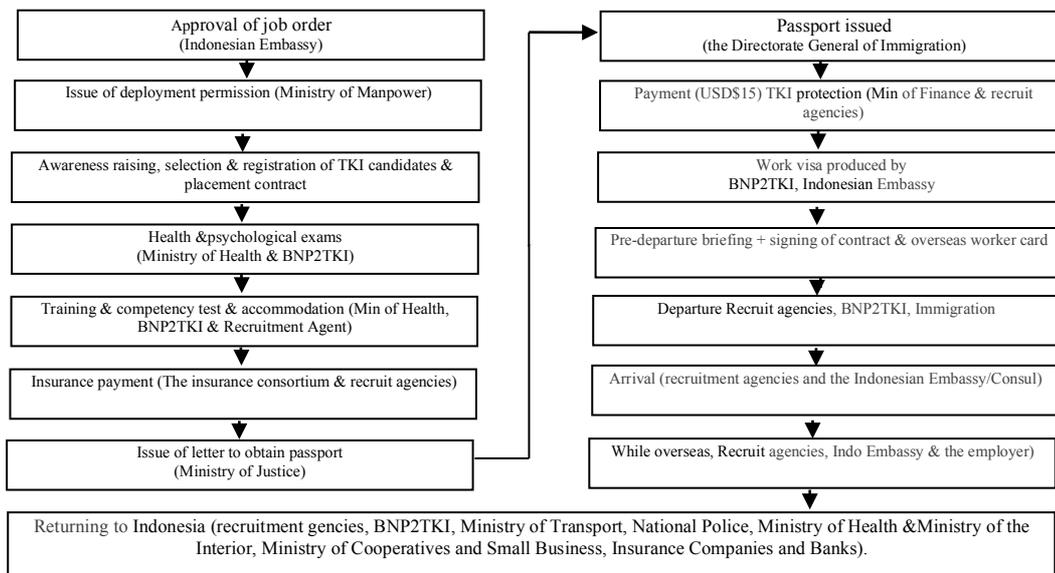
#### **Recruitment Process**

The migration process can be done through two channels, either through personal contact with a labour recruitment company (PPTKIS/*Pelaksana Penempatan Tenaga Kerja Indonesia Swasta*) or through a recruiter (sponsor) that has relationship with PPTKIS. The *calo*/sponsor has a wider role compared to the PPTKIS (Raharto, 2002, 2007). The role of the PPTKIS is to provide overseas job training, and organise birth certificates (after a medical check-up) and travel arrangements (Raharto, 2007). The government's role is only to monitor the activity of recruitment agencies by giving licences called *Surat Izin Pelaksana Penempatan TKI* (SIPPTKI). Unfortunately, the recruitment agencies are often fully or partly owned by officials who are in charge of monitoring them, thus it is difficult to do the monitoring (ILO, 2006, p. 13). The recruitment process in Indonesia has many critics, due to the false information which is given to the migrant workers about the working conditions overseas (Raharto, 2002; Romidiati, Noveria & Bandiyono, 2002; Anggraeni, 2006; IOM, 2010).

Labour recruitment is managed under National Law No. 39/2004. According to the law, migrant workers should be at least 21 years old for the informal sector and 18 years old to get a job in the formal sector, should be physically and mentally sound, and not be pregnant. They must pass the medical check-up and pregnancy test, possess a certificate of working competence, and pay the migration costs and fees (Blokhus, 2004, pp. 18 - 20; Asyari, 2008). Unfortunately, the recruitment process for migrant workers by the PPTKIS and the Department of Manpower is very time-consuming and inefficient. Furthermore, there are many cases of corruption and labour exploitation (Hugo, 1998, p. 2).

Poorly, the system of recruitment in Indonesia is not effective in protecting would-be migrant workers and it even contains loopholes that allow widespread exploitation and abuse to happen. There are three main reasons for the lack of effectiveness. The first is that there are so many steps each would-be migrant worker has to follow. Second, the recruitment and training are conducted by private agencies licensed by the government; hence, the Indonesian government cannot completely control the entire steps (interview with respondent “G”).

Figure 5.1 shows that there are fifteen steps involved in completing the whole migration process. During this process, there is ample opportunity for corrupt agencies to commit corrupt practices that disadvantage migrants, e.g. abuse of power, making illegal payments, certifying imaginary training, etc. The third reason is that too many departments/ministries are involved in the migration process and the coordination among them is weak, leaving more room for corrupt agencies to exploit and abuse migrants. Furthermore, because the private agencies have authority to control domestic worker rather than government (for instance, abuses and exploitation when they are training in the agency’s office



**Figure 5.1: Process of Legal Recruitment of Indonesian Migrant Workers from Pre-Departure until Return**

Source: Adapted from the National Law No. 39/2004.

On the other hand, the Philippines government is more serious in protecting Filipino DWs and better manages the process of migration in the pre-departure phase (IOM, 2010). In the Philippines, the information about working overseas is widely distributed during the pre-departure process (ILO, 2006, p. 11), thus providing more protection for Filipino DWs. The POEA (Philippines Overseas Employment Administration) is the institution that deals with the demands of Filipino migrant workers. The POEA also provides LMI (Labour Market Information), which generates statistical and qualitative data addressing the employment contracts of Filipinos around the world (Rodriguez, 2008). Because of limited information about migration, Indonesian DWs by contrast are more vulnerable throughout the migration process (Asis & Aguinas, 2012, pp.3-4).

The Philippines is more active in giving information to the migrant candidates in the pre-departure phase, and many NGOs work together with the Philippines government. Even though the pre-departure information briefing (PAP) for Indonesian DWs is eight hours and for Filipino DWs is six hours, the Filipino program is delivered more effectively and transparently when compared with the Indonesian program. In reality, only very few Indonesian receive the information program (Asis & Aguinas, 2012).

### **Administration, Financial, and Accommodation Management**

The administration process for Indonesian DW candidates in Indonesia is “complicated”, lengthy and costly. For example, it requires licences from the RT (*Rukun Tetangga*) or RW (*Rukun Warga*, the administrator in the small area, under the head of the village) stating that the Indonesian DW candidates are really the residents of that RT/RW. Then the village administrator will give licences that are passed to the sub district and to the district/regency to arrange the passport and visa at the province/national level. This long administration process results in the high cost paid by Indonesian DWs and it creates form for corruption (Wolfoitz, 2006).

The recruitment and placement processes of Indonesian migrant workers involve components and costs that also provide more room for corrupt practices, especially illegal demands for payment from the would-be migrants. This is because the amount of money requested by the agents from the migrants is often more than the official amount for various reasons, for example, to promote a faster migration process illegally.

Indonesian DWs would be in financial difficulty if they did not succeed in accumulating money while working overseas. Even though there is an Indonesian migrant worker's protection levy (US\$ 15), this money is not effectively used to protect the migrants. The money is officially kept by the BNP2TKI for placement and protection of them, but so far the way this money used clear (interview with respondent "G").

The following problem dealing with the Indonesian migration system is that there is no clear regulation which bans the government officials to own recruitment agencies. Some recruitment agencies belong to some high ranking Indonesian government officials such as the governor, *bupati* (regent) and other important people in the Ministry of DPR (Interview with respondent "G" and "J"), although they might not use their own names, but names of their family members' or relatives. In this situation, it is very difficult to control and manage the recruitment agencies, because if the recruitment agencies break the law, for example, by abusing the migrants, it is difficult to make them accountable. This situation makes Indonesian DWs more vulnerable.

Indeed, reports from the field show that the interest in making money normally comes first. An example is a company which was run by a nephew of a high ranking government official. The company abused migrant workers and was found guilty in court, but later his uncle released him by providing a guarantee that his nephew would not repeat the crime again. Afterwards, the nephew established another company using a different name (interview with respondent

“B”). This is different from the rule employed in the Philippines, where the law clearly states that no government officials are allowed to establish a recruitment agency. Although in the Philippines’ system a family member or relative of a government official may establish a recruitment agency, at least they cannot get involved in protecting him/her, especially when the company is punished for corrupt practices.

Moreover, from the information in the field, differences in route, administration, finance, accommodation and the journey of Indonesian DWs and Filipino DWs can be observed. The majority of the candidates for Indonesian DWs is recruited in the rural areas by *calo*. Then the *calo* covers all of the administration and transportation costs starting from their village to the office of the recruitment agency (mostly located in Jakarta). Yet, once they enter the agency, they will be trapped and confined there. The abuse and exploitation starts from here.

On the other hand, the Philippines government through POEA and supported by NGOs and also recruitment agents in the recruitment process, greatly helps Filipino DWs to understand their rights and knowledge of migration. And all of the administration and payments do not take too long as they do with Indonesian DWs. Filipino DWs also do not stay “too long” in the recruitment agency, and they fly from Manila to their employers in Malaysia or Singapore with assistance/help from the government and the Labour Attaché in destination countries. Thus, this situation means Filipino DWs may experience little or no abuse or exploitation in the pre departure process.

The Philippines government provides a recruitment facility called the Government Placement Branch (GBP), which deals with the security of migrant workers recruited on the basis of government-to-government employment. The Philippines government is the provider of labour for their labour contract and the state does not transfer the responsibility to private recruitment agencies. The government also ensures the quality of migrant workers in that they have been properly trained

and certifies; and thus it offers convenience for the destination country (Rodriguez, 2008).

The Indonesian government has issued the *Kartu Tenaga Kerja Luar Negeri* (Overseas work card)/KTKLN to control the movement of Indonesian DWs overseas. This card can be obtained by showing the passport and visa, employment contract, comprehensive insurance certificates and participation letter (Saraswati, 2008). Indonesian migrant workers must have insurance, which must be paid when they get public authorisation to work overseas, and it costs IDR 400 000 for 30 days. In fact, almost no migrant worker receives the compensation because many licensed insurance companies turn out to be very bureaucratic and negative (Blokhus, 2004, pp. 29 - 30). Every Indonesian DW has to pay \$30 - \$40 if they want the arrangement to be faster. If there is no money, the arrangement of the KTKLN will be difficult (interview with respondent "I").

### **Training and Departure**

Once Indonesian DWs come to the recruitment agency office in the training centre, the training will be offered. However, the training that should be provided based on the government regulations and international standards is not done so because there is too much corruption in the agency, and only a few Indonesian DWs can join the training while hundreds of them only get false certificate issued by the recruitment agent to the Indonesian DW candidates who will work overseas (Moniaga, 2008; Institute for Ecosoc Rights, 2010).

Before departing, Indonesian DWs must follow the procedures for work selection and a training process (Saraswati, 2008). Based on the interview with respondents E,F,G in Jakarta, some cases of the migrant workers must stay in the training shelter for several months and they must pay the living costs involved. Once Indonesian DWs have come to the recruitment agency, this means they are confined in the "prison" of the recruitment agent, no matter whether they are legal Indonesian DWs and use legal channels or not. It is a "prison" because their

family members, even their parents, are not allowed to visit them and see the fate of their daughter in the training shelter of the recruitment agent. The majority of training shelters are located in Jakarta, and surrounding areas (Tangerang, Bogor, Bekasi and Banten). The POEA in the Philippines, on the other hand believes that the Philippines government must provide the training program to improve migrant workers' skills and education through the PDOS, and holds seminars to remind migrant workers' of their obligations towards their family (Rodriguez, 2008).

The pre-departure briefing is only eight hours in duration (it should be 20 hours), and is held in a very crowded room, which makes it ineffective in covering the topic during the course (IOM, 2010, p. 30). The Final Pre-Departure Training Brief (*Pembekalan Akhir Pemberangkatan/PAP*) is criticised for being expensive and non-interactive; also, it only talks more about morality rather than dealing with the issues relating to migrant workers (ILO, 2006, p. 16).

In addition, the candidates are put in hazardous health and safety conditions (HRW, 2005), where 25 - 30 people are placed in one room with only one toilet and bathroom and no decent food, thus affecting their physical and mental health. Therefore, when they depart for overseas, many of them are not in good health physically or mentally because they are stressed and traumatised from being in the training shelter and being subjected to physical abuse, mental abuse and sexual abuse, and they must work to assist the head of the recruitment agent without payment. This assessment is strengthened by the ILO's statement that the migrant worker candidates are not allowed to leave the shelter. During their waiting, they are often exposed to health hazards, charged fees which are inappropriate for the training they receive, and do not know how long the training will last (ILO, 2006b, p. 15).

The misuse of contracts also happens in this case. Initially, the DWs may be contracted as a caregiver for patients, but they end up becoming a waitress in a restaurant run by their employers. In this case, the employee cannot take any

action due to their debt to the recruitment agent (Loveband, 2007, p. 342). In fact, the majority of Indonesian DWs do not know the content of their contract as they only sign the contract. Most of the migrant worker candidates are forced to sign the work contract on the spot, thus they do not have enough time to consider the pros and cons of the contract or they do not understand the content of the contract itself (ILO, 2006, p. 18). This puts them in a vulnerable position and weakens the position of Indonesian DWs in the pre-departure process and in the process of deployment in the destination country. In the Philippines, Filipino DWs know the content of the contract and have a copy of the work contract that can be used as advocacy material if the employer in the destination country does not act appropriately or violates the work contract.

The departure process is completed if Indonesian DWs have met all the requirements, which is they hold the KTKLN, passport, visa, and other administration papers and are ready to go to Malaysia or Singapore through Soekarno-Hatta airport in Jakarta and other departure places. The entire migration process for Indonesian DWs is directed by the recruitment agencies while the Indonesian government licenses them, as described in the following section.

#### **5.4.4 Licensing of labour recruiters and the role of recruitment agency**

The recruitment and placement of Indonesian DWs abroad is run by the PPTKIS (*Pelaksana Penempatan Tenaga Kerja Indonesia Swasta Indonesian* (Private agencies for placing migrant workers overseas). The number of agencies on the list of the APJATI (the Indonesian Association of Migrant Workers Recruitment) is about 400 agencies, but there are 800 illegal recruitment agencies in Indonesia (ILO, 2006, p. 12). There are two types of recruitment agencies. The first agency is the agency in Indonesia that began sending workers in the 1970s, and there are 455 registered agencies in Indonesia. The second is the agency in the destination country. Both agencies work together to recruit Indonesian DWs and charge a recruiting fee of \$480 for each domestic worker (Orange, Seitz & Kor, 2012). In fact, the majority of the operational management during the pre-departure process

is undertaken by private recruitment agencies, both legal and illegal. Based on the recent data from the Ministry of Manpower and Transmigration (2012), there are 400 legal agencies and an estimated 500 illegal agencies, and even though they are blacklisted, they are still operating.

In contrast, the Philippines government provided more protection for migrant workers by enacting the Republic Act 8042, which is called the “Magna Carta”. It guarantees the safety of overseas employment, and welfare services while working overseas. RA 8024 emphasises the migrant workers’ rights as Filipino citizens. The *Handbook for Filipinos Overseas* provides details of the tax obligation, and restates the fact that the Philippines migrant workers are Filipino citizens. The *Code of Discipline for Overseas Filipino Workers* defines the duties of Filipino migrant workers to family, employer, destination country and the Philippines government. The Philippines government provides welfare needs for workers at the embassies, and the consular offices provide shelters, legal services, and a special place to celebrate national holidays (Rodriguez, 2002).

The role of the recruitment agency and the *calo* in Indonesia is different from their roles in the Philippines. The recruitment agency and *calos* in Indonesia provide the information on job opportunities in Malaysia and Singapore and manage the recruitment process of Indonesian DWs. As well, sponsors hold the information and knowledge about migration and migrants’ rights. Then, the administration of the financial process (costs incurred in migration), which is used for the transportation to the agency office, is carried by the *calo* whose funds are sponsored by the recruitment agency. Training, accommodation and shelter are provided by the recruitment agency. The government rarely monitors or inspects the shelter/training center for Indonesian DWs with regard to the quality of training given. The Indonesian government acts as a rubber stamp to provide the clearance for KTKLN, passport, visa, and health certificate. The other processes are under control of the recruitment agency and *calo*. In addition, the circulation

of money, payroll deduction and remittance are also managed by the recruitment agency.

It is different with Filipino DWs' conditions in the Philippines in which most of the migration processes are managed by the government via POEA, OWWA, and are supported by NGOs, the majority of which come from the church. The coordination and monitoring of the process of pre-departure gives more sense of security for Filipino DWs than does the process for Indonesian DWs. The Philippines government performs strict monitoring and control of the training held by recruitment agencies. Filipino DWs are relatively safe and protected due to their government's control and the other controls supported by NGOs.

While in Indonesia, all the infrastructures for recruitment and training, including the building for education and shelter, is owned by the recruitment agencies, and the government has few facilities for pre-departure preparation. In addition, National Law No. 39/2004 allocated too many sections to recruitment agencies and the government lacks the control to monitor the process of recruitment, training, and other pre-departure processes. This causes recruitment agencies to act as they please towards the lonely female Indonesian DWs. For detailed its shown in the Table 5.8

**Table 5.8: Pre-Departure Information Programs in the Philippines and Indonesia**

	The Philippines	Indonesia
Name	Pre-departure orientation seminar (PDOS)	Pre-departure briefing (PAP)
Launch	1983	2003
Initiated by	NGOs, migrant workers do not pay	Recruitment agencies, migrant workers pay
Implementing Agency	OWWA (since 2003, previously POEA)	BNP2TKI
Provider(s)	PWWA, POEA, NGOs (for vulnerable workers), recruitment agencies (58), industry associations.	BNP2TKI, BP3TKI (in 16 provinces)
Fee	Government – none others – PHP 100 (USD 2.30)	None
Length of programme	6 hours	8 hours

Source: Maruja M.B. Asis and Dowelyn Rannveig Aguinas. *Strengthening Pre-Departure Orientation Programmes in Indonesia, Nepal and the Philippines*. September 2012, Issue No.5 International Organisation for Migration, (2012). p.4

In the next section, the researcher will discuss empirical findings of the Indonesian DWs' conditions and the labour protection management conducted by the Indonesian government in the pre-departure and returning period.

## 5.5 Empirical Findings

In this section empirical findings of this study will be described, based on a media analysis, interview and questionnaire.

### 5.5.1 Media analysis of Indonesian DWs' conditions and pre-departure protection

The results of the media analysis of Indonesian DWs in the pre-departure phase are shown in Tables 5.8 and 5.9.

**Table 5.9: News Stories on Indonesian Domestic Workers in Pre-Departure Appearing in Selected Newspapers (December 2011 - July 2013)**

	Favourable	Unfavourable	Neutral	Total	Percentage
1 <a href="http://www.thejakartapost.com">www.thejakartapost.com</a>	3	11	2	16	45.7%
2 <a href="http://www.thejakartaglobe.com">www.thejakartaglobe.com</a>	2	5		7	20%
3 <a href="http://www.republika.co.id">www.republika.co.id</a>		1		1	2.9%
4 <a href="http://www.okezone.com">www.okezone.com</a>	1	1		2	5.7%
5 <i>Kompas</i>	1	3	1	5	14.3%
6 <i>Detik.com</i>	2	1		3	8.6%
7 <i>Suara Merdeka</i>			1	1	2.9%
<b>TOTAL</b>	9	22	4	35	100%

In this section, an analysis is undertaken of the conditions of Indonesian migrant workers in their pre-departure phase as announced in several newspapers in Indonesia. The largest number of news items is found in *The Jakarta Post* with fifteen news items (45.7%), followed by *The Jakarta Globe* (20%), *Kompas* (14.3%) and *Detik* (8.6%). The other newspapers are *Republika*, *Okezone* and

*Suara Merdeka*. These newspapers provide news of Indonesian migrant workers' conditions during the pre-departure process. From 35 news items found by the researcher, most of the news reports are unfavourable (62.9%). It is reported that the unfavourable conditions are because of lack of law enforcement and monitoring of private recruitment agencies. In contrast, the favourable conditions (25.7%) are related to the improvements that have been made by the government to provide better and more qualified pre-departure preparations.

**Table 5.10: Types and Frequency of Main Issues Appearing in Newspaper about Indonesian Domestic Workers in the Pre Departure Process (December 2011 - July 2013)**

No	News on Indonesian DWs	Favorable	Unfavorable	Neutral	Total	Percentage
1	Bad Conditions of Indonesian DWs	5	14	1	20	57.1%
2	Illegal recruitment (to Singapore and Malaysia) without a government permit	1			1	2.9%
3	Trafficking victims		2		2	5.7%
4	Indonesian government regulations and responses	3	3	3	9	25.7%
5	Others		3		3	8.6%
	<b>TOTAL</b>	9	22	4	35	100%

Based on the reports published in Indonesian newspapers, it can be concluded that the conditions of Indonesian DWs during pre-departure are quite miserable. Most of the cases is unfavorable. It proves that the government still lacks control in monitoring the recruitment process, thus there are many violations and frauds that put migrant workers in a more vulnerable situation. The most prominent reporting are about the training process where DW candidates cannot achieve the required standards, or where some do not get any training at all, and there is no legal employment contract or work permit (*The Jakarta Globe*, 25 January 2012). Consequently, there are many Indonesian DWs who are unaware of their own rights (*The Jakarta Post*, 27 April 2013). They have little information on the subject, which leads to their increased vulnerability and labour exploitation (*The Jakarta Post*, 29 October 2012). The condition is worsened by the presence of

migration officials who are not competent and whose activities are not integrated with each other (*Republika*, 15 January 2013).

Bad conditions in the pre-departure process exist alongside expensive recruitment and deployment fees (*The Jakarta Post*, 6 September 2012, 11 September 2012). The low quality of the training process has resulted in the deployment of low qualified and less educated migrant workers (*The Jakarta Post*, 31 January 2012) and many of them do not possess any work permit (*The Jakarta Post*, 28 January 2013). Furthermore, the recruitment fee for Indonesian migrant domestic workers to Malaysia has increased to 8000 ringgit (Rp. 25.6 million) (*detik.com*, 2 July 2013; *okezone.com*, 2 July 2013; *Kompas*, 2 July 2013). To rectify this situation, the government has also attempted to improve the recruitment process by formulating a draft regulation focusing on transparent and cheaper recruitment fees, establishing minimum training standards, and expanding the role of local government (*The Jakarta Post*, 3 January 2012).

Some Indonesian migrant workers, especially women from Java, have fallen victim to human trafficking in North Kalimantan (24 July 2013). Attempts have been made by the police to pursue the agency accused of capturing maids for unpaid work (*The Jakarta Globe*, 4 December 2012). Other good efforts by the police led to the arrest of the culprit, who was found guilty of falsifying the documents used by migrants to work overseas (*Kompas*, 22 January 2013; *detik.com*, 23 January 2013, 30 May 2013).

### 5.5.2 Media Analysis of the Returning Process

Media analysis of the returning process can be seen in Tables 5.11 and 5.12.

**Table 5.11: News stories on Indonesian DWs in the Returning Process  
Appearing in Selected Newspapers (December 2011 – July 2013)**

		Favourable	Unfavourable	Neutral	Total	Percentage
1	<a href="http://www.thejakartapost.com">www.thejakartapost.com</a>	5	10	2	17	40.5%
2	<a href="http://www.thejakartaglobe.com">www.thejakartaglobe.com</a>	2	4	1	7	16.6%

3	<a href="http://www.republika.co.id">www.republika.co.id</a>	1	2	3	7.1%	
4	<a href="http://www.okezone.com">www.okezone.com</a>	2		2	4.8%	
5	<i>Kompas</i>	1	2	2	5	11.9%
6	Detik.coM	3	2	1	6	14.3%
7	<i>Suara Pembaruan</i>	1			1	2.4%
8	<i>Wartakota</i>		1		1	2.4%
	<b>TOTAL</b>	15	21	6	42	100%

Media reports relating to the conditions of Indonesian DWs during the returning process were found in several newspapers, such as *The Jakarta Post* (40.5%), *The Jakarta Globe* (16.6%), *Detik* (14.3%), *Kompas* (11.9%) and other newspapers. The main issues announced in these newspapers were unfavourable (50%), it deals with the extortion and abuse in Terminals 3 and 4. Other news reports have reported favourable news (35.7%) about the steps that have been taken by the Indonesian government to solve the problems at the airport and several attempts to improve migrants' economic conditions following their return by providing some entrepreneurship workshops and financial credit.

**Table 5.12: Types and Frequency of Main Issues regarding Indonesian DWs in the Returning Process (December 2011 – July 2013)**

No	News on Indonesian DWs	Favourable	Unfavourable	Neutral	Total	Percentage
1	Bad Conditions suffered by Indonesian DWs	9	9	3	21	50%
2	Abuse cases (in the airport)		1		1	4.8%
3	Indonesian government regulations and responses	5	1		6	14.3%
4	Death Cases and suicides	1	2	1	4	9.5%
5	Others		8	2	10	23.8%
	<b>TOTAL</b>	15	21	6	42	100%

According to the news, there are many Indonesian migrant workers who still suffer some exploitation and extortion during the returning process. The frequency of unfavourable news reports is higher than the favourable ones. There are many Indonesian migrant workers who are deported to their homeland because they do not possess legal documents (*The Jakarta Post*, 10 March 2012, 19 March 2013, 13 July 2013) or due to the misuse of travel documents to work illegally (*The Jakarta Post*, 5 June 2013). Extortion mostly happens in Terminals 3 and 4 and is committed by the airport officials and other irresponsible parties. Here, the

migrant workers must pay expensive administration levies, exorbitant prices for transportation to get back home, and become the victims of robbery or carjacking (*The Jakarta Post*, 19 December 2012). Briefly, Terminal 3 is the base of extortion, mistreatment and even sexual abuse of returning migrant workers (*The Jakarta Globe*, 15 September 2013; *Kompas*, 20 March 2012; detik.com, 28 January 2013). This condition exists because there are several airport officers who cooperate with irresponsible parties (*calo*) to charge the migrants more fees (detik.com, 27 January 2013).

In addition, there were three male Indonesian migrant workers who were murdered when they were on their way back home from Johor Baru, and a woman who was hospitalised after being raped (*The Jakarta Post*, 7 May 2013). Many returning migrant workers suffer mental problems from working in abusive environments (*The Jakarta Post*, 26 June 2012), and an Indonesian migrant worker went back home after being hospitalised for more than a week due to inhumane treatment committed by her employer (*The Jakarta Globe*, 9 October 2012). The worst case is about the murder in Malaysia of three Indonesian migrant workers, whose dead bodies were found with gunshot wounds. In order to address this problem, the Indonesian government summoned the Malaysian ambassador to confirm the autopsy result (*The Jakarta Globe*, 24 April 2012).

A favourable step was taken by the Indonesian embassy which helped some migrant workers to return to their homeland (*The Jakarta Post*, 22 October 2012, 28 January 2013, 4 February 2013). Based on the researcher's opinion, actually the government tried to provide financial aid for TKIs, but this policy is difficult to implement well, since there are many TKIs who cannot access this aid because they cannot meet the requirements, such as no guarantee to repay money from the government, no skill in managing the money for opening the business after returning from the destination countries. In addition, the conditions and the mechanism of the TKI are too difficult (*The Jakarta Globe*, 4 December 2012). Furthermore, the government is cooperating with the World Bank to provide

financial literacy for migrant workers and their families to encourage economic development (*The Jakarta Post*, 20 May 2012, 29 October 2012).

There was also a report prepared by the BP3TKI relating to incorrect recruitment management committed by one of the recruitment agencies (*The Jakarta Globe*, 25 January 2012). To respond to the case of bad treatment committed by airport officials, the BNP2TKI announced that the Indonesian migrant workers who return through Terminal 2 in the Soekarno-Hatta airport would not be charged any costs or fees (detik.com, 27 January 2013) and the BNP2TKI will evaluate the logging process of Indonesian migrant workers who have just returned to Indonesia (detik.com, 29 January 2013, 25 June 2013).

### **5.5.3 Questionnaire and Interview results**

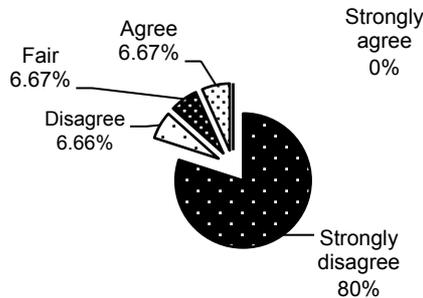
In this section investigates the efforts of the Indonesian government regarding labour protection management of Indonesian DWs during pre-departure:

1. International conventions ratification
2. Bilateral agreements and MOUs
3. National law and regulations for Indonesian DWs
4. Law enforcement
5. Indonesian President's role in protecting Indonesian DWs
6. House of Representatives' role
7. Human resources management and work performance of staff
8. Coordination management
9. Cooperation with non-state actors
10. Gender protection program
11. Giving information
12. Marketing management
13. Financial management
14. Recruitment and training management
15. Administration and information technology (IT) database management
16. Inspection/control
17. Evaluation of management

The questionnaire, responded by fifteen respondents: ten from Indonesia, two from Singapore and three from Malaysia, are related to the seventeen perspectives of labour protection management of Indonesian DWs which is conducted by the

Indonesian government in the pre-departure process. The section presents the result of interview with ten respondents in Indonesia.

**1. Ratification of international conventions (C189, The UN 2000 Human Trafficking and the 1990 Protection Migrant Workers and Their Family)**

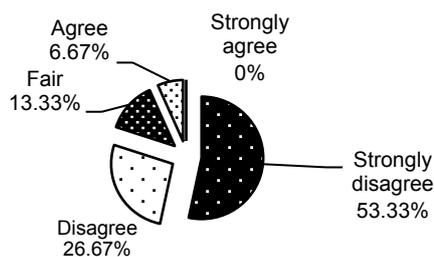


**Figure 5.2: Indonesia has ratified and implemented some important International conventions to protect Indonesian DWs.**

In Figure 5.2 above, most (80%) of the respondents strongly disagree and only 7% agree about this matter. Below is the result of the interview with respondent “G”:

The Indonesian government is still reluctant to ratify the international convention even though there are some insistences from ILO or other international organisations to ratify the international convention. The Indonesian government has just determined to ratify the international convention after a massive demonstration or high demand from non-state actors. ...and there is no high spirit from the Indonesian government to ratify C189 about domestic workers.

**2. Bilateral agreements and MOU**



**Figure 5.3: Indonesia has strong MOUs with the destination countries.**

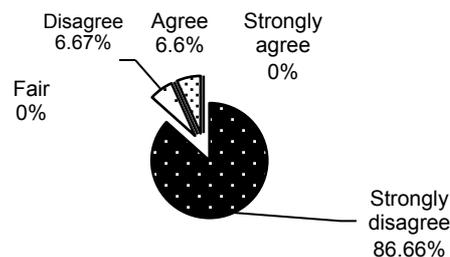
Based on Figure 5.3, 53.33% of respondents strongly disagree that the presence of MOUs are important in protecting female Indonesian DWs. For instance, in the 2011 MOU that has been revised, Indonesian DWs should be allowed to hold their

passport, but in fact the majority of passports are still withheld by the employers or the recruitment agencies.

The interview with respondent “H” provides further description about the weaknesses of the MOU with Malaysia:

The revision of the MOU signed in May 2011 about Indonesian DWs between Indonesia and Malaysia is still characterized as ‘lip service’, it has not been maximal in providing protection for Indonesian DWs. It is obvious that there are still many Indonesian DWs, especially female Indonesian DWs, who are abused because they are treated inhumanely by the employers and the agents in Malaysia. Moreover, they are not allowed to hold on to their passport, whereas it is clearly stated in the MOU that the passport should be held by Indonesian DWs. Until the end of December 2011, Indonesian DWs have not enjoyed freedom of movement.

### 3. National law and regulations

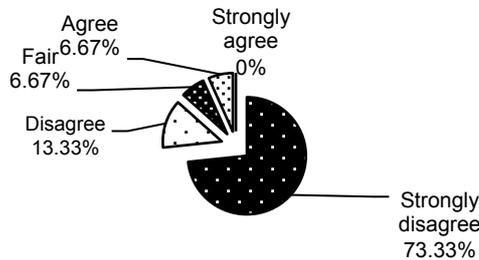


**Figure 5.4: Indonesia has strong national laws and regulations to protect Indonesian DWs.**

Interestingly, Figure 5.4 shows that 86.66% of respondents strongly disagree with this statement. The statement below is from respondent “G”: showing weaknesses the Indonesian laws.

The mindset of the Indonesian government has not led to the protection of Indonesian DWs. The main attention of the government is on how to send as many Indonesian DWs as possible without enough preparation at the pre-departure and lack of protection with regard to the regulations and national law. It is clear that National Act No. 30/2004 has many weaknesses, which tend to benefit particular parties, like recruitment agents, or the government apparatus, that hold the business of Indonesian DWs sending. We, and our fellow non-state actors, have repeatedly told the Indonesian government to revise this national act immediately.

#### 4. Law Enforcement

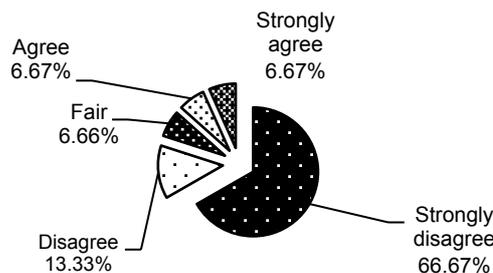


**Figure 5.5: Indonesia has strong law enforcement to protect Indonesian DWs.**

Figure 5.5 shows that only 6.67% of respondents agreed, and 73.33% strongly disagreed with this statement. Weak enforcement in Indonesia is highlighted by respondent “I”:

I think Indonesia has to make some firm and solid law enforcement as soon as possible, because there are too many cases causing Indonesian DWs’ suffering getting worse in pre-departure, deployment and during the returning process. Indonesian DWs’ cases are usually won by the agents and I recently heard that recruitment agents through their ‘subordinates’ in the DPR hinder the revision progress of National Law No. 39/2004.

#### 5. The Indonesian President’s Role

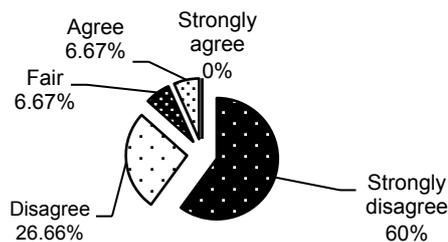


**Figure 5.6: The Indonesian President has an important role in protecting Indonesian DWs.**

There is an obvious attempt by the President to help DWs, for instance in establishing the special commission on the protection of Indonesian migrant workers in 2011, yet it has not been significant. Most respondents (66.67%) strongly disagreed. Respondent “G” in the interviews stated the following:

The role of the Indonesian President in protecting Indonesian DWs is still less immense. The tendency is the President hands over all problems to the Ministry of Manpower and BNP2TKI. From my point of view, it has been clear that the people who work should be protected by the government and it is the President's responsibility as the highest leader of this country as stated in UUD 1945.

## 6. The House of Representatives' Role

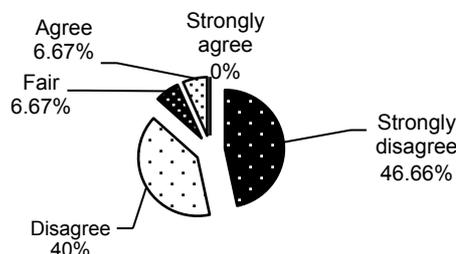


**Figure 5.7: The Indonesian House of Representatives has an important role to protect Indonesian DWs.**

Figure 5.7 above clearly indicates that 60% of respondents strongly disagree with this matter. The statement below is from the interview with respondent "F":

The conditions of Indonesian DWs show much exploitation, both in Indonesia and the destination country, and they have not turned into an important agenda item for the House of Representatives. In fact, it is clear that National Law No. 39/2004 needs revising immediately, but many factions in DPR tend to delay and postpone the revision until the last of 2011 which has been asked for by non-state actors.

## 7. Human resources management and work performance of staff



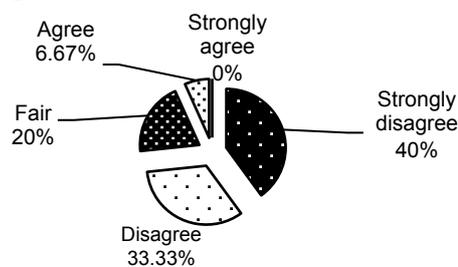
**Figure 5.8: Indonesian government staffs have a qualified work performance to serve Indonesian DWs.**

Figure 5.8 shows that 46.66% of respondents strongly disagree and only 6.67% agree with this proposition. Below is the interview result with respondent “A”:

We admit that there are many weaknesses in the human resources management, because BNP2TKI has just been established in 2007. We are still improving many matters, especially the improvement of human resources quality that is required to be more professional. We also admit that there are some personnel in BNP2TKI who violate the law, for example blackmailing Indonesian DWs. Therefore, work performance of staff is still in the process of learning. We will learn continuously and try to improve our professional staff.

During the research at one of the offices in Jakarta, the researcher saw directly how the line of Indonesian DWs applying for KTKLN was very long and the service tended to be slow. In addition, the researcher asked one Indonesian DW in that line: “How long do you take to arrange the KTKLN, Miss?” She answered bitterly: “It’s so long, sir. If you want to be faster you have to pay \$40-50 to the personnel here. If I had a lot of money, I would surely pay, but I am far from the village and do not have that much money.”

## 8. Coordination management



**Figure 5.9: Indonesia has strong coordination between ministries and institutions in Indonesia and abroad.**

The diagram shows that 40% of respondents strongly disagree that Indonesia has achieved strong coordination between departments both in Indonesia and the Indonesian government representatives in destination countries. The interview result with respondent “A” is as follows:

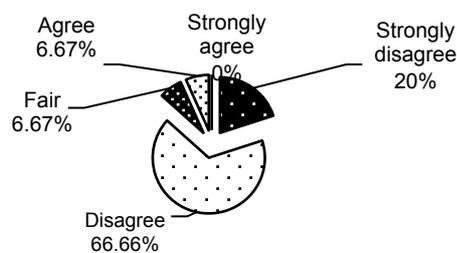
We admit that the coordination between institutions caring about Indonesian DWs is still weak. For example, we sometimes have “conflict” with the Ministry of Manpower and Transmigration in the

placement or the protection of Indonesian DWs. This is because of less assertiveness of the regulations in National Act No. 39/2004 about separation of the law area and authority. Bureaucracy in Indonesia is still serpentine.... for example in the cases of Indonesian DWs' deaths, the cases of the death penalty and so on. Our movement has not yet been fast in handling every problem of Indonesian DWs.

There are several interesting issues in this matter of coordination. There is the “conflict” between two institutions. The researcher confirmed this issue with respondent “B”:

We are sometimes confused with the coordination matter and the guidance of National Law No.30/2004 about the separation of the authority area which has to be done and what should be done by BNP2TKI has not been clear yet, for example the problem of Indonesian DWs' corpse repatriation from Malaysia. We (Ministry of Manpower and Transmigration) have performed the coordination with the Ministry of Foreign Affairs and BNP2TKI has done so, therefore there is overlap. Our parties are sometimes confused with the presence of BNP2TKI that should have the mandate to do the protection; they are only handling the departure of Indonesian DWs instead. Therefore, our internal coordination is hard to do with the reshuffling of regulations and Ministers.

## 9. Cooperation with non-state actors



**Figure 5.10: Indonesia has significant cooperation with non-state actors in protecting and assisting Indonesian DWs.**

According to Figure 5.10, 86.66% of respondents completely disagree or disagree that the Indonesian government has established harmonious cooperation with non-state actors. The statement below is from the interview result with respondent “E”:

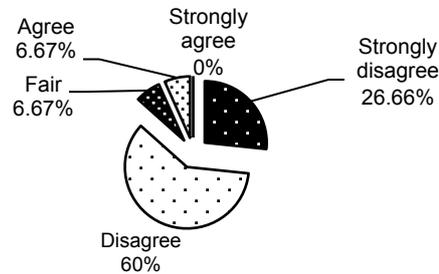
I wonder why the Indonesian government always underestimates us and often blames us as the provocateur in caring about Indonesian DWs. If there is coordination and brainstorming with the House of

Representatives (DPR) and other responsible parties, our input is as if it was not listened to and again, the victims are Indonesian DWs. In the Philippines, the coordination with non-state actors is better; perhaps there are many non-state actors that were originally established by religious institutions (the church).

One day, when the researcher was chatting with one of the NGO program coordinators, “G”, in the shelter for Indonesian DWs victims, the researcher heard a small child crying endlessly. The child was about three years old and kept calling “Mama...mama...ma...ma”. His father was trying to calm the child along with the grandmother and grandfather. Then, the researcher asked respondent “G”: “Why does that child keep crying, Miss? It seems strange.” She answered: “Yes, sir, the poor kid. He does not know that his mother, who works as an Indonesian DW in one of destination countries, passed away last week. And his father, grandfather and grandmother will fetch her body at the airport. We are assisting to coordinate the repatriation of the body.” The researcher was silent and wept after hearing that story. The researcher believes that this father did not want to tell the truth to his son, that his mother had passed away.

The next day, the researcher heard a story that the body was there at the airport and there was a problem, because the coordination between the Indonesian government institutions that dealt with it was not clear. Even in death, she was still neglected and caught between government institutions which were fighting and blaming each other. The worst aspect was that the disbursement of the death insurance of IDR 75 million that the family should have received was very slow to be disbursed by the insurer for various reasons.

## 10. Gender protection program

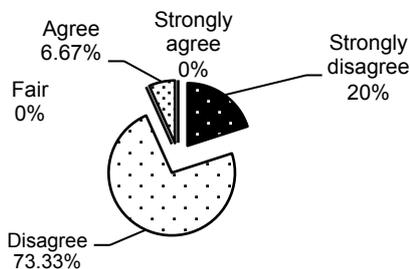


**Figure 5.11: Indonesia has a strong gender program to protect Indonesian DWs.**

Based on Figure 5.11 above, 60% of respondents stated that they disagree with this statement. Several NGOs consider that the government has not been assertive enough in protecting female Indonesian DWs, who are often the victims of labour exploitation, as explained by respondent “H”:

Indonesia does not appreciate women. This is proved by the fact that the majority of victims of exploitation, even trafficking, are women. However, the Indonesian government pays less attention and gives less protection for women, at least through National Law No. 39/2004. Just imagine! There is only one word in that national act saying ‘women’. In our annual study reports for the Indonesian government, the number of Indonesian DWs victims always increases and, unfortunately, our report is not seriously responded to.

## 11. Giving information

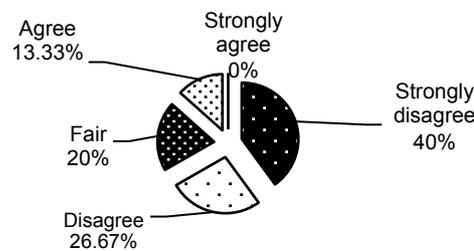


**Figure 5.12: Indonesia has a strong role in providing an information program to protect Indonesian DWs.**

From Figure 5.12, it is clear that respondents believe that the program of giving information is not going well (73.33% disagree). Respondent “J” described as follows:

The government of the Philippines is more active in giving information to the candidates for Filipino DWs. The government prepares a special car for spreading the information on migration, even in the corners of the remote areas, while the Indonesian government still did not implement this program well. That is why the worst mistake in the recruitment process is not enough information for the candidates for Indonesian DWs.

## 12. Marketing management

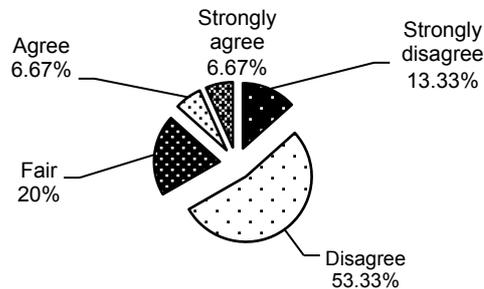


**Figure 5.13: Indonesia has an appropriate Indonesian DWs marketing Management strategy**

Based on Figure 5.13 above, the majority of respondents (40%) strongly disagree with the presence of well-performed marketing management in Indonesia. This is because there are still many incidents of fraud committed by marketers (dominated by recruitment agencies) that result in difficulties for Indonesian DWs abroad. Below is an excerpt from the interview with respondent “F”:

The private recruitment agent in Indonesia has a more complete infrastructure instead, ranging from shelter, training centre and labour market network. In addition, the fragile National Law No. 39/2004 is likely to give too great a portion to a recruitment agent in marketing and managing Indonesian DWs. The Indonesian government acts as if it is only the stamp and legitimizer of the administration process. The government cannot detect the problems of the labour market in detail due to lack of infrastructure and it does not have a good strategy pattern for marketing.

### 13. Financial management



**Figure 5.14: Indonesia has professional financial management.**

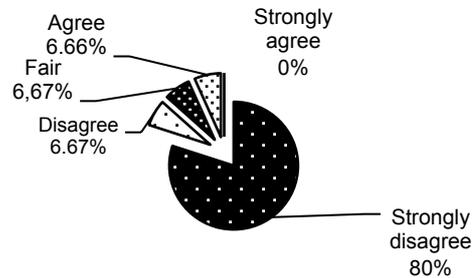
Figure 5.14 shows that 53.33% of respondents disagree with this proposition and 13% strongly disagree. The statement below is taken from the interview with respondent “I”:

The banking system for Indonesian DWs is very fragile. The government’s assistance via KUR (*Kredit Usaha Rakyat*/Business Credit for people) TKI that was launched in 2010 is actually beneficial to the agents, and it makes the Indonesian DWs suffer the most because Indonesian DWs must pay off the debt to the agents, not to the designated bank.

There is something interesting to be noted about the financial management of TKIs as stated by respondent “B”:

... to solve the problem, Mr. Erman Suparno when he served as the Minister of Manpower in 2002 to 2006, had proposed the establishment of Bank TKIs, a bank formed by TKI to help in curbing the victims of debt bondage, and managed by the former TKI assisted by the Indonesian government in the management. As time went on, Mr. Erman no longer served in the position and that idea was eliminated, and the new Minister did not continue that good idea about the financial and remittance management of Indonesian DWs.

#### 14. Recruitment and training management

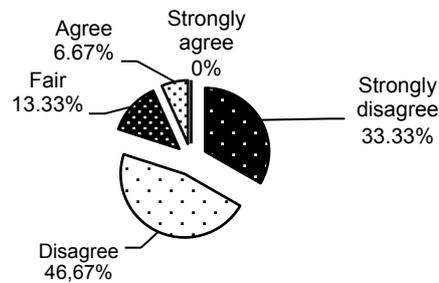


**Figure 5.15: Indonesia has a professional recruitment management practice and adequate training for Indonesian DWs.**

Figure 5.15 above indicates that most respondents (80%) strongly disagree with this statement. Following is part of the interview result with respondent “G”:

There are many lies committed by recruitment agents and the government apparatus in holding the preparation process of Indonesian DWs. For example the training for Indonesian DWs that should be 100 hours based on the standard is only done for a half or quarter of those 100 hours.

#### 15. Administration and information technology database management



**Figure 5.16: Indonesia has a professional administration management practice and IT database of Indonesian DWs.**

Figure 5.16 shows that 46.67% of respondents disagree with this point. Part of the interview result with respondent “G” is shown as follows:

Administration infrastructure and IT in organising Indonesian DW migration is still very weak. This is proved by many frauds related to the identity, age, and educational certification since the early stage of migration in rural areas. One of the Indonesian DWs can possess more

than four identity cards with different names. It cannot be detected at the central administration process and there is no centralised control of the IT database. The data are saved in IT at BNP2TKI or the Ministry of Manpower is still very messy.... It is made worse by the bureaucratic process in Indonesia which is very serpentine and long.

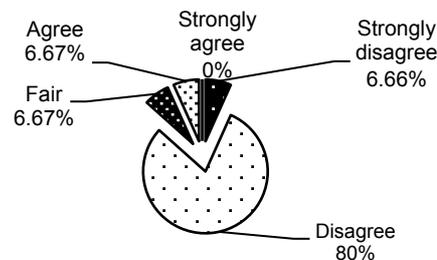
One day, the researcher was heading to Singapore from Soekarno-Hatta airport, Jakarta. In the line for migration checking (before entering the departure area), the researcher saw a pathetic but funny incident. The dialogue between migration officials and the Indonesian DW is shown below.

Migration official	: “Look at your passport and visa.”
Indonesian DW	: (still daydreaming, then hands over the files)
Migration official	: “What’s your name?”
Indonesian DW	: (thinking) Wati, sir.
Migration official	: (sees different name in the files. The official shouts at her) Heey. What’s your name?”
Indonesian DW	: (nervous)... mmm, Sir..My name is Ani, Sir. I’m sorry for the mistake.”
Migration official	: “Your name in your passport is Ina. How can you forget your own name?”
Indonesian DW	: “Thanks, sir. (while taking her file nervously and running to the plane’s hangar)

The researcher was not surprised while witnessing this incident, because in the researcher’s village, the RW/*Rukun Warga* (the researcher’s father is a leader of the RW) is often asked by the *calo* to falsify the name of potential Indonesian DWs, but the RW refused this proposal. Therefore, many *calos* decided to make false identity papers (since the identity cards of Indonesian DWs show their age is still under 18 years old, so the agent make another identity to show their ages match with the requirements). *Calos* cooperated with RT/*Rukun Tetangga* and RW from other areas who are willing to commit corruption. It is no wonder that Indonesian DWs can have more than three identity cards with different regions and different names. That is why many Indonesian DWs sometimes forget their own name in a tense situation, as in the migration process at airports. It seems the migration officials often find this kind of case. Indeed, not all migration officials

let this pass and some officials send Indonesian DWs back to the agent, but again, after negotiation with the agent, many airport officials let Indonesian DWs depart after receiving an “envelope” (bribery) given by the recruitment agent.

## 16. Inspection/Control

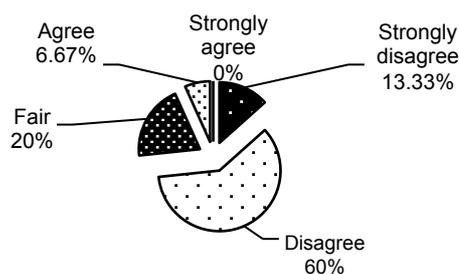


**Figure 5.17: Indonesia has a strong controlling program in relation to the recruitment agency.**

From Figure 5.17, it is clear that the majority of respondents disagree with this matter (80%). Below is an excerpt from the interview with respondent “J”:

“I see the weakness of the Indonesian government is no or not enough inspection/control of recruitment agencies in the pre-departure process. The majority of the incidence of abuses, and exploitation, is in the shelters of the recruitment agencies. In the Philippines, the government is more active to control every step of migration ...”

## 17. Evaluation of management



**Figure 5.18: Indonesia has the willingness to renew Indonesian DWs labour protection management (Evaluation of Management)**

According to Figure 5.18, it is clear that 60% of respondents disagree with this proposition and 13% strongly disagree. A relevant section of the interview result with respondent “D” is as follows:

Non-state actors, including ILO Jakarta, give some recommendations for the Indonesian government to improve the protection program of

migrant workers. Unfortunately, the Indonesian government has less strong determination to evaluate the policy of continuous protection management of Indonesian DWs in practice.

#### 5.5.4 Labour protection management in the pre-departure (Indonesia vs. the Philippines)

The labour protection management of Indonesian DWs compared to the Philippines in Tables 5.13a, 5.13b and 5.13c.

**Table 5.13a: Labour Protection Management Efforts: Indonesia vs. the Philippines in the Pre Departure (protections 1 -6)**

No	Protection Items	Indonesia	The Philippines
1	International convention ratifications about DWs	No ratification of C189 yet. Indonesia is not serious enough to ratify international conventions for protecting DWs.	Ratified C189 about DWs in 2011 and the second country in the world that ratified it. This country also ratified other important international conventions such as the 1990 one about protection for migrants and their family members
2	Bilateral agreements and MOUs of DWs	MOU 2011 about DWs with the Malaysian government still does not have strong implementation, and no MOU with Singapore, e.g. until 2012 passport of DWs still held by employer, no freedom of movement, etc.	MOU with the Malaysian government and strong implementation, and also with the Singaporean government.
3	National law and regulations for DWs	National Law 39/2004 and other Presidential Instruction and Ministry of Labour Decision, but not enough to cover DWs' problems. For instance, National Law 39/2004 mainly talks about placement but little talk about protection, especially for DWs.	National Law 1985 R7845 about protection and placement of Filipino DWs abroad. There are many regulations produced by the Philippines government that support the protection and better management of DWs.
4	Law enforcement	Weak law enforcement of DWs protection because of much corruption in the government officials at many levels (village, district, province and central government), i.e. some government officials involved in the business of migration and some abuses to DWs, but no serious action to punish the staff or recruitment agencies that deceived or abused DWs.	Strong law enforcement, because the government is strict and punishes government officials and staff who are corrupt or have a connection, with the recruitment agency.
5	Indonesian President's role	Not serious enough to protect DWs. e.g. there were more than 450 death sentences for DWs abroad in 2012, but the Indonesian President does give serious attention to help with this problem directly.	Very serious about protecting DWs, e.g. the President directly saved Filipino DWs from the death sentences in Malaysia.
6	House of Representatives' role	Very slow to respond to the amendment of 392004, and until the end of 2012, there has been no amendment, even though many NGOs and INGOs protested about it.	The response to the problems of DWs is quick. For instance, they support much strong legislation regarding protection mechanism for Filipino DWs.

**Table 5.13b: Labour Protection Management Efforts: Indonesia vs. the Philippines in the Pre Departure (Item protections 7 - 12)**

7	Human resources management and work performance of staff	The work performance of the Indonesian government generally still is not serious in service for DWs, for example still many corruption and abuses in many level of government officials from the village office. Although not all government officials abuse or are corrupt, there are still many “ocnum” involved in this.	The work performance of the Philippines government is better than Indonesian staff. This is because this country “appreciates” DWs as economic actors who contribute a lot of money to the Philippines. The strict role for the staff means little corruption and abuse for DWs.
8	Coordination management	The coordination management is still lacking between the Ministry of Labour Force and BNP2TKI. It also lacks coordination between the Labour Attaché and the central government in Jakarta regarding solving problems of DWs.	The coordination management is strong, between all institutions regarding DW management, such as POEA, POIA, and OWWA. They work together and support each other. Even if there is sometimes misscoordination, it is still better than Indonesian institutions.
9	Cooperation with non-state actors	Indonesian government still not serious enough to cooperate with non-state actors (local or international), i.e. most of NGOs proposed and forced the Indonesian government to ratify C189 and revise National Law 39/2004 but the response is very slow.	There are many NGOs from the church that support the Philippines government to protect and improve management for DWs. In many programs, NGOs in this country are provided by the government to be involved in the monitor of DWs following recruitment,
10	Gender protection program	Indonesian government does not give attention to female DW conditions of those who became victims of exploitation and abuses, e.g many DWs trapped in abuses and exploitation in the recruitment agency shelter, but little or no action regarding this situation, and only one mention of “female. In National Law 39/2004, and female DWs treated differently from male DWs and other types of Indonesian migrant workers.	The Philippines government gives more attention to female DWs from recruitment until returning. e.g cooperation with NGOs, POEA, Labour Attaché and other elements. The Philippines treat workers the same, whether DWs or non DWs, whether male or female.
11	Giving Information to the candidates for DWs	There is little or no information about migration for the DW candidate in their villages. The Indonesian government prefers to give this task to the recruitment agency or <i>calo</i> /middleman. Thus many DWs are trapped through the wrong information and deceived by many “actors” in the migration process.	The Philippines government gives more information to the candidates for PDWs, providing “mobile information” – almost every month there are many cars moving from one village to another to give information to DWs, and NGOs also participate in this matter.
12	Marketing management	Mostly, marketing management is held by private recruitment agency. Thus, all the decisions and control of recruitment and distribution of DWs depend on the recruitment agency. The government is only a “rubber stamp” for the formal licences of this migration industry. The consequences are that many DWs face suffering and many abuses and exploitation in the recruitment agencies’ offices.	Marketing management is mainly handled by the Philippines government. The recruitment agencies are involved in this migration industry but do not have total authority for marketing and organising PDWs. Thus, most DWs in this country enjoy greater protection and little incidence of abuse and exploitation compared to Indonesia.

**Table 5.13c: Labour Protection Management Efforts: Indonesia vs. the Philippines in the Pre Departure (Item protections 13 - 17)**

13	Financial management	DWs must pay a lot of money for the migration process. The Indonesian government gives credit through KUR (Credit for DWs), but it is mainly held by the recruitment agency, thus it doesn't make sense to help DW, since recruitment agency manages the money, and DWs must pay "high interest". They are trapped in debt bondage. Also, the cost of migration is very expensive in Indonesia compared to the Philippines, thus many DWs borrow the money from the bank, family and mostly from the recruitment agency.	The Philippines government gives aid for DWs through soft loans, and not high interest. The flexible financial management for helping DWs gives more protection for them, because DWs do not get into debt bondage like Indonesian DWs. There are incidents of debt bondage or other problems of finance, but the number is small compared to Indonesian DWs.
14	Recruitment and training management	Recruitment and training management is held by private recruitment agencies. The Indonesian government does not have enough facilities and infrastructure for this management. Thus, most DWs are recruited by <i>calo</i> and sent to the recruitment agencies, mainly in Jakarta. The training is not appropriate; since there is a lot of deception about the certificate of training (only 10 persons attend the training, but 100 persons get a certificate, or only attend 5 hours, not completing 100 hours). This situation means DWs are not qualified and are vulnerable to abuse and exploitation abroad.	Recruitment and training management in the Philippines is more qualified. The government provides a strong infrastructure for DW training. The system of recruitment is also directly from the government, and the recruitment agencies just help and provide the information on jobs or other tasks, such as providing shelter, but all of the process is controlled by the government.
15	Administration and IT database	Administration of migration of DWs in Indonesia is not qualified. Many candidates for DWs must follow the long bureaucratic process and waste time and money. The IT database of DWs is also not managed well. The consequences are that many DWs' problems cannot be detected in BNP2TKI or in the Ministry.	Administration and IT database in the Philippines is better than Indonesia because the government provided a simple administration with little bureaucracy, and also the data for DWs are safe in POEA, OWWA or other institutions, then if there is problem for DWs, those can be detected fast and DWs given quick help for them.
16	Inspection/control	The inspection by the Indonesian government of the recruitment agency, especially when DWs are in the shelter or in the process of training, is very little or no control at all; since the recruitment agency "gives" money for the "ocnum" staff of government who will inspect their offices. This situation makes DWs vulnerable in the recruitment agencies, because they cannot go from the office, until they "pay" their debt bondage.	The inspection and control of the Philippines government stronger and routine. Thus many recruitment agencies follow the rules and obey the law of the migration industry in the Philippines.
17	Evaluation management	The Indonesian government does not have high motivation to evaluate the management of DW migration, e.g it is very slow to reform the structure of DW migration, taking a very long time for amendment 39/2004.	The Philippines government gives more attention to the evaluation management of DW migration, e.g if there is a new labour protection mechanism such as C189, the government directly ratifies it, and is also very fast to respond to the problems of DWs compared to Indonesia.

Source: Interview with respondents

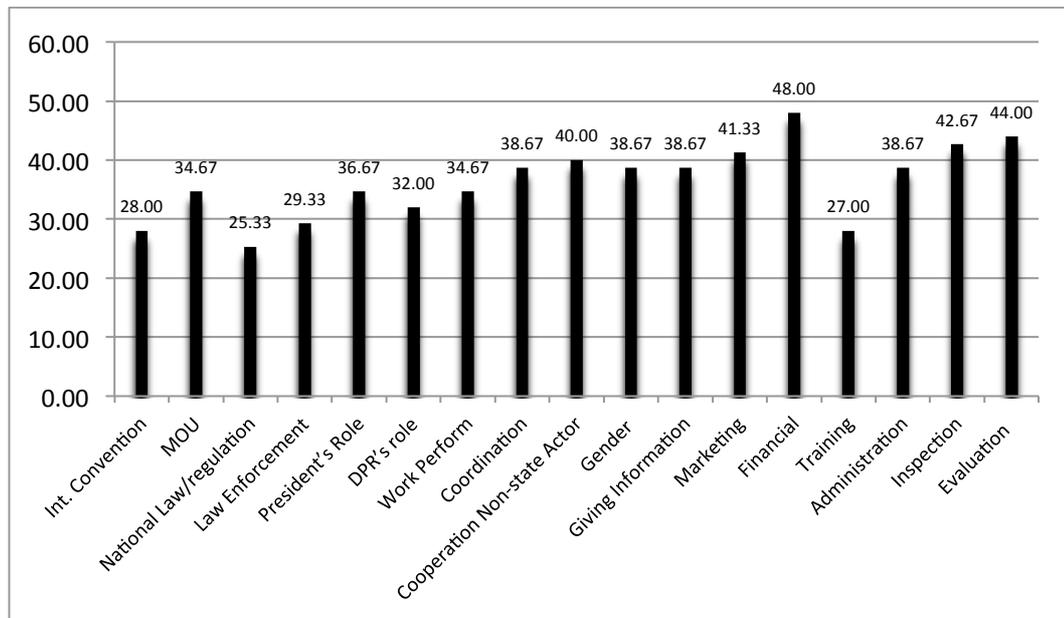
Based on Tables (5.13a; 5.13.b; 5.13.c), the researcher assumes that labour protection management of Indonesian DWs in the pre-departure phase is still far from what is expected to provide better protection for domestic workers compared to the Philippines. Indeed, Indonesia has attempted to perform some policy changes and provide protection management since the Reformation era. Unfortunately, the Indonesian government only takes action after receiving many protests from NGOs and mass media broadcasting news related to the exploitation and abuse experienced by domestic workers, for example the murder cases of domestic workers in Malaysia at the end of November 2012 (*The Jakarta Post*, 25 November 2012) and the case of a domestic worker (Nirmala Bonat) who was ironed by her employer. In fact, there are many more cases but they do not become public.

In the researcher's opinion, the Indonesian government is like a "fire extinguisher", in which they take action after the problem happens. The cause of that fire should be studied further and the solutions to it found; for example, the revision of the content of National Law No. 39/2004 such as give more protection for DWs is very urgent because, according to respondent "I", without any revision of National Law No. 39/2004, it will be very difficult to protect domestic workers from exploitation and abuse, especially female domestic workers. Without any national legal regulation and the government's determination to change the mindset (the term stated by respondent "G"), the management of migration and the provision of sufficient protection will be hard to realise.

### **The Weakest Points of the Indonesian Government's Pre-Departure Protection**

Figure 5.19 shows the result of the SPSS analysis of the weakest points of labour protection management by the Indonesian government in the pre departure phase.

The “weakest points” of the Indonesian government’s pre departure protection based on the percentage of the respondents answer and the observation in the field study when the researcher conducted study in Jakarta, Indonesia.



**Figure 5.19: The Weakest Points of the Indonesian Government’s Pre-Departure Protection**

Based on the SPSS analysis, Figure 5.19 shows the five weakest points of labour protection management (Score: 0% is the weakest point and 100% is the strongest point of protection efforts):

1. National law/ regulation (25.33%)

The weakest point is that Indonesia does not have specific laws for protecting Indonesian DWs. There is National Law No. 39/2004, but until now there has been no change to give better protection, in particular for female DWs. Other regulations do not support maximum protection for DWs in the pre-departure phase, such as Presidential Decrees, Ministry regulations, etc.

2. Training (27%)

The second weakest is that the Indonesian government does not prepare Indonesian DWs’ training well. Thus, the result is that many Indonesian DWs are not ready to work abroad well based on the international

standard. Many PPTKIS do not practice the required training and make false certificates for Indonesian DWs.

3. International convention (28%)

The third weakest is that the Indonesian government has not made any serious effort to ratify C189 about domestic workers and other important conventions. Without the international umbrella (ratifying the international conventions), Indonesia is still far from serious in protecting Indonesian DWs.

4. Law enforcement (29.33%)

The fourth weakest is law enforcement. The Indonesian government does not make a serious effort in strong law enforcement. There is a lot of corruption in the migration industry, which creates greater vulnerability of Indonesian DWs.

5. MOUs (34.67%)

The last of the five weakest is MOUs. Indonesia does not have a strong MOU with Singapore and although there is a MOU with Malaysia, it is still “vulnerable”. Indonesia does not have a strong bargaining power to push the destination countries to ensure better protection for Indonesian DWs.

The researcher believes that the Indonesian government has attempted to fix the five weakest item of protection, thus the protection in the pre-departure process can be improved. In addition, the Indonesian government has “no integrated protection management” that will be discussed in the next section.

### **Integrated Protection Management for Indonesian DWs (IPM DW)**

In the researcher’s opinion, the findings of the study into labour protection management of Indonesian DWs in Indonesia showed that there is no integration between:

1. One element of protection and other elements

For instance, there is revision of the MOU with Malaysia (item protection number 2), but on the other hand, Indonesia does not want to change National Law 39/2004 (item protection number 3). Thus, these are still not maximal protection of Indonesian DWs in the pre-departure and deployment process.

2. One department and other departments in Indonesia

For example, the BNP2TKI and the Ministry of Manpower and Transmigration still do not have strong coordination, not only in Jakarta, but also in the office branches of both departments in every province in Indonesia.

3. Indonesian government officials with NGOs

There is no strong coordination in programs and management.

Generally speaking, without the integration of the elements of labour protection management, the labour protection management of Indonesian DWs may not be able to achieve optimal results. The Indonesian government needs to seriously change the “view of labour protection management” of Indonesian DWs, from intermittent/partial management to integrated management; from non-transparency to transparency, and from the “manual” administration system to the high technology administration system.

The integrated protection management for Indonesian DWs (IPM DW) should not only be conducted by the sending country (like Indonesia), but also the receiving countries (Malaysia and Singapore). This will be explained in the next chapter.

### **5.5.5 Labour protection management during returning process**

The labour protection management of Indonesian DWs during the returning process to their motherland is very important in the protection of Indonesian DWs. Unfortunately, the Indonesian government has not been able to give serious attention to the management of the returning process for Indonesian DWs compared to the management run by the Philippines government in protecting

their Filipino DWs during returning process. Shown below in Table 5.14 is a comparison of labour protection management for returning, DWs in Indonesia and the Philippines.

**Table 5.14: Labour Protection Management for Returning DWs: Indonesia vs. the Philippines**

No	Indonesia	The Philippines
1	Little protection in Arrivals at the airport/harbor	More protection in Arrivals at the airport
2	No professional transportation management	Professional transportation management
3	There is no administration centre for the returning process	There is an administration centre/service
4	There is little or no advocacy and law service support	Appropriate advocacy and law service support
5	Weak coordination with non-state actors	Strong coordination with non-state actors
6	Little or no training for Indonesian DWs after returning and no re-migration system	Appropriate training and economic support after returning for Filipino DWs and a strong re-migration system

The results of the interview completed by ten respondents in Indonesia are provided with respect to the six perspectives of labour protection management of Indonesian DWs conducted by the Indonesian government in the returning process.

### **1. Protection in Arrivals**

The interview result with respondent “I” reflected the issue of protection in Arrivals:

....Indeed, the government moved Terminal 3 in 2010 to Terminal 4. In fact, the condition of Indonesian DWs still stays the same. The difference is who commits unethical actions, and they tend to squeeze Indonesian DWs. It seems there is some unknown game in this migration process. The point is much blackmail is experienced by Indonesian DWs. Yes if they have some money and can give them to the officers, if not, they will be threatened and treated inhumanely and considered illegal. In contrast, the Philippines is relatively better in welcoming Filipino DWs.

With reference to blackmail committed by the officials in the airport, the researcher has experienced the impact. It was 10.30 pm when I first landed in the

Soekarno-Hatta airport after conducting research in Malaysia. There were coincidentally many Indonesian DWs on this plane. At that time, when I walked to the migration table there was a notification stating that Indonesian DWs should go to the right. Suddenly, a government officer pulled on my clothes and the following conversation ensued:

- The officer : “Hey you. Come here! Your line is not there!!”  
 The researcher : “Where should I line up then?” (I was surprised but I had the thought that this officer considered me as TKI. I still kept silent and followed that officer)  
 The officer : (In a particular room)  
 “Where do you work and who is the one who brought you here (agent)?”  
 The researcher : “You, sir.” (I answer calmly)  
 The officer : “I said, who!!?” (shouting)  
 The researcher : “So what, sir? Why do you shout at me?”  
 The officer : “Don’t make a fuss! Where is your document?”  
 The researcher : (Hand over the research letter from the University of New England)  
 The officer : (Silence. Apparently ashamed)  
 “Sorry, sir. I think you are a troublesome TKI. So why don’t you say that you are not TKI?”  
 The researcher : “You are the one who drags me here. So, don’t treat people carelessly, moreover the TKI are often being blackmailed here.”  
 The officer : “I’m really sorry, sir.” (handing over my research letter nervously).

This vivid experience made the researcher more aware of how fragile the protection for Indonesian DWs really is and how weak their position is, the majority of whom are women. The researcher experienced this incident directly, not from a book or newspaper report.

## **2. Transportation management**

The interview result with respondent “E” is presented below:

I wonder why Indonesian DWs who have been helpful to Indonesia are squeezed by the irresponsible (some) government officials. Transportation provided in Soekarno-Hatta airport is misused and becomes an area to squeeze Indonesian DWs. I often get a report that Indonesian DWs have paid double the common transportation costs.

### **3. Administration service centre**

Below is part of the interview with respondent “F”:

For the country that has a strong determination to protect migrant workers, especially during the returning process, it should have cross-check data between the government representative in the destination country and the central government. It is important to see the flow of Indonesian DWs return and the detection of every possible problem done well, then it can curb Indonesian DWs’ suffering during the returning process. Unfortunately, the KTKLN, which is the identity card to work overseas, cannot be connected well to the data collection system in the destination country during the returning process.

### **4. Advocacy and law services support**

The statement below provides views of respondent “J”:

Based on the practice in the field, the number of Indonesian DWs who are victims of exploitation, abuse and human trafficking overseas keeps increasing every year. There is only 20% - 30% of Indonesian DWs who dare to report to the government or non-states actors, and 70% - 80% of Indonesian DWs do not dare to report because they are afraid of the threat by agents or the government officials.

### **5. Coordination with non-state actors**

The interview with respondent “G” revealed something of the role of NGOs as follows:

It seems the Indonesian government has little coordination with non-state actors. The government cannot investigate many cases, such as, for example, inflicting the death penalty on the person(s) who exploited and trafficked DWs in the recruitment and deployment processes. The return of Indonesian DWs’ corpses to Indonesia, *Jamsostek* (insurance) is not accepted by Indonesian DWs, and many other cases, including the shelter provided to Indonesian DWs who have been victims of whipping in Malaysia. If the cases are severe, the Indonesian government will call us immediately.

### **6. Training and re-migration management**

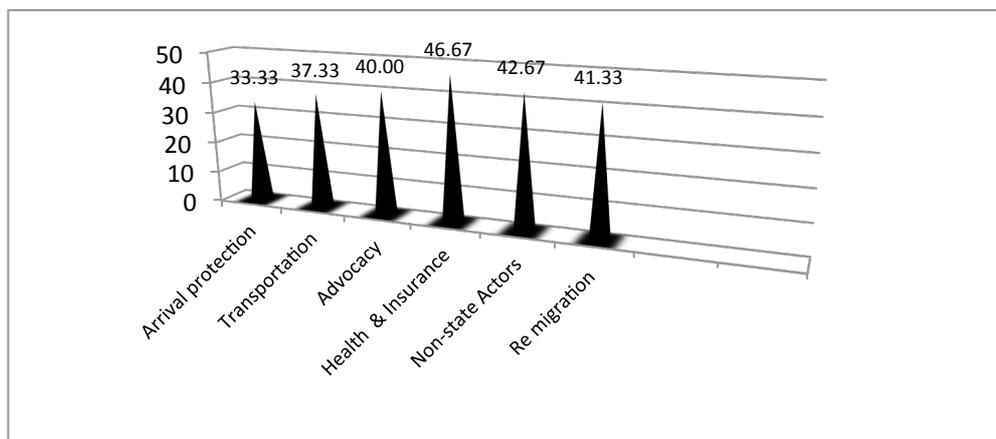
The interview result with respondent “E” on this subject is shown below.

The Indonesian government pays little attention to the fate of Indonesian DWs who will re-migrate to Malaysia or other destination countries. The government does not tend to have the right concept in

re-organising Indonesian DWs that have already migrated. Therefore, many Indonesian DWs find it difficult to re-migrate, for example many of them have to repeat the administration process from the beginning with the same cost. The worst thing is Indonesian DWs have to be the victims of debt bondage. It happens because Indonesian DWs do not have enough money and finally they borrow some money from the agents. I often see Indonesian DWs who migrate more than three times, but they are still poor and tied up in endless liabilities.

### **The Weakest Points of the Indonesian Government’s Protection during the Returning Process**

The results of the questionnaire completed by fifteen respondents, ten from Indonesia, two from Singapore and three from Malaysia, are provided with respect to the six perspectives of labour protection management of Indonesian DWs conducted by the Indonesian government in the returning process.



**Figure 5.20: The Weakest Points of the Indonesian Government’s Protection during the Returning Process**

Figure 5.20 shows the result analysis on the weakest points of labour protection management in the returning process.

1. Arrival protection (33.33%)

Arrival protection is the weakest labour protection management issue. Respondents believe that the Indonesian government does not make a strong effort to protect Indonesian DWs at the Arrivals (especially at the airport).

2. Transportation management (37.33%)

The second weakest issue is transportation management. There are Indonesian DW victims of bad transportation management.

3. Advocacy (40%)

The third weakest issue is that there is no serious advocacy for Indonesian DWs who have problems after returning.

### 5.6 Unequal Conditions of Indonesian DWs vs. Filipino DWs in the Pre-Departure and Returning Processes

Due to the weakness of labour protection management of the Indonesian government in the pre-departure process, Indonesian DWs suffer bad treatment, abuse and unequal conditions. The unequal conditions Indonesian DWs experience during the pre-departure process compared to Filipino DWs are shown in Table 5.15.

**Table 5.15: Conditions of Inequality of Indonesian DWs vs. Filipino DWs in the Pre-Departure Process**

Indonesian DWs	Filipino DWs
<b>Treatment</b>	
1. Minimum information of recruitment and their rights	Appropriate information
2. Mostly identity fraud	Little or no identity fraud
3. Mostly debt bondage	Little or no debt bondage
4. Imprisonment in the shelter	Little or no imprisonment in the shelter
5. Mostly not enough training	Appropriate training
6. Not enough food and health facilities	Enough Food and Health Facilities
7. Mostly no copy of work contract document	Hold copy of work contract document
<b>Abuses</b>	
8. Some experienced sexual abuse	Little or no sexual abuse
9. Some experienced physical abuse	Little or no physical abuse
10. Some experienced verbal abuse	Little or no verbal abuse
11. Some experienced human trafficking	Little or no human trafficking

Source: Interview with Respondents

The unequal conditions of Indonesian DWs vs. Filipino DWs during the returning process are as follows:

**Table 5.16: Conditions of inequality of Indonesian DWs vs. Filipino DWs during the Returning Process**

No	Indonesian DWs	Filipino DWs
<b>Inequality Abuses</b>		
1	Some experienced sexual abuse in the airport	Little or no sexual abuse
2	Some experienced mental abuse in the airport	Little or no mental abuse
<b>Inequality Treatment</b>		
3	Some blackmailed by <i>calo</i> or some officials in airport	Little or no blackmail
4	Mostly get the difficulties of insurance claim	Little difficulties of insurance claim
5	Mostly have difficulties of problems report after returning	Little problems reported
6	Some still have debt bondage after returning	Little debt bondage
7	Some victims died	Few victims died

Having provided all the results of empirical findings, an explanation will be provided to show the role of non-state actors in the pre-departure and returning processes and their role in pushing the Indonesian government for more rights for Indonesian DWs.

### 5.7 The Role of Non-State Actors

Indonesian NGOs have become the actors struggling for migrant workers' rights, such as providing technical support or legal support when they get into trouble. Advocacy in Indonesia, especially towards Indonesian DWs in and out of the country, is performed by NGOs rather than trade unions (Ford, 2004). The majority of campaigns undertaken by non-state actors in Indonesia is for the purpose of curbing and fighting the exploitation of Indonesian DWs through the campaign for the United Nations International Conventions on the Protection of the Rights of All Migrant Workers and Members of their Families and the correction of labour laws (Ford, 2004). Finally, through the NGO's efforts (protests and negotiations with the Indonesian government), Indonesia ratified the

convention (United Nations International Conventions on the Protection of the Rights of All Migrant Workers and Members of their Families) in 2012.

In the Megawati era, due to the insistence of non-state actors, the Indonesian government finally formulated National Law No. 39/2004, although it has many weaknesses. Non-state actors continuously lobby about the importance of protection for migrant workers and the significance of ratification of International Convention C189, and the revision National Law No. 39/2004. The efforts of NGOs were responsible for the revision of National Law No. 39/2004 which was already supported by the House of Representatives in 2012, and now in 2013 the national law will be amended. NGOs in the Susilo Bambang Yudhoyono era, also pushed the Indonesian government to revise the MOU with Malaysia, with the result that in June 2011, Indonesia and Malaysia revised the MOU.

Furthermore, several concrete efforts are being made by non-state actors in Indonesia to assist Indonesian DWs during the pre-departure process, as can be seen in Table 5.16 (based on interviews with respondents).

**Table 5.17: Programs and Contribution of Non-State Actors in the Pre-Departure Phase**

No	Programs	Name of Non-State Actors	Lack of Implementation/ Programs
1	Providing information	Migrant Care, KSBSI, Solidaritas Perempuan, ILO Jakarta, IOM Jakarta, ACILS, ICMC	No integrated program of curriculum based on local knowledge related to the importance of migration information for the students of middle school, and high school in rural areas, especially through the cooperation with the Ministry of national education.
2	Training	The Institute for Ecosoc Rights, Solidaritas Perempuan, ILO Jakarta, IOM Jakarta	No training that is organised well and nationally based.
3	Advocacy	Migrant Care, KSBSI, Solidaritas Perempuan, ILO Jakarta, IOM Jakarta, ACILS, ICMC	No national power advocacy centre.
4	Research	Migrant Care, The Institute for Ecosoc Rights	The need for one research institute to unify NGOs.
5	Advisor to government	Migrant Care, Solidaritas Perempuan, ILO Jakarta, IOM Jakarta, ICMC	The need for NGOs to be involved in providing some suggestions for government.

Table 5.17 indicates clearly that NGOs can assist Indonesian DWs and reduce their suffering during the pre-departure process. This assistance ranges from providing information to villages, training, and advocacy for Indonesian DWs who escape from the training centre. Other support is given such as providing suggestions and input for government, especially in revising policy and migration law. Some weaknesses of the NGOs are as follows:

1. Lack of coordination with Ministry of National Education.

There is a lack regarding the spreading of information through schools – or with the program of “*muatan local*”, or information provided regularly and in cooperation with the program of *Kuliah Kerja Nyata* (the program where final year Indonesian university students must go to a region or rural areas and give information, knowledge and make other contributions to Indonesian people in the rural areas). This program can be coordinated with the program of spreading information to minimise Indonesian DWs’ exploitation.

2. Lack of regular training at the national level.

3. Lack of a centre for advocacy in Jakarta and in the regional areas (*kabupaten*).

4. Lack of a centre for research on Indonesian DWs in Jakarta.

5. Lack of a centre for information and assisting the government.

Table 5.18 presents the pattern of assistance and contribution of non-state actors in the returning process.

**Table 5.18: Programs and Contribution of Non-State Actors in the Returning Process**

No	Programs	Name of Non-State Actors	Lack of Implementation/ Programs
1	The assistance information in the arrival place (Terminal 4, Soekarno-Hatta airport)	Migrant Care, Solidaritas Perempuan, ICMC.	Has not been integrated with support program of information, support in Soekarno-Hatta airport or other arrival places, thus it should be able to curb the suffering of TKI who become the victims of <i>calo</i> or irresponsible officials.
2	Advocacy	Migrant Care, KSBSI, Solidaritas Perempuan, ILO Jakarta, IOM Jakarta, ACILS, ICMC.	No power of national advocacy centre post-return.
3	Research	Migrant Care, the Institute for Ecosoc Rights.	Required cooperation between the research results of NGOs, government and the universities/colleges.

Based on Table 5.18, it is apparent that there are still many weaknesses in the action of NGOs, especially central advocacy and research about the post-returning process with regard to economic development for Indonesian DWs in particular. The studies conducted by NGOs can be coordinated with the work of the government and that of universities and colleges (information exchange). There is also the lack of a centre for information and support during the arrivals because of lack of finance, and because it is difficult to get the necessary permission from the Indonesian government to assist TKI when they arrive. To summarise the following weaknesses can be identified:

1. Lack of information and a centre for information in Arrivals at the Soekarno-Hatta airport or other places.
2. Lack of a centre for advocacy after the returning of Indonesian DWs.
3. Lack of a centre for research and cooperation with universities or the government.

## 5.8 Summary

Poverty, unemployment and gender inequality are the main factors for migration from Indonesia. Interestingly, for the development of macro economy and as a specific strategy for development to alleviate poverty and unemployment, Indonesia became a labour brokerage state. Today, Indonesia is the second most important state after the Philippines, that sends domestic workers abroad in the Southeast Asian region. The favourite destinations for Indonesian DWs are Singapore and Malaysia.

In the Reformation era (1999 - 2013), the Indonesian government's preparation for sending domestic workers abroad seems less than ideal and the government appears to be less than serious in protecting and improving the management of sending domestic workers abroad, compared to Philippines. The five weakest aspects of labour protection management are firstly that Indonesia does not have a specific law for protecting Indonesian DWs, secondly that the Indonesian government does not provide adequate training for the Indonesian DWs, thirdly there is no serious effort to ratify C189 and other important conventions, fourthly there is no serious effort to make strong law enforcement, and, finally Indonesia does not have a strong MOU with destination countries. This labour protection management is in contrast with the conditions of Filipino domestic workers, who get better protection during the pre-departure process through their pro-active government regulation, where the Philippines government pays more attention, and makes serious attempts, to regulate and protect the management of domestic workers. The suffering of Indonesian DWs seems to be continuing because they are put in a weak and vulnerable position in destination countries, as discussed in the following chapter.

After returning to Indonesia, Indonesian DWs still have to deal with difficult situations, ranging from blackmail committed by the airport officials to the slow process of reporting problems. This is because the labour protection management of the Indonesian government is still not sufficient to cover the problems of Indonesian DWs, such as no serious arrival protection, poor transportation and inadequate advocacy.

The role of non-state actors is significant with regard to covering the problems of Indonesian DWs in the pre-departure and returning processes. Some NGOs have branches in the destination countries, such as in Malaysia and Singapore. Yet, because of limitations of funding and resources, non-state actors in Indonesia cannot handle all the problems of Indonesian DWs. Interestingly, slowly but surely, NGOs in Indonesia have brought the Indonesian government (through some protests and negotiations) to follow the standards of International organisations, such as the already ratified The United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2012, and have pushed the Indonesian government to revise the MOU with the Malaysian government in 2011. Now, NGOs are pursuing the Indonesian government to revise National Law No. 39/2004 in 2013.

## **CHAPTER SIX**

### **INDONESIAN DOMESTIC WORKERS IN SINGAPORE: 1978 - 2012**

#### **6.1 Introduction**

Chapter Six provides an overview of Indonesian DWs' migration to Singapore, the migration management of the Singaporean government towards Indonesian DWs and the work conditions and rights of Indonesian DWs compared to Filipino DWs. Furthermore, this chapter presents the role of International NGOs and local NGOs in minimising the gap in Singapore's policies.

This chapter presents the labour protection management of Indonesian DWs conducted by the Singaporean government through the empirical findings of the media analysis, interviews and questionnaire. The reaction from the Singaporean government and the Indonesian Embassy regarding the problems of Indonesia DWs in Singapore will also be provided in the last section of this chapter.

#### **6.2 An Overview of Indonesian DWs' Migration to Singapore**

Singapore experienced structural change consistent with the gradual shift from agricultural to non-agricultural activities (1965 to 1977) and from industry to service (1978 to present). There was also a second shift in the occupational status of the labour force away from agricultural and related non-agricultural activities toward the manufacturing and service industries. The third was the changing economic role of women in the economy, reflecting a shift away from the informal sectors of the economy to the formal, paid sectors. These three features were interrelated and corresponded with economic globalisation and the country's increased integration into the international economy.

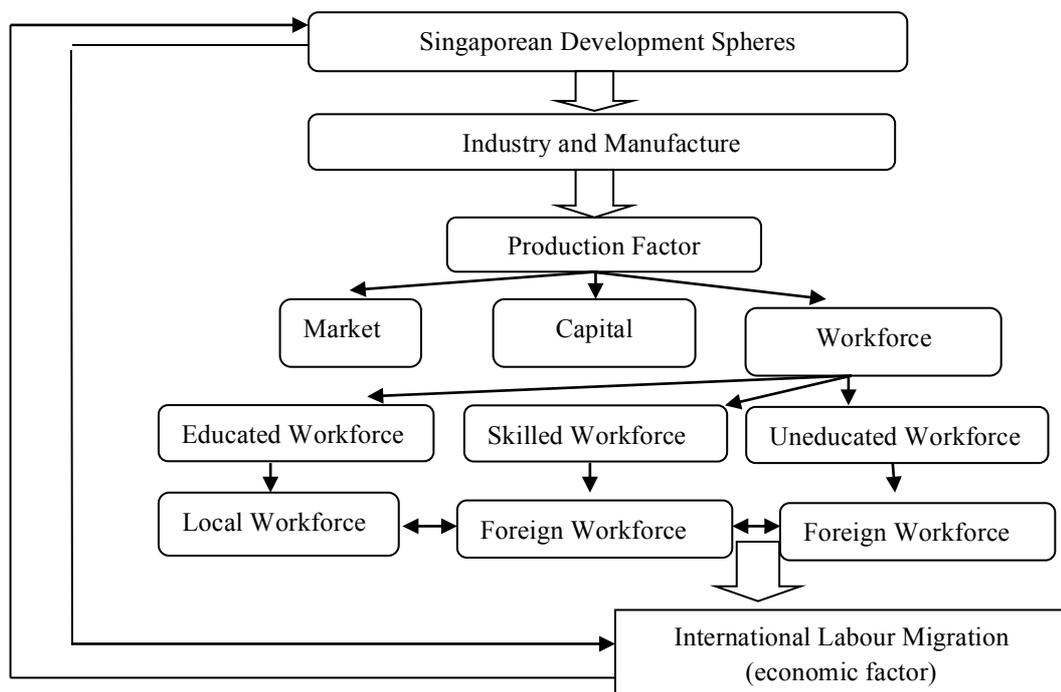
### **6.2.1 A brief history**

In 1978, Singapore introduced the Foreign Maids Schemes, which made it possible for women from the Philippines, Indonesia, Thailand, Burma, Sri Lanka, India, and Bangladesh to enter Singapore as “live-in” DWs (Wong, 1996; Asian Development Bank/ADB, 2006). The migrant domestic worker population grew to 24% of the total labour force in Singapore (ADB, 2006). These data partly reflect an increase on the dependency of *documented* DWs. Before 1978, women also migrated to Singapore as DWs, but these older migrations were largely not registered. A high income is necessary to live in Singapore due to the high cost of living, therefore, the Singaporean women began to prioritise the need to participate in the public sector rather than the domestic sector because they were afraid of losing their careers (Devasahayam, 2012, p. 4). The Ministry of Manpower believes that keeping Singaporean women in the labour force will contribute to Singapore’s economic growth, as they are crucial for the continued advancement of this country (Teng, 1999; Chin, 2008; Nehrling, 2010). This condition has caused a double burden for Singaporean women. This double burden is reflected in their roles in their careers and domestic chores. Because of this, Singaporean women prefer to hand over the domestic chores to maids. In brief, the participation of Singaporean women in the public workforce has created a gap in the domestic sector and childcare tasks that were originally handled by these women.

In this study, the researcher agrees with the significant role of DWs in the Singaporean economy as stated by Teng (1999), Chin (2008) and Nehrling (2010). It is believed that the foreign DWs who fill the gap in the labour shortage in the domestic sector will contribute to maintaining Singapore’s economic advancement. This is supported by ADB (2006), which illustrates that the Singaporean economy would be paralysed by the absence of DWs, because their presence has released the Singaporean women from domestic duties and allowed them to remain in the formal workforce. Therefore, the researcher is also in line with Oishi (2005) and Chew and Chew (2008), who see that to keep the

Singaporean women in the formal labour force, Singapore has built a high dependency on DWs. However, the vulnerable condition of DWs does not reflect their significance in the Singaporean economy (Huang & Yeoh, 1996).

The migration of a workforce to Singapore became an important policy in the development of the industrial sector. This because the economic development accompanied by an adequate local workforce in Singapore, as illustrated in Figure 6.1.



**Figure 6.1: The Industrial Spheres of Singapore and International Labour Migration**

Source: The researcher

### 6.2.2 The number and origin of Indonesian DWs

As an illustration of the number of migrant workers in Singapore since 1960, the macro picture is presented in Table 6.6 of Indonesian, Filipino, Sri Lanka and Bangladeshi workers in Singapore.

**Table 6.1: The Number and the County of Origin of Migrant Workers in Singapore by Gender**

Year	Indonesia		The Philippines		Sri Lanka		Bangladesh	
	Female	Male	Female	Male	Female	Male	Female	Male
1960	11363	14581	98	104	691	1165	130	102
1970	12014	14933	3852	4467	243	282	1168	1354
1980	13295	13730	2309	2574	263	414	2196	3834
1990	152	9455	919	263	412	797	3014	5835
2000	39419	20133	2219	1572	1 470	147	12651	23067
2006	28634	27	3520	877	858	96	Na	Na
2007	37408	88	2560	1121	845	102	Na	Na
2008	21782	25	2687	1424	836	243	Na	Na
2009	33059	18	2621	994	816	210	17450	31326
2010	27919	26953	78000	43788	155	886	75	58582
2011	40851	6930	88752	47292	889	187	Na	Na
2012	16639	3791	Na	Na	Na	Na	Na	Na

**Sources:**

- a) Global Bilateral Agreement. (<http://databank.worldbank.org/data/views/reports/tableview.aspx>)
- b) <http://www.bnp2tki.go.id/statistik-penempatan/6758-penempatan-berdasarkan-jenis-kelamin-2006-2012.html>
- c) United Nations, Department of Economic and Social Affairs (2012). Trends in International Migrant Stock: Migrants by Destination and Origin (United Nations database, POP/DB/MIG/Stock/Rev.2012). <http://esa.un.org/MigOrigin/>
- d) BNP2TKI. Penempatan Berdasarkan Jenis Kelamin (50 Besar Penempatan per Tahun Berdasarkan Jenis Kelamin. <http://www.bnp2tki.go.id/statistik-penempatan/6758-penempatan-berdasarkan-jenis-kelamin-2006-2012.html>. Retrieved on 3 April 2013
- e) [http://www.poea.gov.ph/stats/Skills/Country\\_Skill\\_Sex/rptPerCtyPerSkill%202000.pdf](http://www.poea.gov.ph/stats/Skills/Country_Skill_Sex/rptPerCtyPerSkill%202000.pdf);  
[http://www.poea.gov.ph/stats/Skills/Country\\_Skill\\_Sex/rptPerCtyPerSkill%201995.pdf](http://www.poea.gov.ph/stats/Skills/Country_Skill_Sex/rptPerCtyPerSkill%201995.pdf);  
[http://www.poea.gov.ph/stats/Skills/Country\\_Skill\\_Sex/rptPerCtyPerSkill%202005.pdf](http://www.poea.gov.ph/stats/Skills/Country_Skill_Sex/rptPerCtyPerSkill%202005.pdf);  
[http://www.poea.gov.ph/stats/Skills/Country\\_Skill\\_Sex/rptPerCtyPerSkill%202004.pdf](http://www.poea.gov.ph/stats/Skills/Country_Skill_Sex/rptPerCtyPerSkill%202004.pdf);  
 (Philippine Overseas Employment Administration. <http://www.poea.gov.ph/>)
- f) <http://www.census.gov.ph/sites/default/files/attachments/hsd/specialrelease/Tab4.pdf>, (Number and Percentage Distribution of Overseas Filipino Workers by Place of Work and Sex: 2010 and 2011), National Statistic Office, Republic of Philippines.
- g) United Nations, Department of Economic and Social Affairs (2012). Trends in International Migrant Stock: Migrants by Destination and Origin (United Nations database, POP/DB/MIG/Stock/Rev.2012). <http://esa.un.org/MigOrigin/>
- h) <http://databank.worldbank.org/data/views/reports/tableview.aspx#>
- i) <http://www.slbfe.lk/downloads/annual.pdf>, Sri Lanka Bureau of Foreign Employment.
- j) <http://www.statistics.gov.lk/NCMS/RepNTab/Tables/SLBFE/tab9.pdf>
- k) <http://www.un.org/esa/population/publications/Asianmigration/Asianmigration.pdf>;  
[http://www.cbsl.gov.lk/pics\\_n\\_docs/10\\_publ\\_docs/statistics/other/econ\\_&\\_ss\\_2012.pdf](http://www.cbsl.gov.lk/pics_n_docs/10_publ_docs/statistics/other/econ_&_ss_2012.pdf). (Economic And Social Statistics Of Sri Lanka 2012, Central Bank of Sri Lanka)
- l) Annual Statistical Report of Foreign Employment 2011. Sri Lanka Bureau of Foreign Employment, Research Division.
- m) United Nations, Department of Economic and Social Affairs (2012). Trends in International Migrant Stock: Migrants by Destination and Origin (United Nations database, POP/DB/MIG/Stock/Rev.2012). <http://esa.un.org/MigOrigin/>
- n) <http://www.bmet.org.bd/BMET/statisticalDataAction>, overseas employment in 2012.

Table 6.1 clearly shows that the participation of women in labour migration to Singapore has increased every year. Surprisingly, the number of female migrants had increased and surpassed the number of male migrants in 2010, 2011 and 2012. The latest data in 2012 showed that the participation of Indonesian women in labour migration has risen sharply; it is more than 100% compared to the previous participation.

Statistical data regarding the number of DWs by sending country, such as the Philippines, Sri Lanka and Bangladesh is also provided. Several researchers have reported that in 2011, the number of Indonesian DWs sent abroad was 47.6% larger than the others (Human Rights Watch/HRW, 2005, 2010; Kaur, 2004; Devasahayam, 2010). The number of DWs in Singapore is provided in Table 6.2.

**Table 6.2: The Comparison of the Number of Domestic Workers in Singapore (Indonesia, the Philippines, Sri Lanka and Bangladesh)**

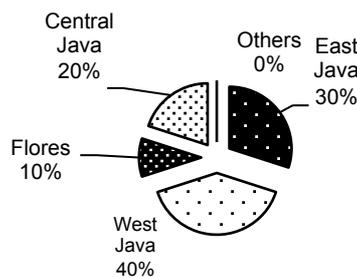
Year	Origin Countries			
	Indonesia	The Philippines	Sri Lanka	Bangladesh
1978	8084	n.a.	n.a.	756
1980	8107	n.a.	n.a.	1809
1990	2882	17 800	n.a.	2654
1995	n.a.	1365	n.a.	n.a.
2000	17 865	1518	n.a.	10 715
2006	8598	45	686	2774
2010	16 461	2848	606	14 632
2011	14 334	2556	618	15 255
2012	6129	2744	501	17 597

Source:

- [http://www.e-mjm.org/2006/v61n5/Pre\\_Employment\\_Medical\\_Examination2.pdf](http://www.e-mjm.org/2006/v61n5/Pre_Employment_Medical_Examination2.pdf) (Pre-Employment Medical Examination of Indonesian Domestic Helpers) Med J Malaysia Vol 61 No 5 Desember 2006.
- Human Rights Watch telephone interview with an official from the Ministry of Human Resources who wished to remain anonymous, Kuala Lumpur, Malaysia, June 24, 2004. See also, Ajitpal Singh, "Centres to train locals as maids," New Straits Times, June 19, 2004.
- Md Mizanur Rahman & Lian Kwen Fee (2009): GENDER AND THE REMITTANCE PROCESS, Asian Population Studies, 5:2, 103-125
- Abella and Ducanes, World Bank, Global Development Finance 2009: East Asia and the Pacific. <http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/EXTGBLPROSPECTS/APRIL/0,,contentMDK:21335782~menuPK:665652~pagePK:2470434~piPK:4977459~theSitePK:659149~isCURL:Y,00.html>, accessed July 2009.
- International Organization for Migration (IOM) (2010b) Labour Migration from Indonesia: An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East. Jakarta: IOM.
- <http://www.poea.gov.ph/stats/statistics.html>/Deployment per Country per Skill per Sex 1993-2011)
- Annual Statistical Report of Foreign Employment 2009. Sri Lanka Bureau of Foreign Employment, Research Division.

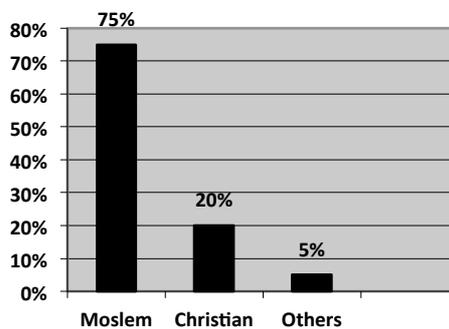
Filipino and Indonesian DWs have dominated the number of DWs in Singapore from 1978 to 2012. However, it is important to note that Table 6.2 shows the domination of Filipino DWs in Singapore, with 76.2% compared to the Indonesian DWs, who only comprised 12.4% in the period before the 2000s. The increase in Indonesian DWs began to outnumber the presence of DWs in Singapore in the period 2000 to 2010.

Furthermore, based on the information from NGOs in Singapore, most of the Indonesian DWs in Singapore come from West Java (40%), East Java (30%), Central Java (20%) and Flores (10%). Figure 6.2 describes the data of Indonesian DWs in Singapore since 2001. While, the percentage of Indonesian DWs in Singapore by religion is reflected in Figure 6.3.



**Figure 6.2: The Composition of Indonesian Domestic Workers' Place of Origin**

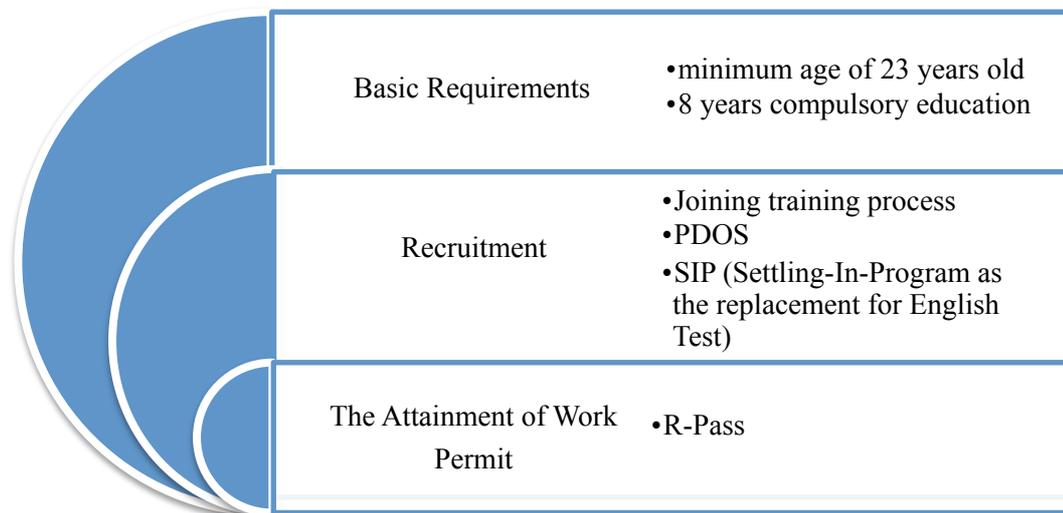
Source: Interview with Respondents



**Figure 6.3: Indonesian Domestic Workers in Singapore by Religion**

Source: Interview with Respondents

Having discussed the number, the origin and the religion of Indonesian DWs in Singapore, a discussion of the requirements for Indonesian DWs to work in Singapore will follow. Figure 6.4 presents these requirements. The figure shows that the Singaporean government requires DW candidate to be a minimum age of 23 years and at least eight years compulsory education. Then, the DWs are obliged to obtain a work permit and join the SIP (Settling-in-Program) and have R pass for the attainment of work permit. The Singaporean government requires (at least) 23 years old DWs in order to avoid psychological distress, because a 23-year-old person is no longer a teenager and they are supposed to have more stable psychological state (interview with respondent “S”).



**Figure 6.4: The Requirements for Indonesian Domestic Workers in Singapore**

Source: The Researcher

The eight years compulsory education that should be attained by the candidate is intended for better attainment and understanding of the knowledge and skills required by the employers. Interestingly, practice shows that the majority of Indonesian DWs who work in Singapore have graduated from high school, with some even having a bachelor degree (interview with respondents “Q” and “R”). The graduates with high school or bachelor degree qualification are willing to work in Singapore temporarily (most of them only work for 2 years) to get the appropriate working experience in Singapore. Their strategy is to be “promoted”

to work in Hong Kong, Macau or Taiwan where the salary is much higher and the protection is likely to be better than in Singapore. Briefly, the working experience in Singapore is no more than a “strategy” to get a better occupation with better working conditions. In practice, most of the recruitment agencies are not willing to offer the DW candidates work in Hong Kong or Taiwan, but they offer Singapore in the first instance (interview with respondents “Q” and “S”).

### **6.2.3 How DWs are recruited and the role of Indonesian brokers**

The Indonesian government has undertaken the deployment of DWs to Singapore since 1978. This was followed by the state policy in Repelita II (1974 - 1979), where the Indonesian government gave the authority for recruiting the Indonesian DWs to the PPTKIS (Private Recruitment Agencies). The agencies in Singapore receive the request for Indonesian DWs from the Ministry of Manpower (MOM) of Singapore, and then this information is relayed to the agencies in Indonesia.

To deploy a domestic worker to Singapore, there are several transportation options; however, air travel is the most favoured by the majority of the agents of Indonesian DWs. Most Indonesian DWs travel to Java by local transport, then they are deployed to Singapore from Terminal 4 in the Soekarno-Hatta airport and arrive in Changi airport in Singapore. DWs from Surabaya and Lombok must go to Jakarta before their departure to Singapore, as almost all of the administration is done in Jakarta.

### **6.3 Singapore’s Governance Policies for Indonesian DWs (and other DWs)**

The governance policies in Singapore are unique. For instance, there is no bilateral agreement or MOU between Indonesia and Singapore regarding the management of migrant workers (Huang, Yeoh & Devasahayam, 2004; Stiftung, 2011, p. 79). The absence of a MOU between Singapore and Indonesia is because Singapore bases migration inflow and demand for migrant workers on the “trend of the market”. Based on this principle, the state passes the whole responsibility of the labour market for migrant workers to the “market”. The “market” here is

liberal, free, and tends to be dominated by, and benefit, capitalists who have money; for example the employer has paid for all the migrant worker's matters, thus the employer is the "master" of the labour market, especially for DWs

### 6.3.1 Governance policies

There are three instruments for regulating the deployment and management of migrant workers in Singapore. The Immigration Act provides the guidelines for dealing with immigration violations and the exercise of prosecutorial judgment for the employer and the illegal migrant workers. The Employment of Foreign Workers' Act regulates the employment pass, work permit and levy system. The Penal Code provides the penalties for unpaid salary and abuses against workers. Recently, Singapore has issued a standard employment contract for DWs, which regulates the requirements and working conditions (Kaur, 2006, 2010).

The Singaporean labour legislation covers skilled and low-skilled migrant workers, but the DWs are still excluded from having a work agreement or minimum work standards and have weak protection (Huang & Yeoh, 1996, 1999; Low, 2001; Huang, Yeoh & Devasahayam, 2004; Chin, 2008; Kaur, 2010).

**Table 6.3: The Singaporean Policies and Regulations**

Year	Regulations	Contents
1958	Employment Agencies Act (1958)	Regulates the employment agencies' obligations related to the employment services provision.
1968	The Employment Act (1968)	Regulates the employees' rights regardless of their nationality. Domestic workers and seafarers are excluded
1987	The Immigration Act of 1987	Regulates the issuance of work permits.
	The Skills Development and Levy Act	Provides training for both, foreign and local workers, but migrant DWs are still excluded.
1995	The amendment of the Immigration Act	Contractors are responsible for illegal migrant workers who are found on the worksite. Employers are subject to heavy fines, and the offenders will be jailed or caned.
2006	Workplace Safety and Health Act (2006)	Regulates the occupational safety and health framework.
2008	Work Injury Compensation Act (2008)	Covers all employees except DWs, self-employed persons, and civil servants.
2009	The Public Order Act of 2009	Requires permits for any "cause-related activity" such as assembly or procession.

Sources:

- a) Elizabeth Ruppert. Managing Foreign Labour in Singapore and Malaysia: Are there lesson for GCC Countries?. World Bank

- b) Singapore. A joint submission by members of Solidarity for Migrant Workers for the 11<sup>th</sup> Session of the Universal Periodic Review, May 2011
- c) Friedrich-Ebert-Stiftung. (2011). Migrant Workers' Rights to Social Protection in ASEAN: Case Studies of Indonesia, Philippines, Singapore and Thailand. the Mahidol Migration Centre, Institute for Population and Social Research, Mahidol University, Thailand.
- d) Hajek, Patricia K. (2004). Migrant Workers in South-East Asia: Economic and Social Inequality in Indonesia, Malaysia and Singapore. University of Central Florida

Table 6.3 shows that there is no legislative concern for the protection of migrant domestic workers in Singapore's policies and regulations, DWs are often excluded from the regulations. The researcher believes that Singapore is a capitalist economy that exploits the DWs, but where there is no significant improvement in regulations that can provide DWs with their basic employment rights as stated in International Convention C189.

The guest workers program is aimed at the professional and skilled migrant workers in Singapore, including the permission to get permanent residency and subsidised healthcare (Kaur, 2010). Most of them come from Malaysia, the United States, Australia, Britain, Japan, South Korea, China and India (Yeoh, 2007). The data provided by Chew and Chew (2008) show that in 2006, 23% of foreign labourers were in the financial and business service sector and 17% were in the trade sector. Before September 1998, migrant workers in Singapore were divided into two categories, employment pass holders (EP) for skilled workers and work permit holders (WP) for unskilled workers (Yue, 2011). And then in 1998, the Singaporean government issued three categories of work permit for P, Q and R classes (Low, 2001). This policy was effective and encouraged the employers to maintain economic conditions in the recession period (Wong, 1997; Verma, 2009).

The Singaporean government has made several improvements to the conditions and the rights that can be obtained by migrant workers in Singapore. The latest policy is the issuance of a work permit with P, Q, R and S passes as presented in Table 6.4.

**Table 6.4: Eligibility Schemes and Conditions for Work-Permit, S-Pass, and Employment-Pass Holders 2012**

Type of Pass	Working Pass	Eligibility	Eligible for Dependant's pass	Eligible for Long-Term Social Visit pass	Subject to Dependency Ceiling	Subject to Foreign Levy
P1	P1	Foreigners whose basic monthly salary is more than S\$8,000.	YES	YES	NO	NO
	P2	Foreigners whose basic monthly salary is more than S\$4,500 and up to S\$8,000.	YES	YES	NO	NO
Q2	Q1	Foreigners whose basic monthly salary is at least more than S\$3,000 and who possess recognised degrees, professional qualifications, or specialist skills.	YES	NO	NO	NO
S3		A category of work pass for mid-level skilled foreigners earning a minimum monthly salary of S\$2,000 introduced in 2004.	YES (if monthly basic salary is equal or more than S\$2,800).	NO	YES (subject to a sub-quota of up to 25%)	YES (ranges from S\$160/US \$123 to S\$250/US \$192 per month)
R4 (Work Permit)		Work pass issued to a skills qualified or unqualified foreigner below 50 (non-Malaysian) or 58 (Malaysian) years of age, who earns a monthly basic salary of not more than S\$2,000.	NO	NO	YES (subject to quotas of up to 87.5%)	YES (ranges from S\$160/US \$123 to S\$470/US \$362 per month)

Source: Migration Policy Institute (2012).

Table 6.4 explains that the holders of work permit code R (including DWs) are being discriminated against, that is, they are not allowed to be pregnant and they are not given sufficient health care and medicine (Huang & Yeoh, 1996, 1999; Yeoh, 2003; Nehrling, 2010). On the other hand, the work types of unskilled migrant workers are denied the right to have rest days and pregnancy leave during their employment.

The Singaporean government focuses on the development of “talent capital” in the global economy by strengthening a highly skilled workforce and undertaking investment in information technology and human capital to succeed in the global era. To reach these objectives, Singapore has liberalised some migration policies

by restricting the entrance of low-skilled migrant workers and facilitating the entry of skilled migrant workers. Facilitation and relief are also given to skilled migrant workers, such as with housing, accommodation and other needs. Highly skilled workers hold P, Q or S employment passes and can gain significant benefits.

The other mechanism for regulating migrant workers in Singapore is the issuance of work permits. A two year work permit is issued for migrant workers under several circumstances: they are not allowed to marry Singaporeans or become pregnant (Wong, 1997; Yue, 2011), they must undergo a medical checkup, and the employers pay a security bond of S\$5000, which is forfeited if the domestic workers fails to fulfill those conditions (Huang & Yeoh, 1996, 1999; Yeoh, 2003; Nerhling, 2010). However, the researcher believes that the issuance of work permit, brings not only a privilege for migrant DWs, but also restriction on DWs. This policy allows the employers to exert “excessive control” over their foreign domestic workers (Huang & Yeoh, 1996; Transient Workers Count Two/TWC2, 2011), where some of them are imprisoned in the employer’s house.

Yeoh (2007) asserts that unskilled migrant workers are not allowed to bring their families or to marry Singaporeans. This regulation is in contrast to skilled migrant workers. In 2006, the Prime Minister, Lee Hsin Loong, promoted migration for the skilled and talented as a long-term strategy, and Singapore has a high dependence on migrant workers. Yet, based on the report by several NGOs, the well-being of unskilled migrant worker is ignored, and they experience many forms of abuse (Brooks, 2006, p. 59; *The Straits Times*, 27 June 2010; *Today*, 7 July 2010).

However, foreign DWs are still excluded from the Employment Act. This is not due to their status as “non-citizens”, but because of the “nature of their work”. They are invisible, thus it is difficult to define their duties, working hours and other circumstances. In addition, they are viewed as aliens who play no part in public life and have no place in the civil arena. The employment relations of DWs

are governed by non-market affinities since their employment is private. Therefore, the Singaporean government leaves the DWs wages and other circumstances to the free market (Huang &Yeoh, 1996, 1999; Huang, Kaur, 2013). Furthermore, Singapore’s priority is to generate growth and wealth, thus it focuses on competitiveness against the global market rather than on the protection of the low-skilled sectors (Low, 2001; Battistella, 2002; Chin, 2008). Besides that, low-skilled migrant workers in Singapore, including DWs are charged tax and they have no access to the facilities like medical treatment obtained by skilled workers.

### 6.3.2 Work conditions and rights of Indonesian DWs

According to the interviews with the respondents, it can be concluded that the workload of the majority of the Indonesian DWs in Singapore involves handling the household chores, and caring for children and the elderly. The complete workload of Indonesian DWs can be seen in Table 6.5.

**Table 6.5: A typical workday of Indonesian DWs in Singapore**

<b>Working Hours</b>	<b>Types of work</b>
05.00 – 07.00	Preparing breakfast for the employers, helping the children to prepare for school and feeding the pets.
07.00 – 09.00	Washing clothes and cleaning the house.
09.00 – 12.00	Lunch preparation, cleaning the glass windows in high building, etc.
12.00 – 14.00	Preparing lunch, feeding the children or caring for the elderly and feeding the pets.
14.00 - 16.00	Cleaning the kitchen ware, taking care of the laundry, ironing, preparing the baths water for the children, employers and elderly.
16.00 - 18.00	Bathing the children, helping to clean and bathe the elderly and bathing the pets.
18.00 – 20.00	Preparing the supper and cleaning the living room, etc.
21.00 – 24.00	Clearing the dining table, washing the dishes, and sometimes assisting employers’ with business in their shop or other business place.

Source: Interview with Respondents

The conditions of Indonesian DWs in Singapore are poor and they do not get their rights. The disparity in wage level in Singapore is very distinct. The wage of DWs is only 4 - 5% of the total wage of skilled workers. Therefore, it is possible for the

employers (including Singaporean citizens and skilled migrant workers) to use the services of Indonesian DWs by abusing them and replacing the DWs before their employment contract expires, a practice which is related to sexual and physical abuse (interview with respondent “Q”).

Indonesian DWs become victims of abuse since employers are angry when DWs could not operate washing machine and not sufficient in mastering English.) Filipino DWs get a higher salary and better labour terms and conditions compared to Indonesians, because Filipino DWs have better education, and a well-established network and support system. Indonesia still has lack of choice in improving the maids’ skills (ADB, 2006; Ananta, 2009).

The statement above is also supported by the Human Rights Watch/HRW (2010, p. 4), which cites Singapore as country that abuses DWs compared to Malaysia and the other Gulf countries. However, the HRW has not researched the relationship between the wage rate and its influence on the abuse and the researcher has made further reporting to complement that HRW report. Parreñas (2000, p. 562) and Yeoh et al., (2005, p. 2) also support this idea by saying that the Singaporean women have high education and good careers, thus they may can “buy” DWs or replace them easily.

Hsia (2009) and Piper (2010) assert that DWs are treated badly or they are not treated based on the standard employment regulations set out by the International Labour Organization/ILO and this proves that Singapore has politicised the DWs’ role, seeing them not as development actors but as merely the victims of the free market system in Singapore. The researcher has found that the salary of migrant DWs in Singapore is higher than in Malaysia, but the stress level is also higher because they cannot escape the abuse since they are living in high-rise apartments. In addition, the number of the Indonesian community in Singapore is smaller than in Malaysia (interview with respondent “R”).

DWs are treated badly or they are not treated based on the standard employment regulations set out by the International Labour Organization/ILO and this proves

that Singapore has politicised the DWs' role, seeing them not as development actors but as merely the victims of the free market system in Singapore. The researcher has found that the salary of migrant DWs in Singapore is higher than in Malaysia, but the stress level is also higher because they cannot escape the abuse since they are living in high-rise apartments. In addition, Singapore has not signed Convention No. 97 (Migration for Employment, Revised) and Convention No. 143 (Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers). This is because the Singaporean government considers that foreign DWs are no more than a transient labour supply; thus it is sufficient to regulate them through labour and immigration laws (Huang, Yeoh & Devasahayam, 2004). Furthermore, most of the Indonesian DWs in Singapore are still unaware of their employment rights due to lack of information, and so become the victims of abuse easily (Friedman, 2011, p. 193).

Most of the Indonesian DWs do not have one day off, and based on the interview with the respondents in Singapore, more than 70% of Indonesian DWs cannot enjoy the telephone at home. Once they are imprisoned at home, they will lose their freedom of movement and they will find it difficult to seek any assistance if abuse happens.

### **Unequal Conditions of Indonesian and Filipino DWs**

The Philippines government gives more serious attention to Filipino DWs in Singapore. For instance, their Labour Attaché is ready "24 hours" to help Filipino DWs who have problems in the workplace. Filipino DWs can call the special number in the Philippines Embassy directly, but Indonesian DWs do not have "authority" to call the Indonesian Embassy, because they are banned by the employer. The Philippines government is also more active in giving more protection to Filipino DWs, such as preparing their work contracts well, providing qualified training before the DWs go to Singapore and additional training in the Philippines Embassy. If there is a serious problem, the Philippines government coordinates with the House of Representative in Manila and "together" lobby to

the Singaporean government, for instance, in situation such as rape, murder etc. Because of better attention and support from the Philippines government, the Singaporean government gives “more” attention to Filipino DWs’ rather than Indonesian DWs. Furthermore, based on the interviews conducted in Singapore, Table 6.7 shows clearly the conditions of inequality of Indonesian DWs compared to Filipino DWs in Singapore.

**Table 6.6: Conditions of Inequality of Indonesian DWs vs. Filipino DWs in Singapore**

No	Indonesian DWs	Filipino DWs
<b>Inequality of Treatment</b>		
1	Most of them do not hold their passports.	They can hold their passports.
2	Most of them do not have freedom of movement.	They have freedom of movement.
3	Most of them do not have one dayoff.	Most of them have one dayoff.
4	Most of them do not have freedom of religious worship.	Freedom of religious worship (e.g. they can go to the church every Sunday).
5	Most of them cannot have a mobile phone.	Most of them could have a mobile phone.
<b>Inequality of Work Conditions</b>		
6	The salary is one-third of Filipino Migrant DWs US\$400 . Mostly, the recruitment agent reduce their salary for 8–12 months. And sometimes they do not get their salary after 10 months work.(wage exploitation).	The salary is based on the contract (agreement)US\$400 and little or no cutting of salary.
7	Most of them work hard for more than 16 hours (from 05.00 am – 21.00 pm) a day.	Their work is based on the contract (normally maximum 12 hours).
8	Many Indonesian DWs sleep on the floor and get insufficient food and health facilities.	Mostly they sleep in a bedroom and get sufficient food and health facilities.
<b>Abuses and Human Trafficking</b>		
9	Many of them face sexual abuse by their recruitment agencies and their employers.	Little sexual abuse.
10	Many of them receive physical abuse from their recruitment agency and their employers.	Little physical abuse.
11	Many of them face verbal abuse (being shouted at by their employers or recruitment agency).	Little mental abuse.
12	Some of them experienced human trafficking	Little human trafficking

Source: Interview with Respondents

To deal with the problems of Indonesian DWs and other DWs in Singapore, many NGOs also contribute to fill the gaps in the Singaporean government's policies, as will be described in the next section.

#### **6.4 The Role of INGOs and NGOs (Singapore and Indonesia) and Minimisation of Identified Gaps**

The non-state actors in Singapore, both International NGOs and local NGOs, work together to eliminate the gaps in the Singaporean government's policies regarding the protection of Indonesian DWs. It is important to see more clearly regarding the struggling of NOGs to give more protection of DWs in this state.

##### **6.4.1 International NGOs contributions**

Human Rights Watch/HRW (2005) has published a report entitled *Maid to Order: Ending Abuses against Migrant DWs in Singapore*, in which many instances are given of the lack of maids' rights and several examples of ill-treatment committed by the employer and the government against Indonesian, Filipino and Sri Lankan DWs. The study conducted by the HRW (2005) examined several abuse cases of Indonesian DWs in their workplaces in Singapore, such as death, forced confinement, unpaid wages, exorbitant debt payments, poor working conditions, physical abuse, sexual abuse, mistreatment, restrictions on religious freedom and restrictions on reproduction and Marriage Rights.

As reported by the HRW (2005), between 1999 and 2005, there have been 147 recorded cases of DWs' deaths in Singapore, and 122 of them were Indonesian DWs.. These were caused by working accidents or suicide from jumping off high buildings. One of these violent cases happened to Lilis Sriyatun, who was tortured by her employer, Soh Meiyun (26 years old), by scratching her back with a hot spoon and needle. She was beaten on the head, back and thigh because her employer, whom she had only been working for two weeks, was angry when Lilis

cleaned the washing machine. The employer was eventually sentenced to 16 months of confinement (*The Straits Times*, 11 December 2012). The HRW also reported that the standardisation of protection in the form of legalisation of working conditions for migrant workers has been carried out by several receiving countries, including Singapore. But there are still many cases of abuse experienced by migrant workers, such as discrimination and a discrepancy between the domestic sector and other sectors, as well as the problem related to the discrimination of international society in this country. The implementation of a standard contract, extending DWs' rights, and the policies and social norms which are suitable and proper to be provided for DWs (HRW, 2010, p. 24).

Specifically, the researcher believes that after the Singaporean government received that report by the HRW in 2005, it seemed to register a "little shock", but there was no further significant action toward the protection of DWs in Singapore until 2013. At the end of 2011, there was a massive demonstration by local NGOs, such as the Humanitarian Organization for Migration Economics/HOME, Transient Workers Count Two/TWC2, Indonesian Family Networks/IFN and other civil society actors that were concerned about the fate of DWs in Singapore. They insisted that the Singaporean government should provide one day off and freedom of movement for migrant domestic workers. Therefore, it can be concluded that the Singaporean government is very slow in their effort to protect migrant DWs see HRW, (2010): *Slow Reform Protection of Migrant DWs in Asia and the Middle East*.

Other INGOs, such as CARAM Asia and Amnesty International, also made a significant contribution to understanding the situation of Indonesian DWs in Singapore. Yet, mostly, they focus on the accidents of the Indonesian DWs, but are not connected with the "integrated management system" for protection of Indonesia DWs. The most important aspects of integrated labour protection management will be discussed in the last part of this chapter.

The treatment of DWs in Singapore has raised international criticism related to the abuses and the violation of human rights (Brooks, 2006, p. 59). The insistence of NGOs has forced the Singaporean government to control the employment of guest workers. The recent movement addressing the abuse against DWs has resulted in the campaign by NGOs in Singapore, well-known as the “Day-Off Campaign” (Nehrling, 2010). This insistence was considered by the Ministry of Manpower, and MOM announced that DWs will get a weekly day off from the beginning of 2013 (HRW, 2013). To avoid any psychological problems of working overseas and also employers’ complaints, MOM has introduced a minimum age of 23 years, proficiency in English speaking and formal education of eight years for foreign DWs (UNDP, 2002; Friedrich Ebert Stiftung, 2011: p. 80; MOM, 2012).

The critics from the United Nations/UN, through UN Global Initiatives to Fight Human Trafficking/UN-GIFT (2012) and the report of TIP (Trafficking in Persons) 2000 - 2012, have shown that Singapore has made no significant improvements to protect migrant workers, especially from exploitation and human trafficking. The US State Department placed Singapore at Tier 2 on its watch list in 2012, which means this country had no strong determination to protect its citizens and foreign citizens working in Singapore from human trafficking and exploitation. The critics from the International NGOs, from the ILO and the United Nations have urged Singapore to ratify the international convention and formulate regulations on the protection of DWs.

Interestingly, the insistences of the HRW towards the Singaporean government as well as its recommendations are only slowly being responded to by the Singaporean and Indonesian governments.

#### **6.4.2 Contributions of local NGOs in Singapore and Indonesia**

The local NGOs in Singapore (HOME, TWC2 and IFN), as well as the NGOs in Indonesia, such as Migrant Care, Solidaritas Perempuan and the Institute for Ecosoc Rights, play an important role in assisting with the monitoring of the Singaporean and the Indonesian governments’ attitudes and practices towards

Indonesian DWs who work in Singapore. The main role of NGOs is to assist the Indonesian DWs who experience abuse and exploitation by providing shelter. Furthermore, the local NGOs in Singapore have organised protection for DWs (including for Indonesian DWs), for example insisting on the implementation of one day off a week and advocating for freedom of movement to be enjoyed by DWs (Kivinen, 2010). NGOs in Indonesia are proactive in providing moral support and other kinds of support for DWs and in running training programs, and information exchanges.

**Table 6.7: The Local NGOs in Singapore and Their Role**

NGOs	Main Role
TWC2	<p>They intend to promote better living conditions for migrant DWs in Singapore and provide recommendations for programs and services to improve maids' living conditions. Furthermore, they provide support for foreign DWs by giving counseling and other psychological/emotional guidance for those who are engaged in conflicts with their employers.</p> <p>TWC2 holds a "Sunday Off Campaign" to encourage the employers to give a day off for their migrant DWs. TWC2, United Nations Fund for the Development of Women/ UNIFEM and HOME has launched a "Day-Off Campaign" focusing on a day off as a right of every human being.</p> <p>TWC2 urges MOM to provide adequate medical care, and a subsistence allowance sufficient for meals, transport, etc.</p> <p>TWC2 sets the research agenda regarding the issue of DWs' abuses. The early projects are providing DWs with a platform to speak out. Its purpose is to change the working conditions and laws regulating the employment of DWs.</p> <p>Their work includes the standardisation and regulation of working hours, equalisation of wages, the inclusion of DWs in the Employment Act and the implementation of DWs' right to "live out".</p>
HOME	<p>HOME with UNIFEM and TWC2 has launched a "Day-Off Campaign" purposed to encourage the employers in Singapore to give a day off to their DWs, since it is one of human rights that should be enjoyed by everyone.</p> <p>HOME is purposed to help migrant workers with a broad scope of services. It is more directed to individuals, rather than advocating changes in public policy and law. It helps DWs to seek redress for their legal and other problems, as well as providing shelters.</p>
IFN	<p>IFN plays an important part in the advocacy process of DWs by cooperating with HOME and TWC2. IFN supplies the data and information as well as supporting the activities run by HOME and TWC2.</p>

Source:

- a) Leng, Thang Leng & Kalyani K. Mehta. (2009). The Dynamics of Multigenerational Care in Singapore. Seminar on Family Support Networks and Population Ageing Doha, Qatar, 3-4 June 2009.
- b) Nehrling, Elizabeth. (2010). Beyond the Right to Rest: An Evaluation of the Social and Legal Structure Shaping the Agency of Foreign DWs in Singapore. SEARC Working Paper Series No. 107 September 2010

- c) TWC2. (2012, August 17). On the Proposed Amendments to the Employment of Foreign Manpower Act (August 2012). Retrieved from: <http://twc2.org.sg/2012/08/17/on-the-proposed-amendments-to-the-employment-of-foreign-manpower-act-august-2012/>
- d) Kivinen, Lotta. (2010). Discourse in NGO Advocacy of Law and Public Policy for Migrant DWs in Singapore. SEARC Working Paper Series No. 106, September 2010
- e) Lyons, Lenore T. (2007). Dignity Overdue: Women's Rights Activism in Support of Foreign DWs in Singapore. *Women's Studies Quarterly*, 35 (3/4), 2007, 106-122

Table 6.7 shows that local NGOs in Singapore, struggle on behalf of DWs, especially in the campaign for one-day off, which is considered important because DWs who are given one-day off will have the chance to move about and NGOs can identify the problems experienced by DWs. It also provides the opportunities to increase their skills-based knowledge, for instance sewing, computer skills, cultural exchange, and preparation for a small business after returning to their country of origin.

The critics from the NGOs in Singapore insist that the Singaporean government give one day off for DWs. The NGOs protests have been more intense since 2010, and finally, on 1 January 2013, the Singaporean government issued the day-off ruling. The researcher's recommendation for 'one-day off' policed or monitored is work together with NGOs and the Embassy of Indonesia and other countries. By this partnership may create maximum result of 'one-day off'. This development has shown an improvement in Singaporean policy. Slowly, the Singaporean government is "following" the "advice" of NGOs to give more protection to DWs based on the international standard.

Yet, based on the researcher's opinion, there are some omissions in the programs of NGOs in Singapore, as shown in Table 6.8. In this table, researcher shows NGOs in this state tried hard to give more protection for DWs condition such as through campaign of one day-off, freedom of movement etc. The main omission is there is no central coordination between NGOs and the government of Singapore.

**Table 6.8: Omission in the Programs of NGOs in Singapore**

No	Omissions
1	No central cohesive administration between NGOs in Singapore and NGOs of origin country under one roof/office. Therefore, the NGOs in Indonesian would find it easier in performing cross-checking or in solving Indonesian DWs' cases in Singapore. If a case happens, it can be immediately identified by the NGO in Singapore and the NGO in Indonesia, the Philippines and even the Singaporean government and the representatives of the origin country in Singapore by using the central administration of cohesive data collection and data entry. Therefore, the problem solving can be carried out quickly and accurately and it can be performed cooperatively ( <i>gotong royong</i> ).
2	No cohesive research between NGOs in Singapore and NGOs of sending countries and Singaporean government or the government of sending countries.
3	No centre of cohesive information aid in the airport between NGOs and the representatives of the sending countries to assist Indonesian DWs who will work in Singapore or who will return to the origin country.

Source: The researcher

## 6.5 Empirical Findings

The empirical findings of the conditions of Indonesian DWs and the labour protection management of the Singaporean government through the media analysis, interview and questionnaire, are explained below.

### 6.5.1 The media analysis

The media in Singapore and Indonesia play an important role in providing information to the local society, the Singaporean government and the international society regarding the condition of domestic workers, especially Indonesian DWs and DWs from other destination countries, as well as the migration management of the Singaporean government. The media can explain the conditions of DWs in reality, thus the civil society and wider body of citizens can assist them, and at least the media can help the society to understand the conditions of DWs, who often become the victims of exploitation and abuse (Teng, 2000). The media is asked to provide the official information relating to the application of migration management (Teng, 2000; Kaur, 2005).

### 1. Domestic Workers Issues and Newspaper Frame

There is much in the media about the conditions of DWs in Singapore, especially Indonesian DWs, who have become the major victims there. There are three paradigms identified by the mass media: cognitive, constructionist and critical. The researcher will examine the interaction of media frame and the individual or society. According to D'Angelo (2002), the news in the mass media or newspapers has the power to be further analysed:

- a) Content of frame: the theme of the news that becomes the main issue in the mass media.
- b) News frames: the impact on the individual understanding that can influence the society's point of view.
- c) Framing: the discussion (opinions) between the society written in a newspaper/media, so the society can understand the discussed issues.

### 2. The Analysed Media

To reveal the reality of DWs in Singapore, the researcher has chosen several newspapers, written in either English or Indonesian. The English newspapers in Singapore chosen are *Asiaone* and *The Straits Times*, while in Indonesia, the English newspaper is *The Jakarta Post* and the Indonesian newspapers are *Republika* and *Kompas*. These newspapers regularly discuss Indonesian DWs. The period chosen by the researcher is the period between December 2011 and April 2013, and there are 57 newspapers that will be analysed in relation to:

- a) How Indonesian DWs were depicted.
- b) How the newspaper in Singapore provides the news related to Indonesian DWs.
- c) What the main problems experienced by Indonesian DWs are.

### 3. Style and Frequency of Newspaper Material on Indonesian DWs.

In this research, the number of favourable, unfavourable and neutral news items in the newspaper will be illustrated in the table. *The Jakarta Post* is the

newspaper that provides the most news about Indonesian DWs (25), followed by *The Straits Times* (12), with the least being *Kompas* (2).

#### 4. Frequency and Kind of Issue Published in the Mass Media

Items about Indonesian DWs broadcast in the mass media discuss the abuse and mistreatment of DWs experience, followed by the Singaporean governance of domestic workers. The favourable news provided by the newspaper is about the improvement of policy, for example the announcement of the one day off program by the Singaporean government, and the unfavourable issues are related to the abuse and mistreatment of DWs in Singapore.

The number of favourable and unfavourable articles appearing in the newspapers is shown in Table 6.9.

**Table 6.9: News stories on Indonesian Domestic Workers in Singapore  
Appearing in Selected Newspapers (December 2011 - April 2013).**

No	Newspapers' Name	Favourable	Unfavourable	Neutral	Total
<b>Singapore's Newspapers</b>					
1	<i>The Straits Times</i>	3	9		12
2	<i>Asiaone</i>	6	2	2	10
<b>Indonesia's Newspapers</b>					
1	<i>The Jakarta Post</i> (online)	9	11	5	25
2	<i>Kompas</i> (online)		2		2
3	<i>Okezone</i> (online)				
4	<i>Republika</i> (Online)	2	4	2	8
<b>TOTAL</b>					57

Table 6.9 shows the favourable and unfavourable conditions of Indonesian domestic workers that appear in the newspapers. The table provides the data about Indonesian maids in Singapore issued by *The Jakarta Post*, *Republika*, *Kompas*, *Asiaone*, and *The Straits Times*. *The Jakarta Post*, an Indonesian newspaper, has

the largest number of unfavourable stories about Indonesian maids in Singapore. Most of the newspapers show the unfavourable conditions of Indonesian maids that require considerable attention and concern from both the Indonesian and the Singaporean governments. The details of the news reports can be seen in Table 6.10.

**Table 6.10: Types and Frequency of main issues appearing on Indonesian Domestic Workers in Singapore (December 2011 - April 2013)**

No	News about Indonesian DWs	Favoru able	Unfavo urable	Neutral	Total
1	Mistreatment	1	6		7
2	Abuses	1	5		6
3	Illegal status (without documents)				
4	Human Trafficking		1		1
5	Crimes committed by Indonesian domestic workers against their employers (murder, beating, etc)		6	1	7
6	Singapore and Indonesian government regulations and responses	16	3	6	25
7	Death cases and suicides	1	7	1	9
8	Others	1	3	1	5
	Total				57

Table 6.10 focuses on the Indonesian DWs' conditions in Singapore that are reported in the Singaporean and the Indonesian newspapers. According to the news, most Indonesian maids are treated badly by their employers. They experience several kinds of mistreatment, such as insufficient facilities, including no room for sleeping, lack of food, no day off, low or unpaid salary, excessive working hours and no freedom of movement (*The Jakarta Post*, 15 February 2013). They are not allowed to communicate with others or to hold a mobile phone for communication. The problem that is mainly experienced by the Indonesian maids is low or unpaid salary (*Kompas*, 7 February 2012). The high recruitment costs and fees have been deducted from their salary; therefore they only get a very small wage, which is very small compensation for their hard work in Singapore (*Asiaone*, 4 April 2012).

Besides maltreatment committed by the employers and the agents, the Indonesian DWs also experience several forms of abuse, such as physical, sexual and verbal

abuse by the employers. Sexual abuse includes rape and harassment (*The Straits Times*, 6 February 2013). Most of the Indonesian DWs are living in abusive situations because they often get beaten, kicked and burnt by the employers when they make a minor mistake. The employers often scold and insult them with a very rude word, including insulting their nationality (*The Straits Times*, 28 February 2013). Most of the news is unfavourable as the number of abuses keeps increasing. The favourable news is that there are several abusive employers who have been arrested by the police and who have been jailed or fined (*The Straits Times*, 7 December 2012, 29 January 2013).

Indonesian DWs in Singapore also tend to work in a very hazardous environment that can cause death or injuries. Most of the reports and news items in the newspaper say that most of the cases of Indonesian DWs' deaths are the result of falling from high apartments or flats when they are cleaning the windows or hanging out the laundry (*The Jakarta Post*, 3 May 2012, 5 June 2012; *The Straits Times*, 18 January 2013). In early 2012, it was reported that the number of Indonesian DWs who have died in Singapore has reached eight cases (*The Jakarta Post*, 28 April 2012, 14 May 2012).

There have been several Indonesian DWs who have not been able to bear the abuse so they have committed some crime or reacted negatively against their employers (*The Straits Times*, 30 August 2012). Most of the newspapers reported the cases of Indonesian DWs who murdered their own employers (*Republika*, 7 March 2012; *The Straits Times*, 18 October 2012). Besides the abuses, maltreatment and hazardous working conditions experienced by Indonesian maids, there was also shocking news with regard to the presence of a maid advertisement in Singapore that was similar to the advertisement of Indonesian DWs' recruitment in Malaysia, "Maid on Sale". In Singapore, the advertisement was entitled "Javamaid" and it raised a public outcry there. In fact, "Javamaid" is a DW agency in Singapore that is in charge of hiring Indonesian maids (*Kompas*, 6 November 2012; *Republika*, 6 November 2012; *The Jakarta Post*, 6 November

2012). The Indonesian government has asked the agency to change the name since it gave a bad impression of Indonesian maids and insulted them.

The Singaporean and the Indonesian governments have tried to implement a new policy to provide better working conditions in Singapore (*The Jakarta Post*, 10 May 2012). Under the previous policy, many Indonesian DWs went without pay or earned only S\$10 or S\$20 per month to pay off their placement fee. The new policy has made the hiring of Indonesian maids more costly but it has less risk (*The Straits Times*, 13 August 2012). Under this new system, Indonesian DWs can take home about \$200 to \$300 per month because they are repaying a smaller placement fee (*The Jakarta Post*, 4 April 2012 and 11 September 2012).

Unfortunately, these new efforts of the Singaporean and Indonesian government are still not solving the problems of Indonesian DWs, as evidenced by the interview and questionnaire results as follows.

### **6.5.2 Questionnaire and Interview results**

When the researcher was in Singapore in November 2010 attending the international conference at the Institute of Southeast Asia Studies (ISEAS) on Migration and Female Migrant Workers in ASEAN, the researcher had built up a good relationship with several NGOs in Singapore, such as HOME and TWC2 (introductions by the principal supervisor) and the researcher was given considerable help by those NGOs in collecting the research data in 2012. The researcher was also assisted by IFN (Indonesian Family Network) when one of the coordinators of IFN met the researcher in Jakarta on 20 December 2011 while attending the consolidation meeting held by Migrant Care (The International Labour Day).

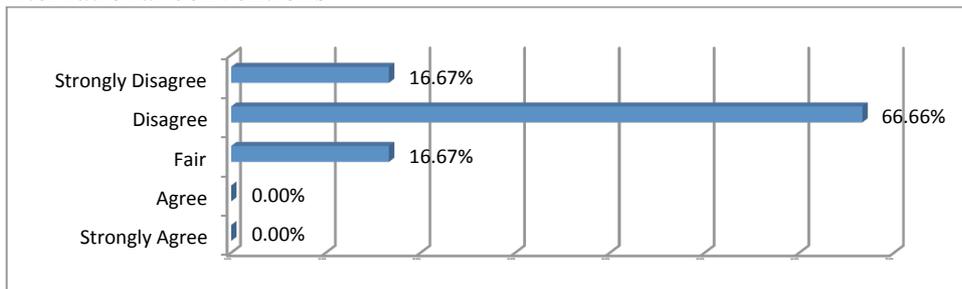
The labour protection management of Indonesian DWs by the Singaporean government was studied from 12 perspectives:

1. International conventions
2. Bilateral agreements and MOUs
3. National law and regulations

4. Work performance of staff/human resources
5. Coordination with Indonesian government's representative
6. Law enforcement
7. Gender protection
8. Protection programs in arrival places
9. Protection programs in the workplaces
10. Protection programs in the returning process
11. Cooperation with non-state actors
12. Evaluation of management

The result of the questionnaire completed by twelve respondents, three from Singapore and nine from Indonesia, are provided with respect to the twelve perspectives above. The researcher also presents the interview results with three respondents (NGOs) in Singapore.

#### 1. International conventions

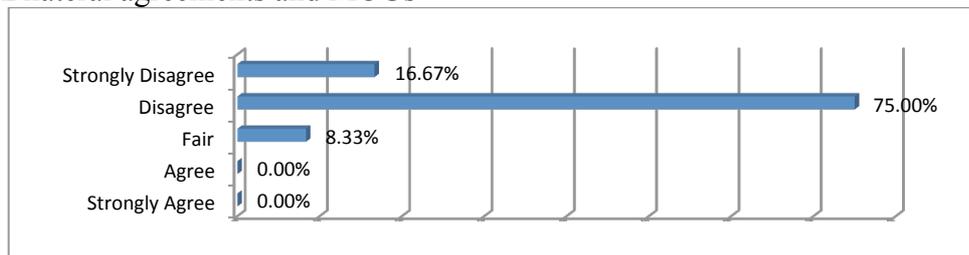


**Figure 6.5: Singapore has ratified the International Conventions related to protection of Indonesian DWs and other DWs**

Figure 6.5 shows that 66.66% of respondents agree that Singapore has not ratified the international convention regarding the protection of DWs in general and Indonesian DWs in particular.

Until the end of 2012, Singapore has not ratified several important international conventions, such as International Convention for Migrant Workers and C18. This country is based on the free market, thus there is no point to change the mindset in order to protect Indonesian DWs and other DWs through the ratification. (Interview with respondent "S")

## 2. Bilateral agreements and MOUs

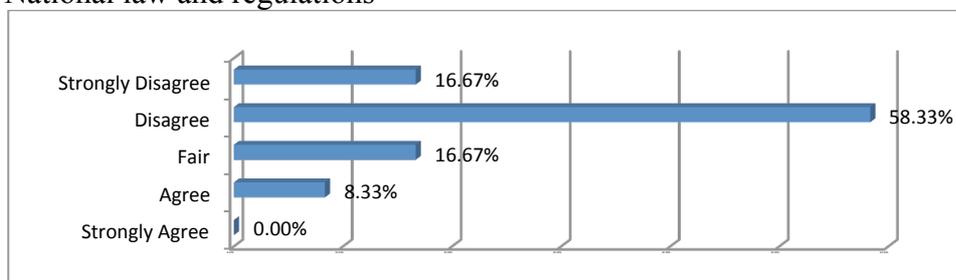


**Figure 6.6: Singapore has a strong commitment to create an MOU with Indonesia for better protection of Indonesian DWs**

Figure 6.6 shows that 75% of respondents believe that Singapore does not have a strong commitment to formulating an MOU with Indonesia to create better conditions for Indonesian DWs in Singapore.

One of the reasons why the position of Indonesian DWs in Singapore is very vulnerable is because Singapore has no willingness to care about unskilled migrant workers including DWs. In addition, Singapore refuses the insistence of Indonesia to formulate an MOU in order to regulate DWs and provide better protection. (Interview with respondent “Q”)

## 3. National law and regulations

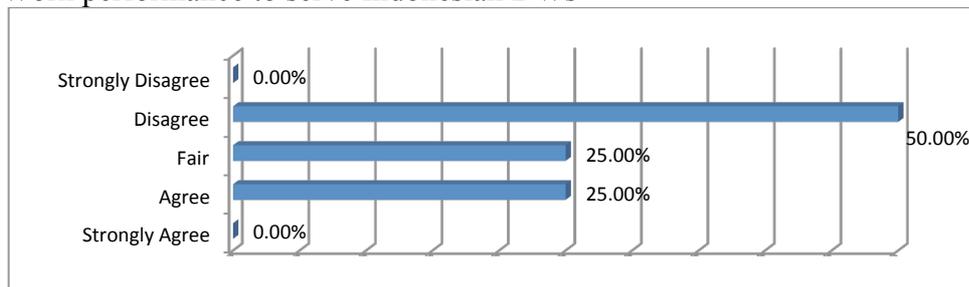


**Figure 6.7: Singapore has a strong commitment to creating new national laws/regulations**

The majority of respondents (58.33%) believe that Singapore does not have any commitment to providing better protection for Indonesian DWs through regulations and national acts.

Singapore has formulated the regulations to protect all migrant workers, but not for DWs. Therefore, the safeguards and security for DWs are not guaranteed here. (Interview with respondent “S”)

#### 4. Work performance to serve Indonesian DWs

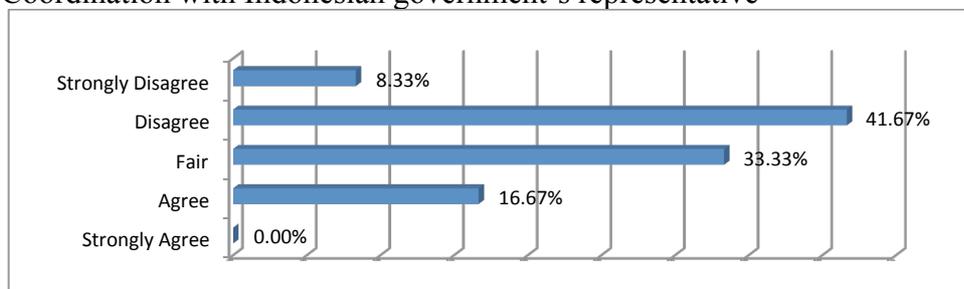


**Figure 6.8: Singapore has a good work performance to serve and protect Indonesian DWs.**

Interestingly, Figure 6.8 shows that several respondents (25%) agree that Singapore has a good work performance in providing services for DWs, but 50% of respondents disagree with this matter.

Indeed, the Singaporean government is different to Malaysia in that Singapore has better to serve DWs. However, it is not supported with a strong legal system and clear regulations for DWs. The Singaporean staffs (including the police) are often not fully committed in serving and helping DWs. (Interview with respondent “R”)

#### 5. Coordination with Indonesian government’s representative

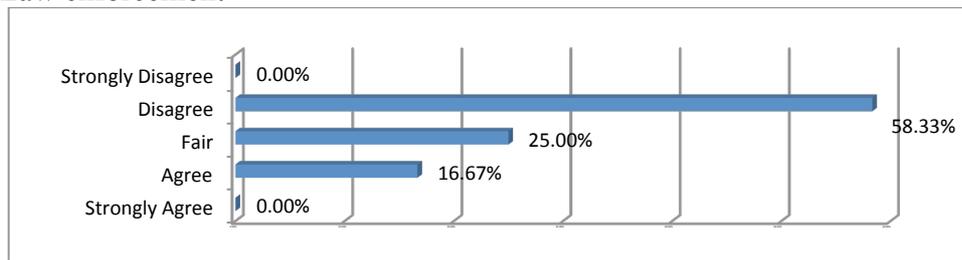


**Figure 6.9: Singapore has a strong coordination with the Indonesian Embassy to solve the problems of Indonesian DWs.**

Figure 6.9 clearly shows that 33.33% of respondents find this “fair”, but the majority (41.66%) agrees that Singapore has no strong commitment to cooperate with the Indonesian Embassy.

Singapore and the Indonesian Embassy are working separately in dealing with the problems of Indonesian DWs. Singapore is willing to cooperate if the issue has been massively reported in the mass media. (Interview with respondent “S”)

## 6. Law enforcement

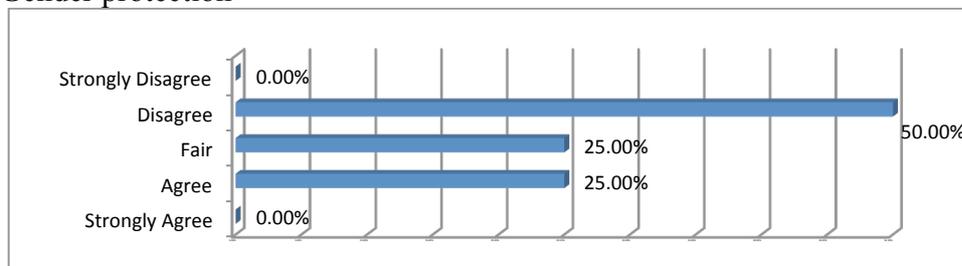


**Figure 6.10: Singapore has strong law enforcement to protect Indonesian DWs.**

The majority of respondents (58.33%) agree that Singapore has not been determined to enforce the law, especially in protecting and solving the cases with regard to Indonesian DWs.

The rape cases, beatings, unpaid wages and other cases are regularly won by the agents or the employers. Indonesian DWs will suffer even worse if they report the case; they are threatened by the agents or the employers. I wonder when there are no DWs crying in my office because of their problem. They come every day, yet Singapore has not been on the side of DWs regarding law enforcement. (Interview with respondent “Q”)

## 7. Gender protection

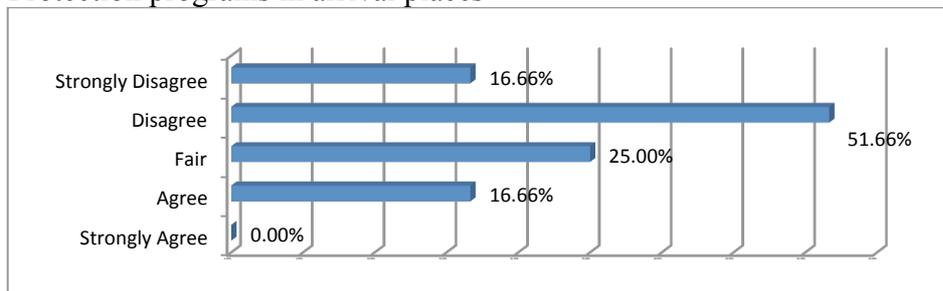


**Figure 6.11: Singapore has a strong commitment to creating and applying gender protection programs.**

Half of respondents (50%) believe that Singapore has no strong commitment to creating and running a gender protection program, especially for Indonesian DWs.

According to the received data, almost all victims (100%) of exploitation, sexual abuse, rape and sex trafficking are women, and the majority is Indonesian DWs. I’m wondering why Singapore does not have any gender protection programs to provide more security for female DWs who work here. (Interview with respondent “R”)

8. Protection programs in arrival places

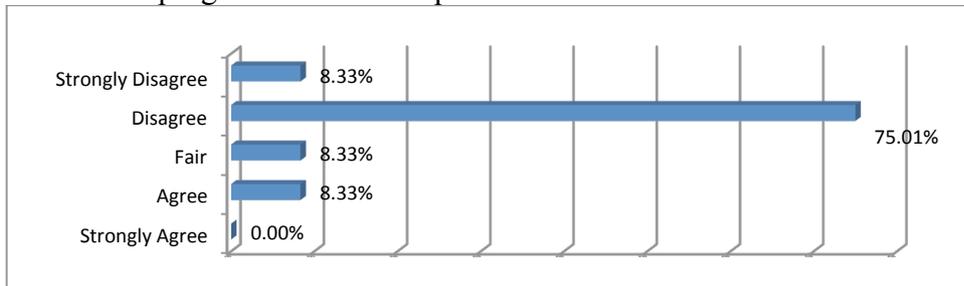


**Figure 6.12: Singapore has a strong commitment to protecting Indonesian DWs in arrival places.**

Figure 6.12 shows that the majority of respondent (51.66%) agree that Singapore has no determination to protect Indonesian DWs when they arrive.

There are many cases of deception and traps during DWs' first arrival in Changi airport, Singapore. Many illegal agents in Singapore use this opportunity to get more profit from DWs and there is no help desk providing information and assistance for them. (Interview with respondent "S")

9. Protection programs in the workplaces

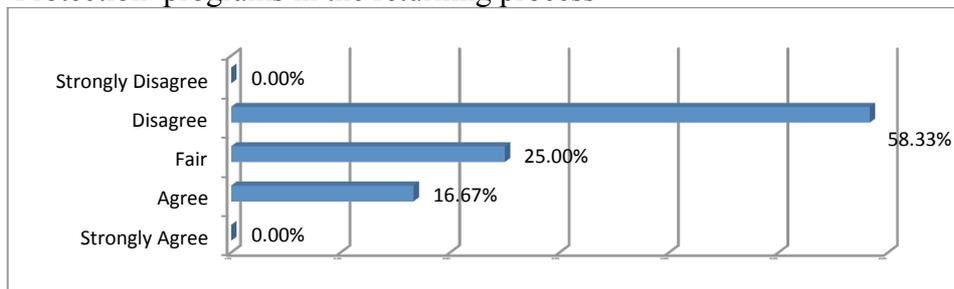


**Figure 6.13: Singapore has a specific protection program to inspect/control the conditions of Indonesian DWs in their workplaces.**

Singapore is really not determined to inspect the conditions of Indonesian DWs in their workplaces, thus there are many cases of suicide and confinement that cannot be detected.

Indonesian DWs have miserable condition because they are imprisoned in the employers' house in high-rise apartments. They cannot communicate with others, thus when they try to escape from the apartment, they fallen to the death. Some of them cannot bear the abuses and decide to commit suicide by jumping from the apartment. Yet, Singapore has no commitment to monitor and supervise their conditions. (Interview with respondent "Q")

#### 10. Protection programs in the returning process

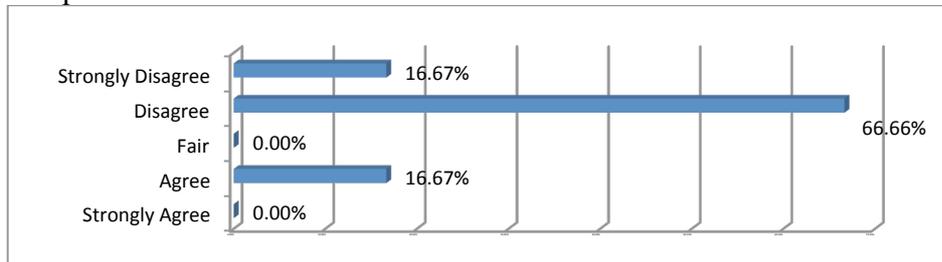


**Figure 6.14: Singapore has a strong commitment to giving protection in the returning process for Indonesian DWs.**

The majority of respondents (58.33%) believe that Singapore has no commitment to protecting Indonesian DWs when their contracts expire.

There are many Indonesian DWs who are confined by the employers and are still unpaid, even becoming the victims of human trafficking. Yet, Singapore has no strong cross-checking with the agencies and most of the agents make fake reports without further checking by the state. (Interview with respondent “Q”)

#### 11. Cooperation with non-state actors

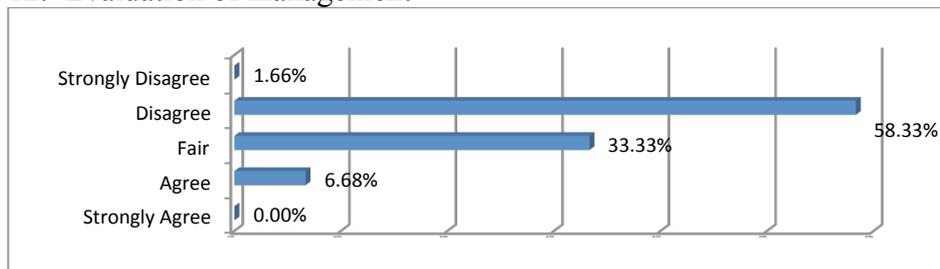


**Figure 6.15: Singapore has strong cooperation with non-state actors.**

NGOs in Singapore are considered as the “enemy” by the state, thus NGOs cannot solve DWs’ problems in a macro and holistic manner. There are 66.66% of respondents who disagree that Singapore has collaborated and cooperated well with NGOs.

In practice, NGOs have been labelled by the state as traitors. We have struggled for better conditions for DWs, but the Singaporean government ignores our insistence. The cooperation we have is limited in several matters and we are not involved in the whole protection management of DWs in Singapore (Interview with respondent “Q”)

## 12. Evaluation of management



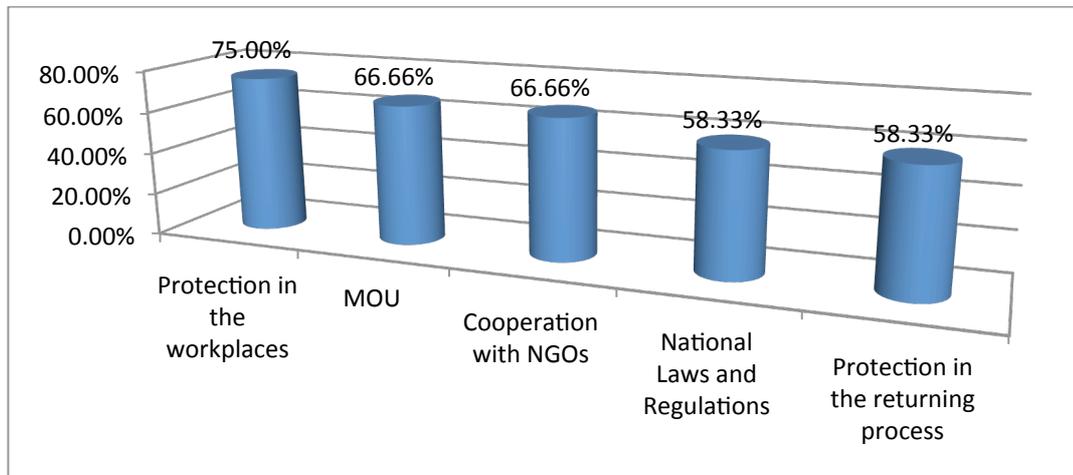
**Figure 6.16: Singapore has a strong commitment to evaluating management to create better conditions for Indonesian DWs.**

There is no significant improvement regarding the protection management of DWs in Singapore, and 58.33% of respondents believe that Singapore has no serious commitment to improving the management to achieve better conditions for Indonesian DWs.

Singapore views DWs as a commodity and considers that they do not need any attention or respect. In fact, DWs have supported the Singaporean macro economy and without them, Singapore would be paralysed. Yet, this country depends on the free market and the demand of the market, thus Singapore is not determined to evaluate the protection management of DWs. (interview with respondent “R”)

### **The Weakest Points of the Singaporean Government in the Labour Protection Management**

Interestingly, based on the questionnaire results, there were five items of protection management in Singapore which were considered by the respondents to be the weakest.



**Figure 6.17: The Five Weakest Points of the Labour Protection Management of the Singaporean Government**

According to Figure 6.16, the majority of respondents believe that Singapore has five weak areas in the protection management of Indonesian DWs:

1. National laws and regulations (58.33%)

DWs are excluded from Singaporean national law, so this condition has put Indonesian DWs in a more vulnerable position in Singapore.

2. Protection in the returning process (after finishing the work contract) 38.33%

There is no protection program for Indonesian DWs whose contract has expired and who want to return to their home country. Therefore, the cases of unpaid wages, confinement and abuse cannot be dealt with effectively and their suffering increases.

3. MOU (66.66%)

There is no MOU between Singapore and Indonesia to protect DWs, so the position of Indonesian DWs is very vulnerable. Legal advocacy and treatment are difficult to secure because they are not under a “binding bilateral agreement” between both countries.

4. Cooperation with NGOs (66.66%)

There are many Indonesian DWs who depend on NGOs, yet the Singaporean government is not willing to fully cooperate with NGOs to support and help the victims.

5. Protection in the workplaces (75.00%)

There is no strong attempt by the Singaporean government to monitor the conditions of Indonesian DWs in their workplaces. This is because Singapore depends on the free market, thus DWs are considered as a commodity that there is no need to save.

**6.5.3 The researcher's opinion of the Singaporean labour protection to promote a rights-based approach for Indonesian DWs**

Following the analysis of the labour protection management of DWs based on the results of the interviews and the questionnaire, as well as the media analysis, following conclusion can be made.

Firstly, as long as the Singaporean government does not change its “mindset” or “stereotype” of migrant DWs and considers DWs “unworthy” and “not workers”, the formulation and legalisation of policy for the protection of DWs in the form of UN international convention ratification, such as UN 1990 and C189 2011, cannot be realized (IOM, 2010; HRW, 2012). The researcher believes that there has been no significant improvement up to the middle of 2013. Most of the international conventions regarding DWs have not been ratified since Singapore has little or no determination to ratify those conventions. The absence of ratified international conventions shows a lack of commitment by Singapore in protecting DWs. It indicates that Singapore is only exploiting them for the advancement of her economy.

The researcher believes that the insistence of the ILO, NGOs and all sending countries can pressure Singapore to ratify the international conventions; for example, Singapore has abolished the English test after fierce protest by civil societies and the NGOs in Singapore and abroad. This test has caused stress for

migrant DWs who cannot pass the test and it leads to several cases of suicide among Indonesian migrant DWs.

Secondly, the unwillingness of the Singaporean government to ratify the international convention symbolises “the red lamp” or the Singaporean government’s reluctance to improve immigration and employment act. Therefore, it is difficult to formulate an MOU and other bilateral agreements with Indonesia regarding the development of protection and service quality for Indonesian DWs. Singapore leaves the case of Indonesian DWs to the “free market”. Therefore, it is easy for Singapore to choose DWs from other countries, such as Sri Lanka and Bangladesh, if Indonesia is no longer sending DWs to Singapore. It is clear that the number of Indonesian DWs is declining sharply, while DWs from Sri Lanka and Bangladesh are increasing sharply. As long as the sending countries do not cooperate to “insist” that Singapore improves its protection for DWs, the DWs’ safety remains hard to guarantee. There was also no bilateral agreement between Indonesia and Singapore as of the middle of 2013. Singapore does not respect migrants’ rights, but Indonesia does not dare to insist that Singapore formulate a MOU.

Thirdly, the absence of a MOU between Indonesia and Singapore has shown the lack of seriousness of the Singaporean government in protecting Indonesian DWs and other DWs until 2013. The national law and the regulations that manage DWs in particular have not been available until 2013. There is an improvement in relation to the freedom of movement for Indonesian DWs, but it is still “a trial” and the Singaporean government cannot insist that the employers and the recruitment agencies obey that policy. The Singaporean government tends to “follow” the input from the employers and the agencies instead of the input from NGOs that have struggled in advocating for DWs’ rights. The Singaporean policies and regulations are still half-hearted and there has not been good integration between the Ministry of Manpower and the Indonesian Embassy in Singapore, and between the Indonesian government in Jakarta and NGOs or the other parties related to the DWs’ fate. This lack of integration makes it difficult to

create effective rules because the integration between the system and the actors in charge of DWs' problems has not been established.

Fourth, the Singaporean government provides better service for Indonesian DWs than Malaysia does. However, due to the system and the absence of international and national law regulating the protection of Indonesian DWs and DWs, the services for DWs by the migration staff, police and other parties cannot be maximised. Furthermore, the protection pattern for DWs has not been established well; for example, there is lack of attention to monitoring and checking the conditions of DWs by the Singaporean staff.

Fifth, the coordination with the Indonesian government representative is not ideal in dealing with the problems experienced by Indonesian DWs. The Singaporean government has taken its own steps, while the Indonesian Embassy tends to "keep silent" and follow the instructions from the central government in Jakarta. The coordination management does not run well and it includes the category of disunited management between the Singaporean government and the Indonesian government.

Sixth, the law enforcement conducted by the Singaporean government is still half-hearted. This means that there is an insistence or criticism from local and international NGOs, as well as massive publicity in the mass media. After this criticism, the Singaporean government took some action; for example, with the cases of abuse against DWs that are committed by the employers. The Singaporean government does not give any clarification of these cases. They tend to cover up the cases and the court action is always won by the employer or the agencies that should be proven guilty (HRW 2005, IOM, 2010).

Seventh, the gender protection program is strongly related to the situation of the female Indonesian DWs. Unfortunately, this gender protection program has not been fully implemented by the Singaporean government in their regulations or national acts. The Singaporean government is likely to be "less sensitive" in handling the cases and problems experienced by female Indonesian DWs.

Eighth, the protection in arrival places is insufficient. The Singaporean government's program consists mainly of checking passports and other documents, and there is no "complaints desk" for Indonesian DWs cooperation with the Indonesian Embassy and the NGOs. This situation has created a vulnerable position for Indonesian DWs who arrive in the airport or the harbour for the first time. The researcher has criticised and discussed the services in the arrival points. The Singaporean government tends to work alone without cooperating with Indonesia and the NGOs.

Ninth, protection in the workplace is still far from what is expected. The monitoring cannot be done, because the employer's house is a private area that cannot be "touched" by the officers. Periodic reports by Indonesian DWs and the employers can create more transparency regarding the conditions of DWs. Singapore is a high-tech country; it is possible for Singapore to monitor the DWs' conditions via the internet or periodic reporting. This means the employers must report the condition of their DWs to the Singaporean government and those data will be sent to the Indonesian Embassy and NGOs. By this method, the rate of abuse and exploitation committed by the employers and the agencies can be minimised.

In fact, most Indonesian DWs who work in Singapore do not know about the protection program provided by the government. The protection for DWs is also difficult to implement well because The protection for DWs is also difficult to implement well because the contracts (the content of this contract is mostly about DWs must repay the money to the agent and not connect to DW's rights)..

Tenth, the protection in the returning process conducted by the Singaporean and the Indonesian government with regard to the safe return of Indonesian DWs has not been given serious attention. There are many cases that cannot be solved because there is no transparent and open information relating to DWs. The Singaporean government tends to leave the Indonesian DWs who want to return to Indonesia without checking or monitoring, whereas there are still many DWs who

are still confined in the employers' houses. In the returning process there are many Indonesian DWs who are extorted by irresponsible parties without any "integrated monitoring". Several parties have forced the Indonesian DWs to get on the transportation prepared by a particular agency in Indonesia.

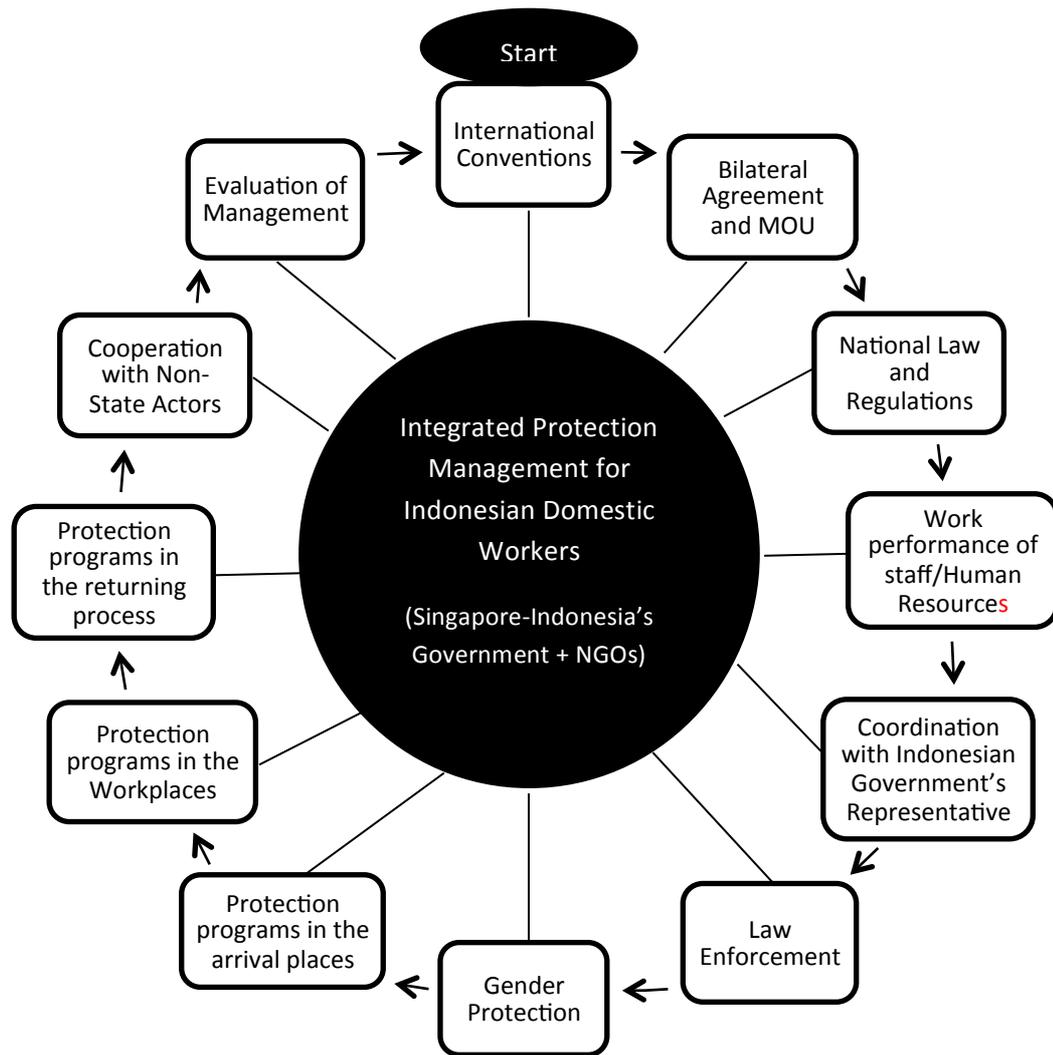
Eleventh, the coordination with NGOs is likely to be minimal and it is far from what is expected. NGOs are often considered as the "enemy" and the Singaporean government is "afraid" of the NGOs' criticism because it can "endanger" the migration policy of Singapore. There is no "harmonious" cooperation and coordination between the Singaporean government and the NGOs. In addition, there is still no "unity in the monitoring and the assistance" in the form of a system and regulations that clearly manage the issue of DWs.

Finally, the evaluation management is still considered as a "formality" report by the Singaporean government in relation to the case of migration. Evaluation management should create sustainable and continuous improvement for the protection pattern in the form of upgraded regulations, international conventions and other protection programs. Also, the seriousness of the Singaporean government in evaluating, because of the migration of foreign workers in Singapore, has been left to the "free market", thus the standard contract is determined by the supply and demand of workers.

From the researcher's viewpoint, all twelve items of the protection mechanism of the Singaporean government are still "weak" and with a lack of integration between one item to other items. There is no centre for protection management created by the Singaporean government and the Indonesian government. As long as there is no integrated protection management that shows the seriousness of both countries (Indonesia and Singapore) in protecting Indonesian DWs by realising the twelve items of protection management, it will remain difficult for DWs to get good treatment as stated in International Convention C189 relating to decent work for DWs and considering DWs as the workers.

#### **6.5.4 The Argument regarding the “Integrated Protection Management for Indonesian Domestic Workers” (IPM DW) in Singapore**

The researcher has formulated a new model to protect Indonesian DWs in Singapore by using the structure of a mechanism that is well-integrated from the legislation of international law (international conventions ratification) and other steps that can be seen in the Figure 6.18. The researcher argues that if one of the elements in the figure cannot run well, it will open up the possibility of exploitation, abuse and trafficking against DWs in general and Indonesian DWs in particular. For example, if the international convention has not yet been ratified by Singapore to protect migrant DWs, the chain of protection management will be broken. Therefore, this will encourage a non-integrated system of protection management, even though Singapore has good law enforcement or good staff work performance. An integrated command system is required in which this system needs the cooperation of the Singaporean and Indonesian governments, NGOs in Indonesia and Singapore, INGOs and Indonesian DWs, as well as the employers and the agencies. The system must be well-structured in a system called “Integrated Protection Management for Indonesian Domestic Workers”/IPM DW. This system can run well if the Singaporean and the Indonesian governments have a strong determination (good will). Then Singapore can change the mindset for thinking about DWs as worthless to one that respects the DWs (decent work for DWs). That integrated system can be performed through the technological mechanism (via online) that can be accessed by all relevant parties in Singapore and Indonesia. The researcher believes that previous studies have not touched on the integrated system of protection management and most of the researchers have focused on the analysis of policies and the effects on DWs, but they have not formulated a comprehensive protection model from every item of labour protection management.



**Figure 6.18: A model for the Integrated Protection Management of Indonesian DWs in Singapore (IPM DW)**

The researcher has a different “view” to the previous studies. Mostly, research on domestic workers (especially from Indonesia), from 1978 to 2012 has viewed the situation from the viewpoint of Singaporean government, the Indonesian government, NGOs in Singapore, NGOs in Indonesia or from the perspectives of law and regulation. But it needs to be seen from the mainframe of coordination, gender protection, evaluation of management and protection programs when DWs come, work and return. In other words, it has been viewed mostly from the viewpoints of the destination countries or sending countries, without elaborating on the power of government (both sending and destination countries) and NGOs

both in sending and destination countries. Based on the interviews with NGOs in Indonesia and Singapore, it was found that the “integrated system” or “elaborated cooperation between government and NGOs should be created”. If the policy and protection mechanism is only run by each sending country without involving the receiving country, the result cannot be the best; or if local NGOs in Singapore fight with each other without reference to NGOs in Indonesia, then the result also cannot be ideal.

Thus, the researcher argues that the first “attempt for protection” is that the receiving country (Singapore) and the sending country (Indonesia) should ratify the “international law – for an international umbrella”. After the machine is “on” through international ratification, then it will go to other mechanisms, such as bilateral agreement, strong regulations, law enforcement, etc. But, without the control from civil societies such as INGOs and NGOs the protection mechanisms for DWs are “fragile”.

There is also a need for an integrated electronic system that connects the data of Indonesian DWs and their conditions in Indonesia and Singapore, and which can be seen by the Indonesian Embassy to check and recheck their citizens, and which also can be viewed by Singapore for detecting the conditions of DWs. It is easier to control the conditions of DWs electronically, rather than “manually”. For instance, if the Singaporean government wants to check the DWs in their employers’ home, it is difficult because it is “private”, but, if the system is online and integrated, then every month the employer must report their DWs’ conditions through the system (electronically), and also the agent must be responsible for reporting monthly. This system also requires the DWs to report monthly to the system by SMS (short message service) or internet and connect with the system, thus their family in Indonesia could also “see” what is happening with their conditions.

This system is still a “model” only; whether it can be applied or not depends on the mindset of every country where female DWs work. Since the cases of

exploitation, abuse and human trafficking around the world have increased (HRW, 2012, UNHCR, 2012), for instance, DWs exploitation doubled in the last five years. Maybe this model of a protection mechanism can be useful for every party involved. The researcher believes that if the system is integrated, it would be difficult to “cheat”, abuse or traffic thousands and millions of women around the world, especially those who work in the domestic sector.

The system can also provide benefits by increasing in economic productivity. Since, all DWs “enjoy” their rights, and “save”, they must work better. If they do not have problems or have only a few, then the employers also do not have problems. If the employers do not have problems, then the agent also does not have problems. If agents do not have problems, thus the Singaporean government does not have problems. If the Singaporean government does not have problems, thus the economy in Singapore will be better, because the women and men of Singapore will focus on their “work” in their jobs in Singapore. Then they do not need to think much about their children and elderly people as well as their DWs. The GNP will increase along with “the safety of DWs, employers, agents and the Singaporean government”. If Singaporean people gain benefit from this situation, thus the Indonesian Embassy will “enjoy” and create a better training system to enhance the skills of Indonesian DWs. If the embassy does not have problems thus the government in Jakarta will “enjoy” more and more remittances from Indonesian DWs in Singapore. The macro economy in Indonesia will be stronger, because remittances are the second largest income for Indonesia after taxes. If the Indonesian DWs are happy, then the DWs’ families in Indonesia are also happy and not stressed. Then the money can come routinely to their family in Indonesia. If the money is running well to Indonesia, then their children can go to school or even go to university from the DWs’ salaries. Then, the agents in Indonesia also do not have problems and complaints. Thus agents can get much money and send many good quality of Indonesian DWs as far as possible based on the demand from the employers in Singapore.

## **6.6 Reaction/Attitude of the Singaporean and the Indonesian Government**

The responses of both Singapore and Indonesia (including the Indonesian Embassy) to the situation of Indonesian DWs in Singapore is described below.

### **6.6.1 Reaction of the Singaporean government**

The reaction from the Singaporean government towards the international critics has been very slow. The MOM has taken several actions, such as establishing help-lines, implementing training courses for the employers and the migrant DWs, and releasing guidelines and pamphlets.

The amendment of Singapore's Penal Code was carried out in 1998 and it made positive improvements in addressing the abuse against foreign maids. The punishment will be 1.5 times the normal punishment (Nehrling, 2010). Unfortunately, the punishment for the employers has not run well because the employers have cooperated with the recruitment agencies; thus the agencies prioritise the needs of the employers. The researcher believes that the weak implementation of punishment is because there is no "IPM DWs"/Integrated Protection Management for DWs – so the system and the sanctions cannot detect the abuses. The presence of IPM DWs in the form of monthly reporting by DWs that is proposed by the researcher as described above, assisted by the reporting of NGOs and the employers/agencies, may support the implementation of the sanctions for the violation of DWs' rights.

The other positive action taken by the Singaporean government was the abolition of the English test. The English test had been a problem for DWs; for example, the case of a DW from Indonesia named Sulastri Wardoyo (26 years old) who committed suicide by hanging herself in the DWs' shelter after her shock at having failed to pass the test in order to work in Singapore. She could not pass the English and math tests and was too ashamed to return to her home country because she was indebted IDR 7 million (US\$1,000) to her relatives who funded her migration process to Singapore (*The Straits Times Indonesia*, 2 June 2011; *The Jakarta Globe*, 8 June 2011). Therefore, the MOM (2012) also announced that the

foreign DWs English test would be replaced with a Settling-In-Program (SIP) due to the suicide report (<http://www.reach.gov.sg>, 4 December 2011). The SIP was introduced in the middle of 2012 and it was categorised as a half-day Safety Awareness Course (SAC), a new component on how to live and work in Singapore, its working conditions and the responsibility of DWs. The SIP will be delivered in English or in the mother tongue of each DW.

The researcher believes that the Singaporean government has made several improvements in protecting and managing DWs. The improvements made by the MOM have shown the determination of the Singaporean government to protect foreign maids. However, so long as the Singaporean government does not have a strong willingness to provide “integration management” through IPM DWs, the conditions of migrant DWs in Singapore will remain vulnerable and below the international standard of International Convention C189.

#### **6.6.2 Reaction of the Indonesian government and the role of the Indonesian Embassy in Singapore**

Interestingly, the reaction of the Indonesian government to the conditions of Indonesian DWs in Singapore is also very slow and it tends to be half-hearted action; for example, the Indonesian government does not dare to insist that the Singaporean government formulate a MOU to protect Indonesian DWs. The researcher assumes that Indonesia is perhaps “afraid of competition”, thus this country does not want to insist or complain about Singapore or the other destination countries.

In relation to the mutilation cases of Indonesian DWs in Singapore, for example that of Ruliawati (31 years old) who comes from East Java, the Indonesian ministry had given the information to her family and allowed the Singaporean police to investigate this case assisted by the Indonesian Embassy in Singapore. The body was sent home to the family after the police had carried out an appropriate autopsy. This reaction was very slow because the Indonesian

government only took action after the insistence of the NGO Migrant Care (*The Jakarta Post*, 19 May 2011).

The Indonesian government has established some Labour Attaché positions in destination countries, as stated in the National Law No. 39/2004, Section 78. Unfortunately, when the researcher came to Singapore, there were no personnel appointed to be in charge of the Labour Attaché's office. Therefore, the NGO Migrant Care considers Indonesia to be indifferent regarding the problems experienced by Indonesian DWs, because the state is less active and has weak control.

Due to the many cases and problems experienced by Indonesian DWs in Singapore, the Indonesian President in his speech wanted to provide DWs with a facility in the form of a mobile phone to contact the responsible body when they get into trouble. The Ministry of Manpower and Transmigration provided this facility to Indonesian migrant DWs who work in Singapore, Hong Kong and Taiwan (*The Jakarta Post*, 20 November 2010). The researcher believes that it is a good effort taken by the Indonesian government. Unfortunately, this effort was not followed up by establishing an "Integrated Protection Management", such as strong coordination and control between Indonesia and the destination countries, strengthening the MOU with Singapore, ratification of C189, better training for DWs, and one system in the IT administration. Thus although the President had hoped to assist DWs, in fact the mobile phones have been confiscated by the agents and the employers.

In order to improve the protection for DWs, the Minister of Manpower and Transmigration, Muhaimin, tried to lobby the destination countries in the Southeast Asian and Middle Eastern regions to provide better protection for Indonesian migrant workers and their families as stated in the UN Convention in 1990, and he urged Singapore to protect Indonesian migrant workers as stated in the ASEAN declaration in Cebu in 2007 (*The Jakarta Post*, 13 June 2012). The researcher supports the Indonesian government in lobbying the destination

countries because there is still no strong bilateral agreement between Indonesia and Singapore. Therefore, the bargaining position of Indonesia is still weak compared to the Philippines (*The Jakarta Post*, 9 March 2012).

Based on the information from NGOs in Singapore, a training program is held in the Indonesian Embassy, including training in using a washing machine and cooking, and the provision of information on the destination country's culture. However, from the researcher's viewpoint, the Indonesian Embassy cannot integrate the program with the NGOs in Singapore and the DWs, thus there are still many DWs who do not know about the existence of the training program in the Indonesian Embassy. A training program is also held by the Philippines Embassy in Singapore, which refers to the provisions of initiating a small business, for example, how to open a small shop, hair dressing and other skills. The structure of the training program in Indonesia is still weak and does not fulfil the minimum standards for employment. The control of the Indonesian government regarding the monitoring of training is still weak, thus the agencies do not take the training seriously (interview with respondent "G", "Q" and "R").

Ford (2007, p. 12) states that Indonesia has a lack of protection for Indonesian DWs, unlike the Philippines. There is also no coordination between the ministries and the government in addressing the problems of the Indonesian DWs in Singapore (Ford, 2007, p. 12).

Facilities provided by the Indonesian Embassy in Singapore to assist in the services for Indonesian DWs are still minimal (CARAM Asia, 2011, p. 19). These include the lack of an administration service centre and appropriate technology to monitor the situation of the Indonesian DWs in their workplace (Huang & Yeoh, 1999). Indeed, there are some albeit ineffective mediums for reporting problems to the embassy, such as through the telephone. This has not yet been effective due to the lack of human resources in the embassy to handle problem solving for Indonesian DWs in Singapore. Ironically, Indonesian DWs in Singapore have even more confidence in non-state actors in Singapore, such as HOME and

TWC2, than in the Indonesian representatives. These two leading institutions, which are intensely concerned with DWs problems, are more trusted by Indonesian DWs to report problems to than the embassy, due to slow problem solving, and poor handling of the issues (IOM, 2010, p. 58).

Furthermore, the Indonesian Embassy in Singapore has made some efforts to provide a 24 hour call service via SMS and direct phone. A major problem with this is that the majority of Indonesian DWs do not know about this information and most are not allowed to hold communication devices like telephones and cell phones (HOME, 2012). DW shelters have been provided by the Indonesian Embassy, but are not fully utilised, because many workers are confined within their employer's homes and are not able to retreat to these shelters.

On the other hand, the Philippines government's representative in Singapore is more active in providing the required information and other assistance to Filipino DWs during their work in Singapore. The Philippines is one of the countries in Asia that intensely protects their citizens who work overseas (Piper, 2004, p. 223).

## **6.7 Summary**

There are six important findings in this chapter. Firstly, Singapore is the most prominent industrial country in Southeast Asia. This country cannot achieve economic growth without the presence of migrant workers, including the contribution of Indonesian DWs, because one of six households in Singapore employs at least one DW. The majority of DWs are from Indonesia. Unfortunately, Singapore is less serious in appreciating and treating DWs well and they are treated differently to other workers. Moreover, all policies followed by the Singaporean government are tactical, not strategic. This means that the Singaporean government tends to "get rid of the fire" rather than "preventing it". The result is that most of the Indonesian DWs become victims of abuse, exploitation and even human trafficking. It is clear that the Indonesia DWs got victims of abuse from the report of HRW 2004, HRW 2012 and the report from

the newspapers, as well as the result from the interview with respondents. Interestingly, even Singapore does not give “enough attention” to DWs, but most Filipino DWs get better conditions compared to the Indonesian DWs. This is because the Philippines government has a strong willingness to protect their DWs in Singapore. The Philippines is more active in “lobbying” the Singaporean government, and as a result, Filipino DWs can hold their passport, have freedom of movement, and one day off, etc. These conditions are not enjoyed by Indonesian DWs.

Secondly, the contribution of NGOs to support the protection of Indonesian DWs is very significant. In 2011, the Singaporean government “deleted” the policy of the English test requirement for DWs because of the NGOs’ protests. In January 2013, international and local NGOs were successful in pushing the Singaporean government to give “one day off” to the majority of DWs in Singapore. NGOs also provided some programs that help Indonesian DWs, including sheltering, training and advocating. These programs fill the gap in the Singaporean government’s policy.

Thirdly, based on the media analysis, the condition of Indonesian DWs until 2013 was still vulnerable, because of the many cases involving Indonesian DWs that were reported by mass media were not handled well by the Singaporean government. Again, this state is still not serious in protecting DWs through the changing of regulations and national laws. The majority of the mass media, both in Singapore and Indonesia, believe that the Singaporean government does not have a serious program to protect Indonesian DWs. On the other side, the Indonesian government also is still “lazy” in improving the bilateral agreement with Singapore to give more protection to Indonesian DWs.

Fourthly, from the results of the interviews and questionnaire, the five weakest points of labour protection management of the Singaporean government were identified, namely:

- 1) There is no strong effort of the state to control and monitor the conditions of Indonesian DWs in their workplaces.
- 2) There is no MOU between the state and Indonesia
- 3) There is no strong coordination between the state and NGOs to support and assist the problems of DWs.
- 4) There is no national law to support DWs' protection
- 5) There is no checking and protecting Indonesian DWs when they finish their job and want to return to Indonesia.

The reaction of the Singaporean and Indonesian governments to the criticism by International NGOs and local NGOs in Singapore and Indonesia was slow until 2013. Even though there is some progress to create better protection through the program called “24 online services”, training, and giving information to the DWs, it is still far from the international standard of protection based on C189.

Finally, the researcher argues for the importance of an “Integrated Protection Mechanism for Indonesian DWs Model”/IPM DWs, which might be able to minimise exploitation, abuse and trafficking of Indonesian DWs in Singapore. This model may also make a significant contribution to enriching the literature relating to the protection policy and mechanism, for DWs, which consists of twelve items of labour protection management. It argues that these twelve items should be well-integrated “under one command system” that is clear, firm and transparent. Besides, this model is appropriate for the attempts of C189 to increase DWs' protection, living standards and conditions as workers who deserve to be appreciated. And last but not least, this model could benefit all parties including DWs, employers and the Singaporean and Indonesian governments.

Not only in Singapore is the situation of the Indonesian DWs still vulnerable but also in Malaysia. The labour protection management of the Malaysian government will be presented in the next chapter.

**CHAPTER SEVEN**  
**INDONESIAN DOMESTIC WORKERS IN MALAYSIA:**  
**1984 - 2012**

**7.1 Introduction**

Since 1984, the processes of regionalisation of migration flows and binational agreements have changed the focal point of migration regulation between Indonesia and Malaysia. The impact of Indonesian migrant workers on the Malaysian economy has also been considerable. In 2007, for example, Indonesians made up 56.1 % of migrant workers in Malaysia (Economic Planning Unit, 1977 - 2008). While Indonesian men work mainly in the plantation and construction sectors, Indonesian women dominate the domestic work sector.

These processes have sharpened the hierarchical relations between the two countries. Malaysia has also engaged intensively in controlling its borders with Indonesia and the movement of irregular Indonesian migrants. Malaysia has also emphasised the securitisation of its borders and has conducted various police operations to control Indonesian labour migration and established detention camps to hold irregular migrants. Although most Indonesian DWs secure jobs through documented migration channels, many continue to find themselves in situations where they are exploited and abused, and their rights as workers are either ignored or denied.

This chapter first surveys the export of Indonesian DWs to Malaysia since 1984. It then examines the Malaysian government's guest worker program for Indonesian DWs. It describes the role of intermediaries and the Indonesian state in facilitating DWs' migration, and analyses DWs' recruitment conditions and working experiences compared to Filipino DWs. The chapter also reviews the role of binational agreements between the two governments, the effectiveness of these agreements and whether there are adequate protections for the DWs and identifies the gaps in governance. The empirical findings are then discussed

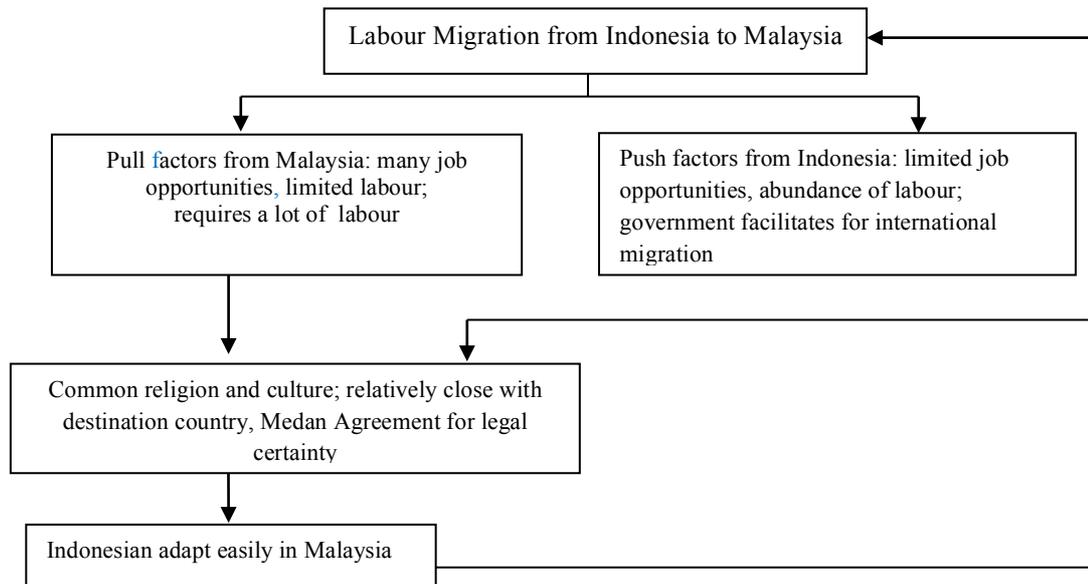
against the background of the theoretical and general literature on DWs in Malaysia and it will be shown how the Malaysian government has moved slowly towards an increasingly rights-based policy approach, and how this is aligned to the work of INGOs and the NGOs in Indonesia and Malaysia. As in Singapore, the integrated labour protection management for Indonesian DWs in Malaysia is also very important.

## **7.2 An Overview of Indonesian DWs' Migration to Malaysia**

Malaysia is a country that has experienced massive revolution in economic management after the New Economic Policy (NEP) in 1970 (Hosen, 2005; Kanapathy, 2006; Mei, 2011) and the advancement of the economy is the most prominent in the ASEAN region, especially in the Malay Peninsula (Battistella, 2002). Since then, this country has been oriented to export in the agricultural sector and manufacturing. However, human resources in Malaysia are not sufficient to fill all working sectors, especially the agricultural, construction and service sectors. To fill those labour shortages, Malaysia began to import labour from many countries in the South and Southeast Asian region. This labour movement was also dominated by Indonesian migrant workers (Hosen, 2005; Wahyono, 2005; Kanapathy, 2006; Mei, 2011).

### **7.2.1 A brief history**

Indonesian people who migrate to work in Malaysia are the most favoured workers in Malaysia. This is because of their similarity in culture, language and religion with the Malaysian citizens. (Dzuhayatin, 2002; Raharto, 2002; Hosen, 2005; Kaur, 2005; the International Organization for Migration/IOM, 2010), for instance people from java and Sumatera is similar to people in West Malaysia (near Sumatera island), as well as East Malaysia (near Kalimantan, Borneo) similar to people from Kalimantan. The deployment of Indonesian migrant workers to Malaya began during the period of the Dutch administration, as stated by Kaur (2004, 2005, 2008, 2010).



**Figure 7.1: Push and Pull Factors Which Influence Labour Migration from Indonesia to Malaysia.**

Source: The Reseacher

Figure 7.1 shows that labour migration from Indonesia to Malaysia because of pull and push factors. Indonesian migrant workers (including Indonesian DWs) can adapt easily in Malaysia because of the similarity of religion and culture. Along with the impressive development of the Malaysian economy, Malaysian women began to join the labour force and did not have any spare time to do household chores, such as washing, cleaning the house, caring for the children and other domestic work. Most Malaysian women focused their time on working in manufacturing and the demand for domestic workers began to increase (Kaur, 2004; Mascarenas, 2012, p. 56). Therefore, the Malaysian government undertook massive importing of DWs from Indonesia (Gunawan, 2012, p.51), followed by the Philippines, Bangladesh, Sri Lanka and other countries.

### 7.2.2 The Number and origin of Indonesian DWs

As an illustration of the number of migrant workers in Malaysia since 1984, a macro picture of Indonesian, Filipino, Sri Lankan and Bangladeshi workers in Malaysia is presented in the Table 7.1.

**Table 7.1: The Number and the Four Countries of Origin of Migrant Workers in Malaysia by Gender.**

Year	Indonesia		The Philippines		Sri Lanka		Bangladeshi	
	Female	Male	Female	Male	Female	Male	Female	Male
1960	2192	3206	147	271	164	342	35	65
1970	23201	33235	6949	7940	2102	4178	2107	2408
1980	47800	77917	22037	26335	1320	1493	6348	7181
1990	133214	235491	76437	76365	567	805	1507	33408
2000	325864	447871	779	207	39	1165	1161	55541
2007	111418	110780	729	745	304	739	na	na
2008	102145	84978	444	555	477	816	na	na
2009	61374	62512	540	670	574	476	na	na
2010	126750	753316	20475	35244	1936	1754	na	na
2011	38122	95541	34056	32654	1106	1355	1331	62619
2012	14547	31749	na	Na	na	na	19	785

**Sources:**

- a) Global Bilateral Agreement. (<http://databank.worldbank.org/data/views/reports/tableview.aspx>)
- b) <http://www.bnptki.go.id/statistik-penempatan/6758-penempatan-berdasarkan-jenis-kelamin-2006-2012.html>
- c) United Nations, Department of Economic and Social Affairs (2012). Trends in International Migrant Stock: Migrants by Destination and Origin (United Nations database, POP/DB/MIG/Stock/Rev.2012). <http://esa.un.org/MigOrigin/>
- d) BNP2TKI. Penempatan Berdasarkan Jenis Kelamin (50 Besar Penempatan per Tahun Berdasarkan Jenis Kelamin. <http://www.bnptki.go.id/statistik-penempatan/6758-penempatan-berdasarkan-jenis-kelamin-2006-2012.html>. Retrieved on 3 April 2013
- e) [http://www.poea.gov.ph/stats/Skills/Country\\_Skill\\_Sex/rptPerCtyPerSkill%202000.pdf](http://www.poea.gov.ph/stats/Skills/Country_Skill_Sex/rptPerCtyPerSkill%202000.pdf);  
[http://www.poea.gov.ph/stats/Skills/Country\\_Skill\\_Sex/rptPerCtyPerSkill%201995.pdf](http://www.poea.gov.ph/stats/Skills/Country_Skill_Sex/rptPerCtyPerSkill%201995.pdf);  
[http://www.poea.gov.ph/stats/Skills/Country\\_Skill\\_Sex/rptPerCtyPerSkill%202005.pdf](http://www.poea.gov.ph/stats/Skills/Country_Skill_Sex/rptPerCtyPerSkill%202005.pdf);  
[http://www.poea.gov.ph/stats/Skills/Country\\_Skill\\_Sex/rptPerCtyPerSkill%202004.pdf](http://www.poea.gov.ph/stats/Skills/Country_Skill_Sex/rptPerCtyPerSkill%202004.pdf); (Philippine Overseas Employment Administration. <http://www.poea.gov.ph/>)
- f) <http://www.census.gov.ph/sites/default/files/attachments/hsd/specialrelease/Tab4.pdf>, (Number and Percentage Distribution of Overseas Filipino Workers by Place of Work and Sex: 2010 and 2011), National Statistic Office, Republic of Philippines.
- g) United Nations, Department of Economic and Social Affairs (2012). Trends in International Migrant Stock: Migrants by Destination and Origin (United Nations database, POP/DB/MIG/Stock/Rev.2012). <http://esa.un.org/MigOrigin/>
- h) <http://databank.worldbank.org/data/views/reports/tableview.aspx#>
- i) <http://www.slbfe.lk/downloads/annual.pdf>, Sri Lanka Bureau of Foreign Employment.
- j) <http://www.statistics.gov.lk/NCMS/RepNTab/Tables/SLBFE/tab9.pdf>
- k) [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/books/labor\\_migration\\_asia.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/books/labor_migration_asia.pdf); [http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@sro-new\\_delhi/documents/publication/wcms\\_124657.pdf](http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@sro-new_delhi/documents/publication/wcms_124657.pdf) (Source: Sri Lanka Bureau of Foreign Employment)
- l) <http://databank.worldbank.org/data/views/reports/tableview.aspx#>
- m) 'Annual Statistical Report of Foreign Employment 2011. Sri Lanka Bureau of Foreign Employment, Research Division.
- n) <http://databank.worldbank.org/data/views/reports/tableview.aspx>
- o) <http://www.bmet.org.bd/BMET/resources/Static%20PDF%20and%20DOC/publication/Survey%20on%20Female%20migrant.pdf>
- p) <http://www.bmet.org.bd/BMET/statisticalDataAction>, overseas employment in 2012.

Table 7.1 shows that the role of women in international labour migration has shown some fluctuation, but it indicates the increase in number. The number of women migrants in 1980s was only 77,505 of all migrant workers and the number increased to 149,161 in 2010. Even, the number of male migrants (790,314) was higher than female (149,161) in 2010, but the gender role cannot be denied because the Malaysian government needs many women to perform domestic work (Mascarenas, 2012, p. 56). It increased the demand for the female labour force to fill the labour shortage in the domestic sector.

**Table 7.2: The Number of Indonesian, Filipino and Sri Lankan DWs in Malaysia, 1984 – 2012.**

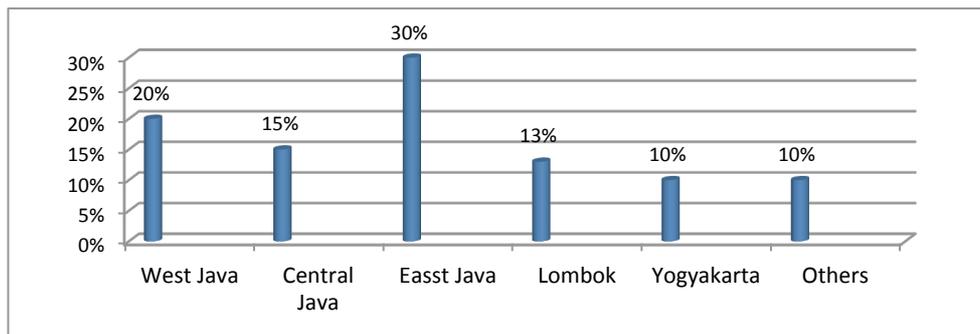
<b>Year</b>	<b>Indonesian</b>	<b>Filipino</b>	<b>Sri Lankan</b>
1984	11 441	na	Na
1989	37 785	5705	Na
1998	14333	131	Na
2000	19933	772	Na
2003	28831	1536	Na
2004	216000	1146	Na
2006	28211	396	245
2007	295127	231	294
2009	252000	366	438
2010	301000	1059	654
2011	134733	978	753
2012	12 566	na	na

**Sources:**

- a. [http://www.e-mjm.org/2006/v61n5/Pre\\_Employment\\_Medical\\_Examination2.pdf](http://www.e-mjm.org/2006/v61n5/Pre_Employment_Medical_Examination2.pdf) (Pre-Employment Medical Examination of Indonesian Domestic Helpers) Med J Malaysia Vol 61 No 5 Desember 2006.
- b. Human Rights Watch telephone interview with an official from the Ministry of Human Resources who wished to remain anonymous, Kuala Lumpur, Malaysia, June 24, 2004. See also, Ajitpal Singh, "Centres to train locals as maids," New Straits Times, June 19, 2004.
- c. Md Mizanur Rahman & Lian Kwen Fee (2009): GENDER AND THE REMITTANCE PROCESS, Asian Population Studies, 5:2, 103-125
- d. Abella and Ducanes, World Bank, Global Development Finance 2009: East Asia and the Pacific. <http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/EXTGBLPROSPECTSAPRIL/0,,contentMDK:21335782~menuPK:665652~pagePK:2470434~piPK:4977459~theSitePK:659149~isCURL:Y,00.html>, accessed July 2009.
- e. <http://www.poea.gov.ph/stats/statistics.html> (Deployment per Country per Skill per Sex 1993-2011)
- f. Annual Statistical Report of Foreign Employment 2011. Sri Lanka Bureau of Foreign Employment, Research Division.

Table 7.2 clearly shows that Indonesian DWs dominated the number of total DWs in Malaysia (compared to the other countries) with 37,785 in 1989 and 19,933 in 2000. In 2011 - 2012, the number of Indonesian DWs decreased due to the moratorium (the sending of DWs was stopped for a while) along with the ongoing revision of the MOU in June 2011. It should be noted that the data illustrated in the table above is the formal data, while the exact number of Indonesian DWs is unknown because the illegal number of Indonesian DWs can be three times that of the reported ones.

Unlike Singapore, based on the information from the respondents in Malaysia, most Indonesian DWs in Malaysia do not come from the province of West Java, but from East Java and Central Java as presented in Figure 7.2.



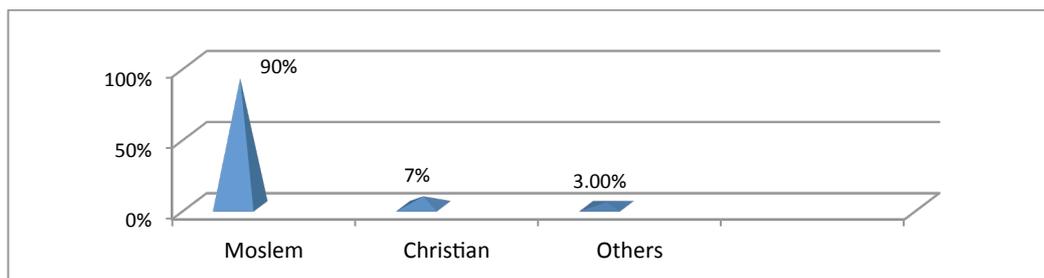
**Figure 7.2: The Provincial Origin of Indonesian DWs in Malaysia.**

Source: Interview with Respondents

Figure 7.2 shows that the majority of Indonesian DWs are from East Java (30%), especially from Malang, Kediri, Blitar and Madiun. Most of them are graduates from elementary school (some have not graduated at all) because of their poor economic condition or early marriage. The second source is West Java (20%). Interestingly, some Indonesian DWs also come from Sumatra, Kalimantan and Sulawesi (a small number).

Transport from Sumatra and Sulawesi is by ship, while Kalimantan uses road transport because it borders onto East Malaysia (Mascarenas, 2012, p. 49; Jones, 2000: pp.65-6). However, the information from the NGOs in Malaysia and

Indonesia explained that most Indonesian DWs are working in Kuala Lumpur (almost 85%) and about 15% of them are in other areas of West Malaysia, such as Perak and Pahang. Furthermore, the majority of Indonesian DWs in Malaysia use air transport via Terminal 4, Soekarno-Hatta airport in Jakarta to get to Kuala Lumpur. Meanwhile, the majority of Indonesian DWs in Malaysia are Moslem (90%), followed by Christian (7%) and other religions (3%).



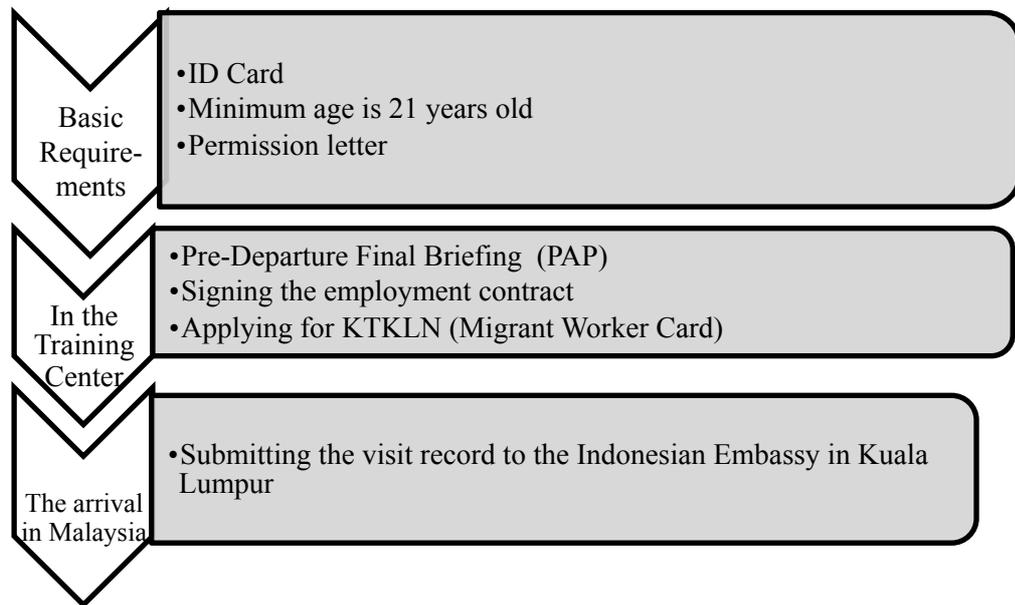
**Figure 7.3: Indonesian DWs in Malaysia by Religion**

Source: Interview with Respondents

### 7.2.3 How DWs are recruited and the role of Indonesian brokers

Intermediaries play a very significant role in the placement of Indonesian DWs to Malaysia. The role of intermediaries to recruit Indonesian DWs is almost 90% compared to the Indonesian government, which only has 10% of the responsibility (interview with respondents “G”, “H”, “I”). Based on the information from the respondents, the BNP2TKI and the Ministry of Manpower are only considered as the “symbol” to give the “stamp” (permission to deploy migrant workers).

The interview with one of the directors of LIPI (Indonesian Institute of Sciences) in the social, population and humanitarian sector has shown that “the Indonesian government does not need to directly handle the recruitment process and can leave it to the recruitment agencies, but the government must be active and assertive in monitoring the practice of the recruitment process”. It can decrease the misuse of agents’ authority to exploit and send Indonesian women to Malaysia, where the number of female workers is larger than males (Yamanaka & Piper, 2006). The requirement to work as in Malaysia is presented in Figure 7.4.



**Figure 7.4: The Requirements to Work in Malaysia.**

Source: The Researcher

The information in Figure 7.4 shows that the requirements of Indonesian DWs in Malaysia are different from the Singapore. In Malaysia the minimum age required for working as DWs is 21 years old, and the minimum education requirement is graduation from elementary school. The Ministry of Manpower was given the authority to manage and send Indonesian DWs to Malaysia, which was part of the Indonesian government's program called Repelita II (Hugo, 2000). The Malaysian offer was welcomed by the Indonesians. The demand for DWs in Malaysia is quite large, but the migration process is hampered due to the "dirty play" by the agencies in Malaysia and Indonesia in every stage of the migration process, such as recruitment, training and the deployment of Indonesian DWs in Malaysia (Morgan & Nolan, 2011, p. 14).

Along with the Malaysian demand based on the Medan Agreement in 1984, Indonesia recruits and trains the DW candidates before their deployment. Indonesia had left the responsibility to PT Bijak (Hosen, 2005), but it was followed by the establishment of many private recruitment agencies, the number of which reached more than 400 (the illegal ones were not included). Since then,

there have been many cases of deception and exploitation against Indonesian DWs, because the government has low control of the migration process.

For the management of Indonesia DWs sending to Malaysia, these countries have created binational agreements, and this information is presented in the next section.

### 7.3 Indonesia - Malaysia Binational Agreements

In 1984, Indonesia and Malaysia signed the Medan Agreement to regulate the sending and recruitment of Indonesian migrant workers to Malaysia especially for plantation work (Kaur, 2004, 2005, 2010; Hosen, 2005; Asyari, 2008; Morgan & Nolan, 2011, p. 7; Devadason & Meng, 2012), then as domestic workers (Kassim, 1996, p.4). According to the MOU, Indonesia was allowed to supply workers in the six employment categories as required by the Malaysian government (Kaur, 2010).

**Table 7.3: Malaysia - Migrant Workers by Nationality and Sector, 2007.**

Nationality	Domestic Workers	Construction	Manufacturing	Services	Plantation	Agriculture	Total
Indonesia	296 984	210 838	206 898	40 116	267 615	102 629	1 155 080
Bangladesh	17	49 289	151 376	26 069	24 552	15 016	266 319
Nepal	30	4624	178 714	28 764	2810	8171	23 113
Burma	30	15 111	79 425	20 617	1483	6556	23 222
India	99	7577	30 803	60 750	23 298	21 631	44 158
Viet Nam	10	5220	106 686	2826	90	623	15 464
Philippines	10 397	1686	2856	2765	5038	2581	25 323
Thailand	417	1105	790	216	63	555	18 056
Pakistan	1	4387	3296	1829	816	5080	15 409
Cambodia	6825	176	2404	231	201	86	9923
Others	893	2508	2857	3174	369	248	10 049
Total	315 705	302 440	766 105	202 557	356 335	163 176	2 106 116

Source: Malaysian Department of Immigration (2008).

According to Table 7.3, it is obvious that, from the six classifications of occupation in Malaysia, Indonesian migrant workers dominate the domestic sector. Because of the increasing number of Indonesian migrant workers to Malaysia since 1990, Malaysia and Indonesia negotiated a MOU in 1998 and it was signed on 10 May 2004. This covers all migrant workers in construction,

factories and plantations, and the specification of unskilled labour was agreed upon. There are several points in this MOU:

1. It allows employers to retain the passports of the migrant workers and prohibits them from organising through unions or other labour associations.
2. It covers recruitment, medical check-ups and transportation, leaving out important areas (conditions of work) and sanctions for employers and labour agencies that abuse the migrant workers.
3. It specifies that round-trip airfares should be jointly paid for by Indonesian labour recruiters, Malaysian employers and the migrant workers.

Because of the many problems of Indonesian migrant workers in Malaysia, especially for the Indonesian DWs, there have been two MOUs approved (after the Medan Agreement 1984). First, there is the 2004 memorandum in Bali, which addresses the Recruitment of Workers, and second, the 2006 memorandum, which was reviewed at the end of June 2006 in Surabaya, regarding the Recruitment and Placement of Indonesian DWs. The first memorandum covers the responsibilities of the employer and the employee and also both governments and recruitment agencies. The requirements of the memorandum are as follows: being at least 18–40 years old, having a comprehensive understanding and application of English and Malay; paying any levies and processing costs required by the Malaysian government, carrying appropriate foreign worker cards at all times, having no criminal record, and no married during their stay in Malaysia (Coss et al., 2008, p. 19).

In May 2006, Indonesia and Malaysia signed a new MOU that required a standard contract for Indonesian workers in Malaysia. Unfortunately, important matters were still not covered in this MOU. For instance, there is no provision for providing a weekly day off for migrant workers and the new ‘pay scale’ is not strictly enforced. After many more incidents of abuse, torture and even death,

more criticisms were raised by many parties, especially local and international NGOs.

The second memorandum concerns the recruitment and placement of Indonesian DWs. The memorandum requires the employer, if requested, to assist the workers to open a bank account, and obtain their foreign worker card and passport. It is the employer's responsibility to convince workers to receive their foreign worker card from the Ministry of Immigration and to forfeit their passport to their respective employer(s) (Coss et al., 2008, p. 19). Indonesia and Malaysia have negotiated a MOU relating to domestic workers since the case of the abuse of Nirmala Bonat who suffered some severe injuries because of being beaten and burnt by her employer was broadcasted in 2004. The problem was that the content of this MOU had yet to be decided, so it led to an unclear mission of protection towards the domestic workers (HRW, 2004, p. 53). For instance, the Malaysian government signed a MOU with the Indonesian government on the recruitment of Indonesian migrant workers, and while the MOUs were initially designed for less-skilled migrant workers, the recent trend has been to regulate the movement of professionals and highly skilled migrant workers.

The 'new' MOU was accepted and signed in May 2011. This MOU has the provision of the one day off a week that was absent in the 2006 MOU. The one day off can be compensated for by overtime payments; however, there is no mechanism on how the overtime payment is monitored. Previous MOUs are ill-defined, whereas the new MOU clearly specifies the migration requirements relating to the fees and costs that should be borne by the agencies first, with payments made through automatic payroll deductions (no more than 50%) (Huling, 2012, p. 656). The 2011 MOU included additional 'protection', but as widely reported in the media, this MOU still left the 'door' open for abuse and exploitation; for example, there is no minimum standard for wages, and some of the Indonesian DWs forfeit their own passports. The high cost imposed on agencies can "trap" the Indonesian DWs in debt bondage. Therefore, until the

middle of 2012, this new MOU had not been effective in protecting workers in Malaysia from exploitation, maltreatment and unequal conditions (Huling, 2012, p. 669; Tenaganita, 2012; IOM, 2012). In addition, the MOU cannot be differentiated from the governance of DWs in Malaysia.

In the next section, the Malaysian government manages Indonesian DWs and other DWs in Malaysia presented.

#### **7.4 The Malaysian Government's Governance Policies for Indonesian DWs (and other DWs)**

Malaysia as a destination country for Indonesian DWs and other DWs has established some policies and regulations for managing and protecting them as long as they work in Malaysia.

##### **7.4.1 The Malaysian government's governance policies**

In January 1997, the Malaysian government amended the Malaysian Immigration Act that bans the movements of illegal migrants. Hence, in August 1997, new recruitments of foreign labour had been banned (Hosen, 2005). However, that prohibition was finally abolished as a result of protests from businessmen and the employers of domestic workers. However, in January 1998, this prohibition on recruiting a foreign labour force, especially for the manufacturing, construction and service sectors, was still being implemented. In the middle of 1998, the embargo was lifted, thus the number of Indonesian migrant workers who are sent to Malaysia increased and reached two-thirds of the sending target of Indonesian migrant workers.

Based on the researcher's opinion, Indonesian DWs in Malaysia actually is vulnerable, especially for illegal DWs. For instance, in 2002, Malaysia announced a "Hire Indonesian Last Policy" and it was estimated that about 400 000 illegal Indonesian workers were deported from Malaysia in the period October 2004 to April 2005. Otherwise, this program has been difficult to actualise up to now

because of Indonesian migrant workers becoming a threat for Malaysia and its people, carrying the stigma of being involved in criminality, disease, and so on. Thus, Malaysia tends to view Indonesia negatively because there are many illegal migrants and the Malaysian government has failed in the management of migrant workers (Kassim, 1994; Arifianto, 2009).

Moreover, DWs are still burdened with a levy imposed by the Malaysian government. The mechanism of levies became interconnected with labour contracts and government revenue. The Malaysian government collected considerable income from this program (Kaur, 2007). Moreover, in this state, most migrant workers acquire jobs through private employment agencies or labour hire firms that operate both in the sending and destination countries. DWs are the majority of migrant workers in Malaysia, but it has been widely reported that exploitation and abuse occur at every stage of the migration cycle, including during recruitment, training and transit (Kaur, 2008, 2010).

Yet, there is no significant effort from the Malaysian government to regulate and monitor the private employment agencies. These agencies are responsible for the supply of labour, supervised training and the eventual placement of Indonesian DWs in Malaysia. The main problem is that there is no procedure to force employment agencies to account for their actions. This includes, but is not limited to, the abuse and exploitation of even their basic welfare (Kaur, 2007, 2008).

The Ministry of Home Affairs is responsible for managing immigration and citizenship matters and enforces immigration laws in the country. The Immigration Department of Malaysia and the agency within the ministry are responsible for processing requests for work permits and visas and approving admissions. At the same time, the Ministry of Human Resources implements labour policies, enforces labour laws and oversees the Malaysian workforce and skills training programs. The Foreign Workers' Medical Examination Monitoring Agency (FOMEMA) is responsible for overseeing the medical examinations of

foreign workers under the annual mandatory health-screening program (IOM, 2010, p. 44). In relation to the low-skilled labour migrants in Malaysia, the Malaysian government has several restrictions, such as the prohibition on Indonesian DWs bringing their families to Malaysia, the requirement to carry their work permits with them at all times, and they are only permitted to stay for the duration of their contract, which usually lasts two years (IOM, 2010, p. 45).

In 1997 and 2002, the Immigration Act had focused on harsher penalties for immigration violations, making it a criminal offence for foreign workers to be without a work permit or visa, and giving sanctions that included the “flogging” of workers. As a matter of fact, documented DWs who had escaped because of abuse or exploitation from their employers became illegal workers and were detained in detention camps (Kaur, 2007).

Illegal workers had disturbed the society in Malaysia (Tirtosudarmo, 2005; Arifianto, 2009). This situation forced the Malaysian government to create policy developments to control unauthorised migration. In addition, the periodic amnesty programs were also introduced. This amnesty allowed undocumented migrants to leave the country without penalty (Kassim, 1996, pp.9-10). These policy developments led to the implementation of a work permit system based solely on offshore recruitment. This system is explained in the Mode Four provisions of the General Agreement on Trade in Services (GATS), designed for skilled migrant movement on short-term contracts. The violations of this regulation are sanctioned by physical punishment, detention and other penalties.

**Table 7.4: Malaysian Policy and Regulation on Foreign Domestic Workers and Indonesian DWs, 1984 – 2012.**

<b>Year</b>	<b>Policy/Regulation</b>
May 1984	Medan Agreement with Indonesia for agri-plantation and domestic workers.
1985-86	Signing of the MOU between Malaysia and the Philippines for DWs.
Jun 1992	Permission given for employers to recruit workers from Indonesia, Thailand, and the Philippines.
August 1997	Ban on new recruitment of migrant workers due to the AFC. Second regularisation exercise for illegal migrants from Indonesia, Thailand, the Philippines, Bangladesh and Pakistan.
Oct-01	Maximum limit of temporary work pass limited from five years to three years.
Feb-02	Maximum work permit extended to a 3+1+1 ruling (except for domestic services). Ban on new recruitment of Indonesian workers in all sectors, except for domestic services
Aug-05	(i) RELA, or the People's Volunteer Corps given power to arrest unauthorised migrants until mid-2009 - provided opportunities for extortion. (ii) Levies are revised.
Nov-06	Signing of the MOU between Malaysia and Indonesia.
2007	New outsourcing system that does not attach workers permits to a particular employer – dilutes the control of the government.
Jan-08	Unskilled migrant workers will not have their work permits extended if they have been in the country for five years or more.
Nov-10	Compulsory medical insurance policy for migrant workers (excluding domestic maids) effective Jan 2011.
June 2011	Revised MOU between Malaysia and Indonesia to make better protection for Indonesian DWs.
November 2012	Negotiation about Indonesian DWs conditions and protections.

Source: IOM (2013)

Based on Table 7.4, it is apparent that Malaysia has had a long process of migration governance, but the attempts made to protect all migrant workers have not yet been ideal, especially for Indonesian DWs. In addition, Malaysia has not ratified several international conventions which are crucial, for example, UN 1990 on the protection of migrant workers and their families, C189 on domestic workers and the UN protocol on anti-Trafficking and other important conventions.

Malaysia has also been highlighted by international organisations as a country that has not attained the highest level of protection of migrant workers in general, and Indonesian DWs in particular, from labour exploitation, abuse and human trafficking (Gunawan, 2012, pp. 51-2), as was reported by the HRW in 2004 and other civil societies. The US Department of State report in 2009 put Malaysia in

Tier 3, which means that this country lacks commitment on the part of the government to improve the situation, and in 2012, Malaysia is in the Tier 2 Watch List (US Department of State, 2012, pp.234-35), which means the number of victims is increasing, and there is a lack of effort to solve the trafficking problems.

#### 7.4.2 Work conditions and rights of Indonesian DWs

As reported by the IOM and HRW, some Indonesian DWs in Malaysia are subjected to a heavy workload that forces them to work very hard and they endure conditions that equate to modern-day slavery (IOM, 2010; HRW, 2012). Some Indonesian DWs arrested by the Malaysian police were harassed and even raped (interview with respondent “L” and “M”).

**Table 7.5 Types of Average Work of Indonesian DWs in Malaysia.**

<b>Working Hours</b>	<b>Types of Work</b>
06.00–0700	Preparing breakfast for employers.
07.00-09.00	Carrying the children to school and shopping in the market.
09.00-12.00	Preparing lunch components, washing clothes, cleaning toilet, house, and so on.
12.00-14.00	Preparing lunch, fetching the children, feeding the elderly and assisting employers, sometimes in the shops.
14.00-16.00	Cleaning kitchenware, taking care of the laundry, ironing and preparing the water for baths for the employers’ children.
16.00-18.00	Bathing the children, helping to bath the elderly.
18.00-20.00	Preparing for dinner and cleaning the living room, and so on.
21.00-23.00	Cleaning the kitchen table and washing the dishes.

Source: interview with respondents

Table 7.5 shows that most of the Indonesian DWs work more than fourteen hours per day. Some of them are fortunate to have ‘kind’ employers, thus they are not exploited during their work. However, not all Indonesian DWs get kind employers who treat them well (interview with respondents “M” and “N”).

In the researcher’s opinion, again as in Singapore, the Philippines government is more active in protecting their DWs than the Indonesian government. The

Philippines government has enough human resources and other resources to help Filipino DWs when they have problems. On the other hand, the facilities in the Indonesian Embassy, such as computers, human resources and other resources, are not sufficient to cover the problems of Indonesian DWs.

Furthermore, the Philippines government is “braver” in lobbying the Malaysian government to give more protection to Filipino DWs. For instance, when there was a death penalty for Filipino DWs some years ago, the President of the Philippines together with the House of Representatives went to Malaysia and negotiated with regard to this case. Finally, the Malaysian government released the Filipino DW who had been given the death penalty. Interestingly, the president of the Philippines and the House of Representatives made great efforts to raise money from the Filipino people assist with the case. This is in contrast to the Indonesian government that “tends” only to “protest” but does not take further action. As the result, the condition of Filipino DWs is better than Indonesian DWs. The Filipino DWs are entitled to freedom of movement, they can hold their passports, they have minimum wage standards, and they have a day off. All these conditions are not enjoyed by Indonesian DWs (interview with respondents “G” and “J”).

Table 7.6 presents the unequal conditions of Indonesian DWs compared to Filipino DWs, based on interviews with the respondents in Malaysia.

**Table 7.6: Unequal Conditions of Indonesian DWs vs. Filipino DWs in Malaysia.**

No	Indonesian DWs	Filipino DWs
<b>Unequal Treatment</b>		
1	Most of them do not hold their passports.	They can hold their passports.
2	Most of them do not have freedom of movement.	They have freedom of movement.
3	Most of them do not have one day off.	Most of them have one day off.
4	Some of them do not have freedom of religious worship.	Freedom of religious worship (e.g. they can go to church every Sunday).
5	Most of them cannot have a mobile phone.	Most of them can have a mobile phone.
<b>Unequal Work Conditions</b>		
6	The salary is less than Filipino DWs Mostly, the recruitment agent cuts their salary for 8-12 months.	The salary is based on the contract (agreement) of US\$ 400 and little or no cutting of salary.
7	Most of them work hard for more than 16 hours (from 05.00 am–21.00 pm) a day.	Their work is based on the contract (normally maximum 12 hours).
8	Mostly they work not only cleaning or washing, but also doing other jobs (not only in their employers houses but also in the business/offices of their employers and it is not the same as in the contract).	Mostly they work under the contract (and most of them they have a copy of the contract letter).
9	Many of them sleep on the floor and there is not enough food for them.	Mostly they sleep in a bedroom and there is enough food for them.
<b>Abuses</b>		
10	Some of them face sexual abuse by their recruitment agencies and employers, police and RELA.	Little sexual abuse.
11	Some of them receive physical abuse by their recruitment agency and their employers.	Little physical abuse.
12	Mental abuse (shouted at by their employers or recruitment agency)	Little mental abuse.
<b>Human Trafficking</b>		
13	Some of them face human trafficking	Little human trafficking

Source: Interview with Respondents

With these different efforts for better protection and treatment by the Philippines government, the conditions of Filipino DWs are better than Indonesian DWs (Chin, 1997). For example, Filipino DWs are entitled to the minimum wage standard. This condition is because Filipino DWs are high school graduates, while in contrast, most Indonesian DWs have low educational levels (only graduated from third grade of elementary school) (Interview with respondent “K”). Besides, the pre-departure preparation and the training program of Indonesian DWs is still insufficient, due to, for instance, corrupted training times, fraudulent documents

(fake training certificates) and other deceptions being practised (interview with respondents “E”, “F” and “M”).

Furthermore, based on the NGOs information in this country, most of the Indonesian people in Malaysia are called “indon”, which tends to underestimate Indonesians, implying they are stupid and can be exploited easily. When conducting research in Malaysia, the researcher was also called “indon” by the taxi driver because he presumed that I was an Indonesian migrant worker. He apologised after the researcher told him that he was a university student in Australia.

Interestingly, when the Indonesian government issued the moratorium on Indonesian workers, Malaysia imported DWs from Bangladesh or Sri Lanka and India, who were willing to be low paid and with “no protests”, to replace Indonesian DWs. However, when the researcher collected the data, there were many Indonesian immigration staff in Malaysia who cooperated with the agencies in Malaysia, and several Malaysian immigration staff who illegally deployed migrant workers. Even though the data showed a significant decline in DWs, the real practice was not in line with the official reports (interview with NGO in Malaysia). This “collusion” could happen because the agencies in Indonesia had recruited many DW candidates but they could not deploy them while they had been short of funds to feed them in the training shelter. The researcher believes that the recruitment agencies in Indonesia would suffer a financial loss if they sent the DWs back to their origin areas, and the recruitment agencies in Malaysia would no longer trust them or cooperate further with them. The “incorrect description” of recruitment agencies in Indonesia was acceptable to the corrupt government officials in Indonesia and they secretly deployed DWs overseas.

There is an interesting statement from respondent “M” about Malaysian, protection and the condition for Indonesian DWs:

Due to bad conditions of protection management in Malaysia, Indonesia should shift the deployment of DWs to other countries that have better protection like Hong Kong. The deployment of Indonesian DWs to Malaysia without strong protection is considered as the Indonesian effort to sell her women to Malaysia. (Interview with respondent “M”).

Furthermore, in 2007 ASEAN declared the protection and the promotion of migrant workers’ right (Kimura, 2011, p. 21) and in 2011 Indonesia became the chair of ASEAN. Yet, in the researcher’s opinion, Indonesia did nothing to set up cooperation between ASEAN countries, especially with regard to the deployment of DWs; it remained weak and unassertive in changing the mindset\_ to one in which DWs are workers who should be respected. Also, ASEAN has not formulated significant policies to protect migrant workers, though ASEAN has already created an ASEAN Intergovernmental Commission on Human Rights (AICHR) in 2009 to promote the protection of human rights.

There are still many weaknesses even though Indonesia has established a Labour Attaché in Kuala Lumpur to provide services for Indonesian DWs. This is because the central government in Jakarta has no determination to consider the needs and demands of the Labour Attaché in Kuala Lumpur. For example, the government in Jakarta has not granted the proposal to increase the personnel and budget in the embassy to help Indonesian DWs (interview with respondent “K”).

The management of preparation and recruitment is not professional, causing many problems in the deployment of DWs in Malaysia. Therefore, Indonesia is labelled as a “problematic sending country” that sends female DWs without protection. The cases regarding Indonesian DWs that have emerged in the mass media are not even 10% of the real cases. These cases include cases of rape, murder, unpaid wages, exploitation and human trafficking (interview with respondents “G”, “H” and “I”).

## **7.5 The Role of International and Local NGOs (Malaysia and Indonesia) and Minimisation of Identified Gaps**

Due to the conditions of Indonesian DWs where they are vulnerable to abuses, exploitation and even human trafficking, there are many NGOs in Malaysia that help them and compensate for the lack of Malaysian government policies.

### **7.5.1 International NGOs' contributions**

INGOs play a significant role in minimising Indonesian DWs' suffering in Malaysia. The weakness and lack of programs provided by the Malaysian and the Indonesian governments are compensated for by these civil society actors at the local, regional and global level by focusing on the promotion and advancement of DWs' rights. For example, at the international level, in 2004 the Human Rights Watch (HRW) reported the real condition of Indonesian DWs along with the policies of the Malaysian government, which is entitled *Help Wanted: Abuses against Female Domestic Workers in Indonesia and Malaysia*. The HRW has contributed several useful recommendations for Malaysia and Indonesia. The analysis of the HRW report in 2004 is presented below.

The first recommendation is the regulation of DWs in Malaysia and Indonesia. The HRW stated that Malaysia does not include DWs in the regulations covering workers' protection, thus DWs in Malaysia are in a vulnerable situation. Indonesia is still weak in protecting DWs through the regulations and policies. HRW criticizes that the revision of the MOU between Indonesia and Malaysia was urgently required, especially in the protection of DWs' rights. This insistence on revising the MOU was highly canvassed by many INGOs after the emergence of the case of Nirmala Bonat (an Indonesian DW who was abused by her employer in Malaysia). Due to this insistence, the revision of the MOU in 2004 was released, but the HRW considered that the response of the Malaysian government and the Indonesian Embassy in Kuala Lumpur, as well as that of the Indonesian government in Jakarta, is still very slow and they are not serious in

dealing with the problems and the cases experienced by Indonesian DWs. Therefore, there are still many DWs who suffer exploitation and abuse.

Secondly, the HRW focused on the mistreatment of Indonesian DWs in Malaysia. The HRW reports that the majority of Indonesian DWs are not given the right to hold their passports (the passports are held by the employers/agents), and their right to freedom of movement is denied because the employers are afraid of DWs' escaping or looking for another job. Also, Indonesian DWs are not allowed to possess a mobile phone or have one day off, and they have excessive working hours. The other report is about salary deduction for more than eight months by the agents to pay off the placement and deployment costs. Difficulties of religious worship are experienced by several Indonesian DWs who work for particular ethnic groups. In addition, the facilities given to DWs are below standard; for example, they must sleep on the floor or in the bathroom, and there are not sufficient medical facilities.

The last point that the HRW emphasized was that the victims of physical, sexual and verbal abuse have increased, about more than 20%. The abuse is committed by the employers and the police or the Malaysian government staff. The practice of modern slavery is clearly reported by the HRW, in which the victims of labour and sexual trafficking have increased sharply.

In the recommendations, the HRW offers encouragement to Malaysia and Indonesia to improve their protection efforts for Indonesian DWs and their support for the promotion of DWs' rights. The improvements are the revision of the MOU in 2004 and the dismissal of RELA.

Along with the HRW, in 2010 Amnesty International reported on the conditions of migrant workers (including Indonesian DWs) in Malaysia in a document entitled *Trapped: The Exploitation of Migrant Workers in Malaysia*. This INGO viewed Malaysia as a destination country that is still weak in protecting migrant

workers. Several pieces of evidence are given by Amnesty International. First, Malaysia has not been serious in protecting DWs through the national laws or regulation systems, thus the position of DWs and legal protection for DWs are very weak. Next, Amnesty International suggested that sending countries (including Indonesia) should revise the MOU regarding employment contracts, wages and other DWs' rights.

Amnesty International believes that the mistreatment of Indonesian DWs is still severe, for example there is no freedom of movement, they work for more than twelve hours per day, they have no day off, and they have salary deductions for more than 10 months by the agents. These conditions put Indonesian DWs in a more vulnerable position, thus the cases of exploitation and abuse increase every year, especially sexual and physical abuse committed by the employers, agents or other irresponsible parties in Malaysia. At the end of the report, Amnesty International recommends that the Malaysian government make some significant improvement in DWs' protection. Malaysia is "forced" and "not forced" to follow the insistence of this INGO; for example, Malaysia revised the MOU in 2011 and improved the migration management for better protection. The outcome can be seen even though it has not been optimal.

### **The role of the IOM, the UNCHR and the ILO**

In 2010, the International Organization for Migration (IOM), via its branch office in Jakarta, issued a report entitled *Labour Migration from Indonesia*. The IOM criticized the weaknesses in protecting Indonesian DWs in Indonesia and in Malaysia, one of which is that there is no strong coordination between both countries. Consequently, the position of Indonesian DWs is more vulnerable. The IOM cooperates with several NGOs in Indonesia, such as Migrant Care, the Institute for Ecosoc Rights and Solidaritas Perempuan, to provide some training for Indonesian DW candidates before deployment to Malaysia. Giving the right information will reduce Indonesian DWs' vulnerability. Although this program has not facilitated all Indonesian DW candidates, the IOM has filled the protection

gap resulting from the Indonesian government's lack of policy and attention. Cooperation with NGOs in Malaysia is also undertaken by the IOM to fill these protection gaps, such as providing the facilities for advocacy, research and other facilities for Indonesian victims in Malaysia.

The UNCHR (United Nations Commission on Human Rights) has an important role in reporting the conditions of Indonesian migrant workers in Malaysia, and in 2011 published a document entitled *Trafficking in Persons Report in Malaysia and Indonesia*. This report shows that Malaysia is included in the Tier 2 Section 2/Watch List. The UNHCR has encouraged Malaysia to improve the protection efforts for migrant workers, where most victims come from Indonesian DWs.

Malaysia has attempted to improve the protection system by revising the MOU with Indonesia. The UNHCR continuously encourages Malaysia and Indonesia to improve the protection system for DWs to reduce and alleviate human trafficking, as the Indonesian and the Malaysian governments are still lacking in infrastructure to provide an alleviation program for human trafficking.

The ILO is an international institution that deals with the international workforce and it has attempted to encourage and insist that Malaysia and Indonesia improve the system of protection management for DWs. In 2010, the ILO has released the protection guidelines entitled *A Rights based Approach*, and the ILO Jakarta cooperates with NGOs in Indonesia to minimise the victims of exploitation, abuse and human trafficking; for example, by providing some training for Indonesian DW candidates, advocacy and shelter facilities in Jakarta and Malaysia. The ILO has provided the facilities and infrastructure for training programs that cannot be accommodated by the Malaysian and Indonesian governments. One program focuses on anti-trafficking and exploitation of Indonesian DWs.

### **7.5.2 Contributions of local NGOs in Malaysia and Indonesia**

The most prominent local NGOs in Malaysia dealing with the problems of Indonesian DWs are Tenaganita and the MTUC (Malaysian Trade Union Congress), NGO CARAM Asia, NGO Migrant Care Malaysia and NGO Health Equity. NGOs in Indonesia cooperating with Malaysia are Migrant Care, Solidaritas Perempuan and the Institute for Ecosoc Rights.

Local NGOs in Malaysia have struggled to provide advocacy, shelter, training and other physical aid and health care for Indonesian DWs. In 2013, NGOs in Malaysia united with NGOs around ASEAN to insist that Malaysia provide better protection for DWs. The main program was insisting on one day off and was conducted in Singapore along with other programs, such as the right to hold their passport and to use a mobile phone.

The interesting role of non-state actors in Malaysia is that the Malaysian government receives does not have much input from non-state actors related to management policies for Indonesian DWs. In the last ten years, many activists have been imprisoned because they have tried to protect and advocate for migrant workers. An example of this is Dr. Fernandez (Director of Tenaganita). A similar condition prevailed in Indonesia before the Reformation era in 1999, in which there were many activists who were arrested and jailed for advocating for workers' rights.

In fact, the Malaysian government does not easily accept the insistence and input from those NGOs, but at least the struggle for equality and security for DWs in particular and migrant workers in general, has been continuously carried out by the activists. One example of evidence of the success of the NGOs is marked by the dismissal of RELA (the People's Volunteer Corps) by the Malaysian government. Malaysia has slowly accepted the inputs from civil societies; for example, Malaysia has implemented protection for DWs by revising the MOU

with Indonesia in 2011. The result has not been optimal, but it has shown Malaysia's seriousness in improving the protection management for DWs due to the insistence of NGOs.

The role of non-state actors in Malaysia is very significant with regard to the protection and assistance for Indonesian DWs. Most of their actions include the advocacy of women's rights for female DWs (Lyons, 2004). NGOs and other voluntary associations try to alleviate problems experienced by migrant workers in general, and by women in particular. Aid provided by these NGOs ranges from documentation assistance, assistance with legal rights, benefits and educational guidance. They also provide shelter for women threatened by employers or others. However, protests by women and human rights groups are often ignored by male leaders (Piper, 2003).

Due to the severe conditions of Indonesian DWs and the inadequate efforts from the Malaysian and the Indonesian government in protecting and assisting DWs, NGOs in Malaysia and Indonesia have tried to fill the protection gap by initiating several protection programs as shown in Table 7.7.

**Table 7.7: The Role of Local NGOs (Malaysia and Indonesia).**

No	Activity
1	Sheltering provided by NGO Tenaganita.
2	Advocacy and complaint desk provided by NGO Tenaganita.
3	Advocacy provided by Migrant Care Malaysia and Migrant Care Indonesia.
4	Solidaritas Perempuan cooperates with CARAM Asia Malaysia to run a research program about DWs.
5	The Institute of Ecosoc Rights provides training for Indonesian DW candidates who will be deployed to Malaysia and entrepreneurship training for the returnees.
6	MTUC advocates for the DWs' rights, especially one day off and freedom of speech.
7	CARAM Asia actively supports and facilitates the effort to obtain DWs' rights by encouraging the Malaysian government to ratify several important International Conventions.
8	Health Equity has attempted to help the victims who get sick and provides some medical care.

Source: The Researcher

The programs and the facilities provided by NGOs in Malaysia and Indonesia have assisted the Malaysian and the Indonesian governments in dealing with the problems of DWs. Without these contributions, the governments would have difficulty in solving the problems of DWs, which keep increasing every year. The governments are not capable of providing the needed infrastructure, such as sufficient shelter, advocacy and training programs. This gap can be filled by civil society actors who promote DWs' rights so that they can be acknowledged as workers rather than modern slaves.

To know more about the Indonesian DWs conditions and the labour protection management conducted by the Malaysian government, the empirical findings are presented in the next section.

## **7.6 Empirical Findings**

The empirical findings in Malaysia from the media analysis, questionnaire and semi-structured interviews are described.

### **7.6.1 The media analysis**

The analysis used is the same as the media analysis conducted for Singapore. The research results are presented in Table 7.8.

**Table 7.8: News Stories on Indonesian Domestic Workers in Malaysia  
Appearing in Selected Newspapers (December 2011 - April 2013)**

No	Newspaper Name	Favourable	Unfavourable	Neutral	Total	Percentage
Malaysia's Newspapers						
1	www.themalaysianinsider.com	5	1	0	6	10.3
2	www.malaysiakini.com	6	3	1	10	17.2
3	www.freemalaysiatoday.com	2	5	0	7	12.1
4	www.malaysia-chronicle.com	2	5	1	8	13.8
Indonesia's Newspapers						
5	www.thejakartapost.com	1	4	2	7	12.1
6	www.thejakartaglobe.com	3	5	0	8	13.8
7	www.jakartaupdates.com	2	2	0	4	6.9
8	www.republika.co.id	2	1	0	3	5.2
9	www.okezone.com	2	2	1	5	8.6
	<b>TOTAL</b>	26	28	5	58	100

In Table 7.8 there are nine newspapers with 58 items of news. The largest percentage is from www.themalaysiakini.com with about 17.2%, comprising six favourable news items, three unfavourable news items, and one neutral news report. The lowest percentage is from www.jakartaupdates.com, which has published four news items about Indonesian migrant workers in Malaysia from December 2011 to April 2013.

**Table 7.9: Types and Frequency of Main Issues Appearing on Indonesian Domestic Workers in Malaysia (December 2011 - April 2013)**

No	News on Indonesian DWs	Favourable	Unfavourable	Neutral	Total	Percentage
1	Mistreatment	2	5	-	7	12.1
2	Abuses	3	7	-	10	17.2
3	Recruitment Issues in Malaysia and Indonesia,	7	5	-	12	20.7
4	Human Trafficking	1	3	-	4	6.9
5	Crime committed by the Indonesian DWs	2	3	-	5	8.6
6	Malaysian and Indonesian government regulations and responses	7	5	-	12	20.7
7	Death cases and suicides	-	1	-	1	1.7
8	Others	6	1	-	7	12.1
	<b>TOTAL</b>	28	30	-	58	100

Based on Table 7.9, the news items on the regulation and response of the Malaysian and the Indonesian government relating to the protection of Indonesian

DWs and migrant workers are the dominant and hot topics discussed in those newspapers (20.7%). This is followed by news reports on recruitment (20.7%) and the violence against DWs (17.2%). The recruitment, violence and protection are three items that cannot be separated. It is because the violence which is experienced by the Indonesian migrant workers and DWs reflects the sending and destination country's seriousness in implementing the regulation to protect their migrants and citizens. The skilled migrant workers tend to get better treatment from the employers, while migrant DWs were treated badly.

According to the reports by the newspapers in Indonesia and Malaysia, Malaysia is considered to be an unsafe country for migrant workers because Malaysia pays little attention to the security of Indonesian DWs ([www.freemalaysiatoday.com](http://www.freemalaysiatoday.com), 7 September 2011, 20 May 2012). The Indonesian DWs are excluded from the Employment Act and Malaysia is not willing to implement a standard minimum wage for Indonesian DWs to improve their living standard and prosperity ([www.freemalaysiatoday.com](http://www.freemalaysiatoday.com), 8 January, 2013, 10 January 2013).

Since Malaysia is unsafe for the migrant workers, there are many cases of abuse experienced by Indonesian migrant workers in general, and Indonesian DWs in particular. The mistreatments committed by the employers and agencies range from psychological abuse, to sexual abuse and harassment, discrimination ([www.freemalaysiatoday.com](http://www.freemalaysiatoday.com), 7 May 2012; [www.malaysiakini.com](http://www.malaysiakini.com), 17 November 2012; [www.thejakartaglobe.com](http://www.thejakartaglobe.com), 19 December 2012) and also under or unpaid wages ([www.malaysia-chronicle.com](http://www.malaysia-chronicle.com), 3 December 2012, 21 December 2012). The worst aspect is that there is a report by Migrant Care stating that there were nearly 2000 victims of physical abuse, and 1200 victims of sexual abuse in 2011 ([www.thejakartaglobe.com](http://www.thejakartaglobe.com), 24 June 2012).

The abuses in the workplace have resulted in several death cases in Malaysia. It is reported that there are approximately 600 to 700 Indonesians who have died in Malaysia due to the hazardous working conditions ([www.themalaysianinsider.com](http://www.themalaysianinsider.com), 10 May 2012). Furthermore, there are also

numerous Indonesian migrant workers who have become the victims of trafficking in Malaysia, since the regulations managing trafficking have failed in providing redress for trafficking victims ([www.freemalaysiatoday.com](http://www.freemalaysiatoday.com), 12 March 2013). Some of Indonesian DWs are under threat of death sentences from the government of destination countries, but the Indonesian government seems to be indifferent to their fate ([www.thejakartaupdates.com](http://www.thejakartaupdates.com), 8 November 2011).

Because there are many cases of discrimination, mistreatment and trafficking in Malaysia, the Indonesian government issued a ban on sending migrant workers to Malaysia in 2009, known as the moratorium ([www.malaysiakini.com](http://www.malaysiakini.com), 18 March 2012; [www.republika.co.id](http://www.republika.co.id), 25 September 2012; [www.malasia-chronicle.com](http://www.malasia-chronicle.com), 17 November 2012, 10 December 2012; [www.thejakartaglobe.com](http://www.thejakartaglobe.com), 27 November 2012). It was expected to decrease the number of victims and to raise Malaysian awareness to the need to respect and to protect Indonesian migrant workers. This ban will last until the revision of the latest MOU, which provides better protection for Indonesian migrant workers, including DWs.

Several efforts were made by the Indonesian government to protect Indonesian workers, such as the Indonesian Embassy prohibiting Indonesian migrant workers from working in Malaysia following the cases of abuse and mistreatment ([www.freemalaysiatoday.com](http://www.freemalaysiatoday.com), 7 May 2012; [www.malaysiakini.com](http://www.malaysiakini.com), 4 December 2012; [www.thejakartaglobe.com](http://www.thejakartaglobe.com), 4 December 2012) and ratification of the convention on migrant workers ([www.freemalaysiatoday.com](http://www.freemalaysiatoday.com), 12 April 2012; [www.malaysia-chronicle.com](http://www.malaysia-chronicle.com), 13 April 2012). There are several Indonesian migrant workers who were helped by the Indonesian Embassy ([www.thejakartapost.com](http://www.thejakartapost.com), 28 January 2013, 4 February 2013); they are 82 women who were helped to return to Jakarta safely. The other protection efforts are the comprehensive evaluation on the entry of workers to Malaysia ([www.themalaysianinsider.com](http://www.themalaysianinsider.com), 14 November 2012), therefore the candidates of Indonesian migrant workers must be ready mentally ([www.themalaysianinsider.com](http://www.themalaysianinsider.com), 10 March 2012).

### **7.6.2 Questionnaire and interview results**

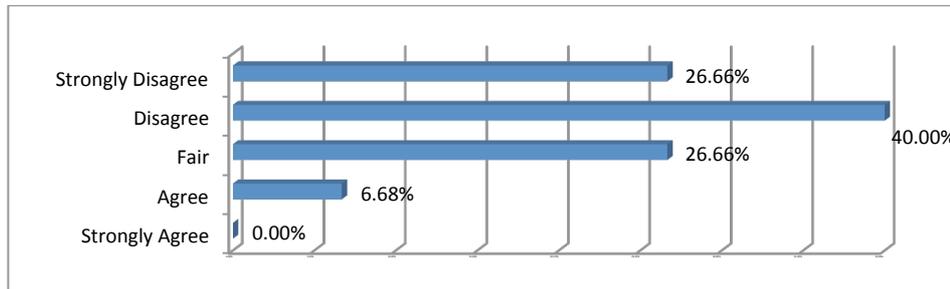
As in Singapore, the researcher met local Malaysian NGOs at the ISEAS conference in November 2010 through the principal supervisor. The researcher met other NGOs members from Malaysia at St. Alberts College, the University of New England, at the international conference “Regional Responses to Labour Trafficking and Refugee Movements in Asia-Pacific”. Again the researcher was lucky to meet them.

The labour protection management of Indonesian DWs by the Malaysian government was studied from twelve perspectives:

1. International conventions
2. Bilateral agreements and MOUs
3. National law and regulations
4. Work performance of staff/human resources
5. Coordination with Indonesian government’s representative
6. Law enforcement
7. Gender protection
8. Protection programs in arrival places
9. Protection programs in the workplaces
10. Protection programs in the returning process
11. Cooperation with non-state actors
12. Evaluation of management

The result of the questionnaire completed by fifteen respondents, six from Malaysia and nine from Indonesia, are provided with respect to the twelve perspectives above. The researcher also presents the interview results with six respondents in Malaysia.

## 1. International conventions

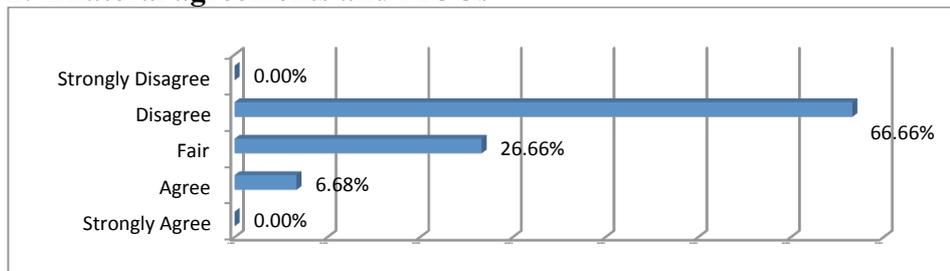


**Figure 7.5: Malaysia has a strong commitment to ratifying the international Conventions.**

Figure 7.5 shows that the majority of respondents (40%) disagree that Malaysia has ratified international conventions regarding the protection of DWs and C189 as the international legal framework:

It is impossible for Indonesian DWs to be well protected in Malaysia as long as Malaysia has not determined to ratify international conventions. The Malaysian protection efforts to protect DWs are absurd if there are no attempts to ratify international conventions because without an international legal framework it is impossible to formulate laws and regulations which can fulfil the standard of labour protection in protecting DWs. (Interview with respondent “N”)

## 2. Bilateral agreements and MOUs

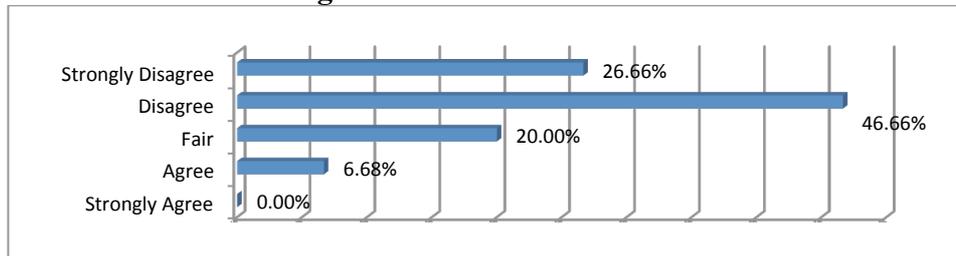


**Figure 7.6: Malaysia has a strong commitment to enforce and apply the MOU-revision 2011.**

Figure 7.6 shows the majority of respondents (66.66%) disagree that Malaysia has encouraged better protection of Indonesian DWs post the revision of MOU 2011.

The MOU revision 2011 between Malaysia and Indonesia is only “lip service”; because up to now, the conditions of Indonesian DWs in Malaysia are still “far” from the content of the MOU. Many of DWs cannot hold their passport, and have no freedom of movement. I think Malaysia does not have a strong commitment to apply this MOU. (Interview with respondent “M”)

### 3. National law and regulations

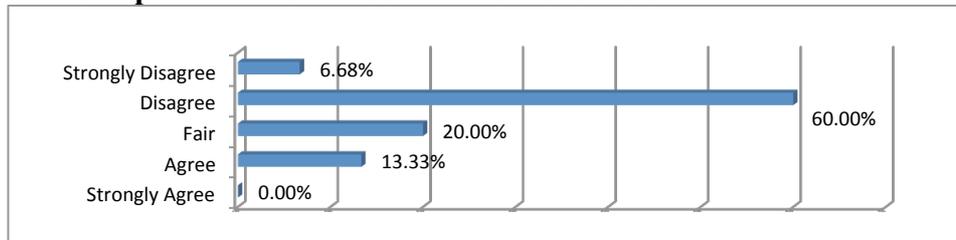


**Figure 7.7: Malaysia has a strong commitment to establishing new national law/regulations.**

The majority of respondents (46.66%) believe that the Malaysian government has not made any significant effort to improve the protection for DWs through the improvement of regulations and national laws.

As long as Malaysia has not improved the regulation system and national law for better protection of DWs, it is better for Indonesia to stop sending DWs to this country. Indonesian DWs can be sent to the other countries with a better regulation system and where it is safer for DWs, such as Hong Kong and Taiwan. The continuous sending of Indonesian DWs to Malaysia means that Indonesia only “sells” many Indonesian females to Malaysia. (Interview with respondent “L”)

### 4. Work performance of staff/human resources

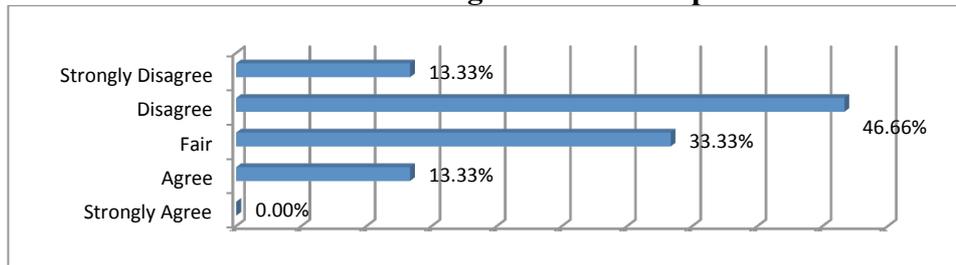


**Figure 7.8: Malaysia has professional work performance of staff to serve and protect Indonesian DWs.**

The majority of respondents (60%) believe that the Malaysian government has no staff who are able to perform with professionally to provide the services for Indonesian DWs.

Inhumane treatment and discrimination against Indonesian DWs commonly happen because Indonesian DWs are called “Stupid Indon”. After RELA has been dismissed, the similar treatment is committed by some of the police and the other migration officials to extort Indonesian DWs. (Interview with respondent “M”)

## 5. Coordination with Indonesian government's representative

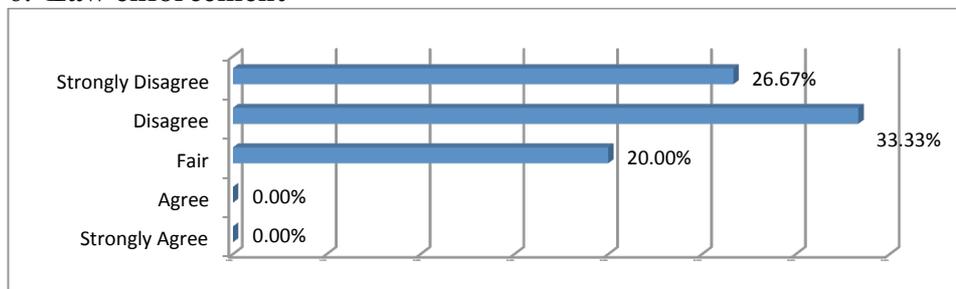


**Figure 7.9: Malaysia has strong coordination with the Indonesian Embassy to solve the problems of Indonesian DWs.**

Malaysia has no strong coordination with the Indonesian Embassy (46.6% of respondents agree about this issue).

It seems Malaysia has no willingness to establish good coordination with the Indonesian Embassy. There are many cases of Indonesian DWs exposed in the mass media and it requires strong coordination with the Indonesian government to solve them properly. Both the Malaysian government and the Indonesian Embassy have taken separate ways in solving the problem, thus the outcome is not the best. (Interview with respondent “N”)

## 6. Law enforcement

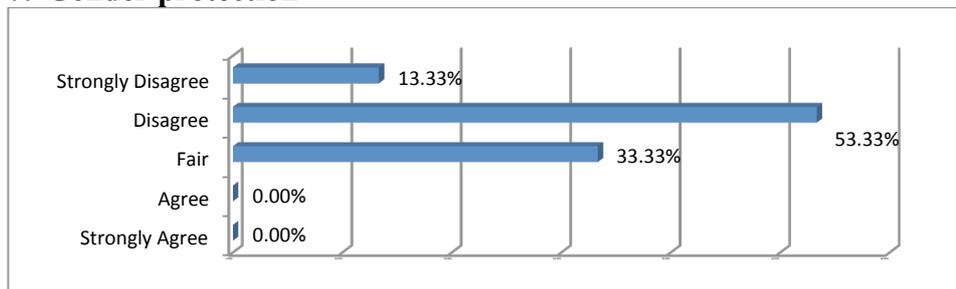


**Figure 7.10: Malaysia has strong law enforcement to protect Indonesian DWs.**

The majority of respondents (33%) assume that the problems experienced by Indonesian DWs are ignored and there is no firm legal action or strong law enforcement.

There are many abuses experienced by Indonesian DWs; such as being beaten by the employer, unpaid wages, being raped and trafficking. We have advocated for them and struggled for their better living conditions, but the law enforcement in Malaysia cannot be implemented well. (Interview with respondent “L”)

## 7. Gender protection

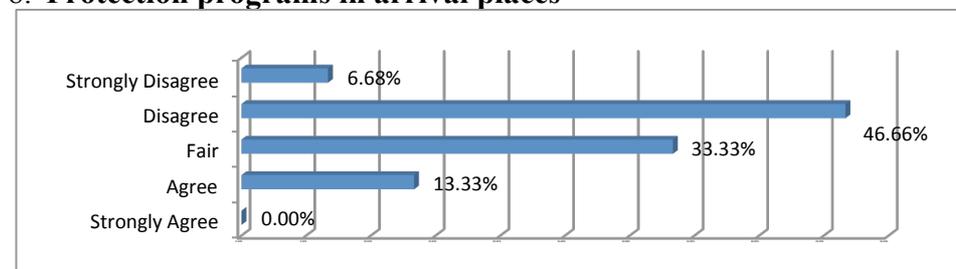


**Figure 7.11: Malaysia has a strong commitment to applying gender protection programs for better protection of Indonesian DWs.**

Figure 7.11 shows that the majority of respondents (53.33%) agree that Malaysia has no gender protection program for Indonesian DWs who are mostly females.

The majority of Indonesian DWs are female and they become the victims of sexual abuse, rape and sex trafficking. These cases continuously occur and they do not dare to report the cases. Furthermore, since there is no gender protection program in Malaysia, most Indonesian DWs do not get any appropriate protection even though they have reported their problems. (Interview with respondent “N”)

## 8. Protection programs in arrival places

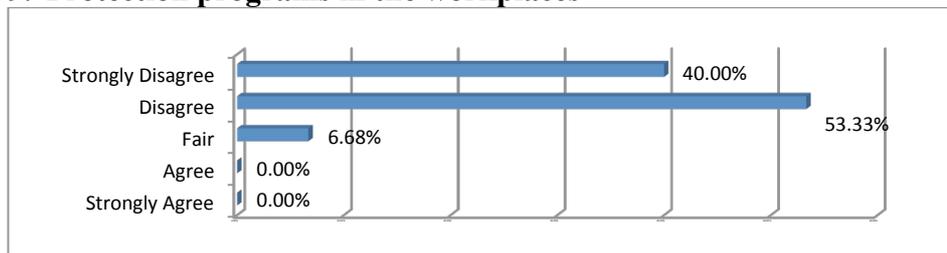


**Figure 7.12: Malaysia has a strong commitment to protecting Indonesian DWs in the first arrival places.**

The majority of respondents (46%) agree that Malaysia does not have a specific program to protect Indonesian DWs in arrival places.

Most Indonesian DWs who arrive in the airport at Kuala Lumpur or other places for the first time seem confused and need protection. Unfortunately, there are no special officers or help desk for them, thus they are deceived by some irresponsible parties to trap them in labour trafficking and exploitation. (Interview with respondent “M”)

## 9. Protection programs in the workplaces

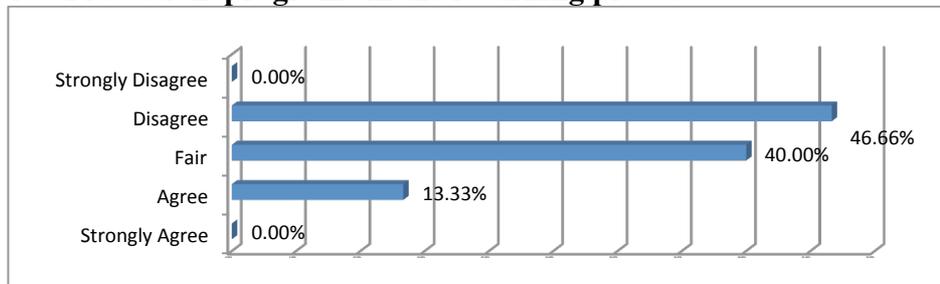


**Figure 7.13: Malaysia has a specific protection program to inspect/control the condition of Indonesian DWs in their workplaces.**

Malaysia has no specific program to monitor the conditions of DWs in their workplaces. The majority of respondents (53.33%) supported this statement.

The employers are not afraid of committing exploitations and abuses against DWs, because there is no monitoring to check and supervise the conditions of Indonesian DWs by the state officials or the police. This is the weak point of the Malaysian supervision which means Malaysia has no program to check the conditions of Indonesian DWs through sudden inspection. In addition, the Malaysian government considers the employer's house as a "private area" which is difficult to monitor. (Interview with respondent "L")

## 10. Protection programs in the returning process

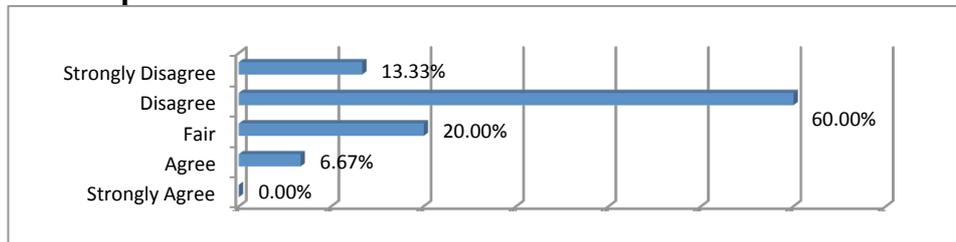


**Figure 7.14: Malaysia has a strong commitment to giving protection during the returning process for Indonesian DWs.**

The majority of respondents (46.6%) believe that Malaysia has no special program to provide assistance for the returning process of Indonesian DWs.

It will be dangerous for Indonesian DWs who want to return to Indonesia because their employment contract has expired because there are many cases of Indonesian DWs who are still imprisoned in the employer's house or become the victims of trafficking. (Interview with respondent "P")

## 11. Cooperation with non-state actors

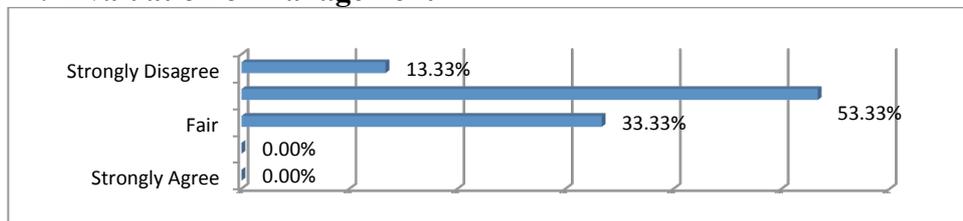


**Figure 7.15: Malaysia has a strong cooperation with non-state actors.**

The majority of respondents 60 % agree that Malaysia does not cooperate with NGOs in dealing with the problems and cases experienced by Indonesian DWs.

The Malaysian government is so arrogant and looks down on us and even considers us as an “enemy”. There is formal cooperation between NGOs in Malaysia and the state, yet there is no real practice or implementation. The number of victims can be reduced if the Malaysian government is willing to cooperate with us. (Interview with respondent “L”)

## 12. Evaluation of management



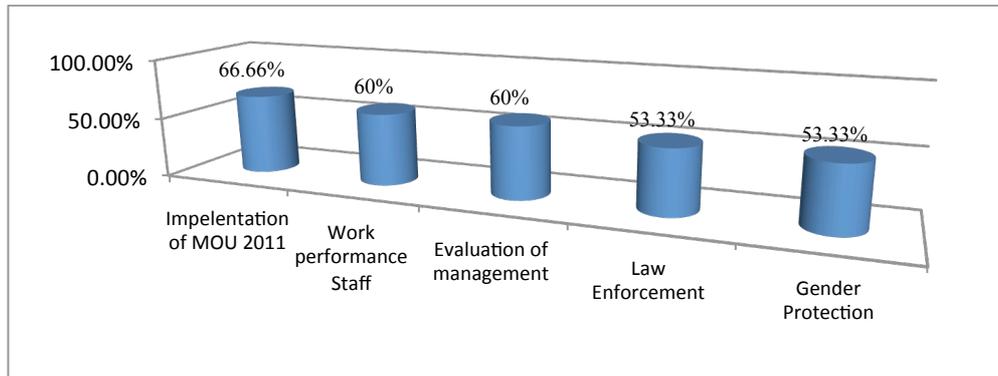
**Figure 7.16: Malaysia has a strong commitment to evaluating management to make better conditions for Indonesian DWs.**

Malaysia does not have a specific program to evaluate the management of protecting Indonesian DWs (the majority of respondents, 53.33%, agree with this).

Not even an management evaluation program, the Malaysian government also has not been determined to evaluate the management performance and to improve the conditions of Indonesian DWs. Malaysia is supposed to be the destination country of Indonesian DWs that can do anything arbitrarily; for example, Malaysia can import DWs from Bangladesh or India during the moratorium. (Interview with respondent “O”)

## The Weakest Points of the Malaysian Government's Protection

Based on the questionnaire results, there are five items of labour protection management considered by the respondents to be the weakest.



**Figure 7.17: The Five Weakest Points of the Malaysian Government's Protection**

According to Figure 7.17, the majority of respondents believe that for Malaysia there are five items of weakness in the protection management for Indonesian DWs. These create vulnerable condition for DWs:

1. Law enforcement (53.33%)

Law enforcement in Malaysia is still weak. This makes Indonesian DWs more vulnerable.

2. Gender protection (53.33%)

There is no gender protection program; therefore, it is dangerous for Indonesian DWs to work in Malaysia.

3. Work performance staff (60%)

The Malaysian government's staff still consider Indonesian DWs as a "commodity" and an "enemy", thus they are not respected and their existence is not valued as workers. It is difficult to guarantee the security of DWs in Malaysia.

4. Evaluation of management (60%)

There is no significant evaluation of management. Although there are many inputs from NGOs and advocacy from the HRW and other

international organizations, Malaysia does not make any significant progress.

5. MOU (66.66%)

The implementation of MOU 2011 does not have any binding power since the Malaysian government cannot impose new policies to protect Indonesian DWs.

### **7.6.3 The researcher's opinion of Malaysian protection management to promote a rights-based approach for Indonesian DWs**

Based on the results of the questionnaire and interviews in Malaysia, there are some important conclusions that can be drawn.

Firstly, the researcher believes that the “mindset” of the Malaysian government must be changed, since the DWs are not slaves and this is the first point that should be taken to improve the level of respect toward DWs as stated in International Convention C189.

Until mid-2013, there has been no significant improvement regarding the attempts to ratify international conventions for the protection of DWs, such as C189 and UN 1990 on the protection of migrant workers and their families. This condition shows that the Malaysian government has not been determined to protect DWs and DWs are no more than an instrument to advance the Malaysian economy.

The researcher believes that the sending countries like Indonesia, the Philippines, Bangladesh, Sri Lanka and India insist Malaysia to ratify the international convention along with the ratification by those sending countries.

Secondly, without such ratification the Malaysian government is reluctant to revise and implement the MOU with Indonesia. Lack of willingness to revise the MOU hampers the implementation of the revision; for example, there are still

many employers holding DWs' passports. This condition will persist since there is no integration between law enforcement and the work performance of the Malaysian government staff in monitoring the implementation of the MOU. The "integrated system" proposed by the researcher opens the possibility of supervising the practice in the real workplace.

Thirdly, the long-lasting mistreatment experienced by DWs is the outcome of the ignorance of the Malaysian government in revising and implementing the MOU between Indonesia and Malaysia. It is worsened by the regulations and national laws that exclude DWs from the possible safeguard of national regulations. The revision of the national law on the management of migrant workers is not currently purposed to assist migrant DWs.

There is no significant improvement of the national regulations for better protection for DWs in Malaysia. The amendment of the national law in Malaysia relating to the protection for DWs has not been run well by the Malaysian government and the parliament.

Fourthly, work performance of the Malaysian government's staff is of low quality in providing services for Indonesian DWs. Most of the reports relate to the exploitation and extortion of Indonesian DWs committed by the employers and irresponsible officials. There are cases of rape and imprisonment because Indonesian DWs do not hold their passport and some cases have not been reported in the mass media. In addition, RELA, which was established by the Malaysian government has committed many migration offences and violations against female Indonesian DWs.

The services for Indonesian DWs tend to be unfriendly and underestimate DWs by referring to them as "stupid indon" (interview with respondents in Malaysia). Most Malaysian citizens harbour negative feelings towards Indonesian people, because Malaysia has been disturbed by the presence of the excessive number of

legal and illegal Indonesian DWs. This condition would not occur if there was strong cooperation between Malaysia and Indonesia, along with integrated and transparent management supported by the control of NGOs and INGOs.

Fifthly, the “political corporation” hampers the coordination and cooperation with the Malaysian government and the Indonesian government’s representatives in Kuala Lumpur. The spirit of bilateral agreement has not been established, thus it is difficult to handle the problems. They tend to blame each other if there are problems or cases published in the mass media. It is better to establish transparent management, thus the coordination to solve the problems can be achieved.

Sixthly, since there is no serious intent to improve the regulations to protect DWs, law enforcement cannot be realised. There are several parties that have authority over migration in Malaysia and they cooperate with the recruitment agencies for long-lasting profitable relations. For example, the Indonesian DWs are blamed for the cases or problems without any further investigation. Most of the cases are not reported and about 70% the court cases are always won by the employers (interview with respondent).

Seventhly, the Malaysian government does not pay attention to the gender protection program. Special regulations to manage the protection of female Indonesian DWs have not been granted. Malaysia must understand the importance of a gender protection program, because the Malaysian economy has advanced due to the presence of female DWs from Indonesia and other countries.

Eighthly, there is no protection during arrival at Kuala Lumpur airport. This is proven by having no special protection for migrant workers and by the absence of a complaints desk at the airport. The arrival of Indonesian DWs has invited many irresponsible parties to commit exploitation and extortion. The improvements require cooperation with local NGOs in Malaysia and Indonesia and support from both countries.

Ninthly, protection in the workplace is still far from what is expected. The monitoring that should be done by the Malaysian government has been ignored because the employers' houses are private areas. The researcher believes that the employer's house is no longer a private area since the monitoring can be conducted online and the information can be accessed by every party if there are regulations to require reporting online, the Malaysian government does not need to monitor each house and the monitoring venues can be accessed from the database through central management of an "integrated protection mechanism".

With an integrated system, the mistreatments committed by the employers can be detected faster and it opens the opportunities for every party to monitor and support DWs. This system can be run well if the Malaysian government is willing to cooperate with the Indonesian government to create an "open management" system.

Tenthly, protection during returning process is not provided by the Malaysian government and the condition of DWs is likely to be ignored after their contract expires. In fact, there are still considerable number of cases of unpaid wages or confinement, rape and exploitation that have not been dealt with by the government. Also, the Indonesian government has a slow response to protection and assistance for DWs who return to their homeland.

The eleventh matter is the coordination between the Malaysian government and the NGOs that is still far from what is expected. The existing cooperation is not formal and amounts to "lip service", because the Malaysian and the Indonesian governments are still half-hearted in improving the protection management and they tend to be rivals.

Finally, the Malaysian government has made no effort to evaluate the migration management system because there is no significant improvement after much criticism from NGOs and INGOs.

As in Singapore, the researcher believes that the implementation of the twelve items of integrated protection management in Malaysia is still weak and un-integrated. There is no centre for protection management established by the Malaysian and the Indonesian governments.

#### **7.6.4. The Argument regarding the “Integrated Protection Management for Indonesian DWs” (IPM DW) in Malaysia**

Specifically, the researcher has criticized the lack of integration of Malaysia’s policies in managing and protecting Indonesian DWs. This means the Malaysian and the Indonesian government solve the problems separately, without strong coordination and integration with one another. The protection system and solving of DWs’ problems cannot be run well, even though the MOU 2011 on the protection of DWs has been revised.

Changing the mindset to consider “DWs are workers” should be the first step taken by the Malaysian government, followed by the ratification of international conventions, which provide the international legal framework. Then, further steps should be taken towards better and more transparent cooperation with Indonesia, the formulation and the enforcement of the national act and other regulations on the protection for DWs. The detailed information related to the relevant steps that should be taken by the Malaysian government is presented in Figure 7.18.

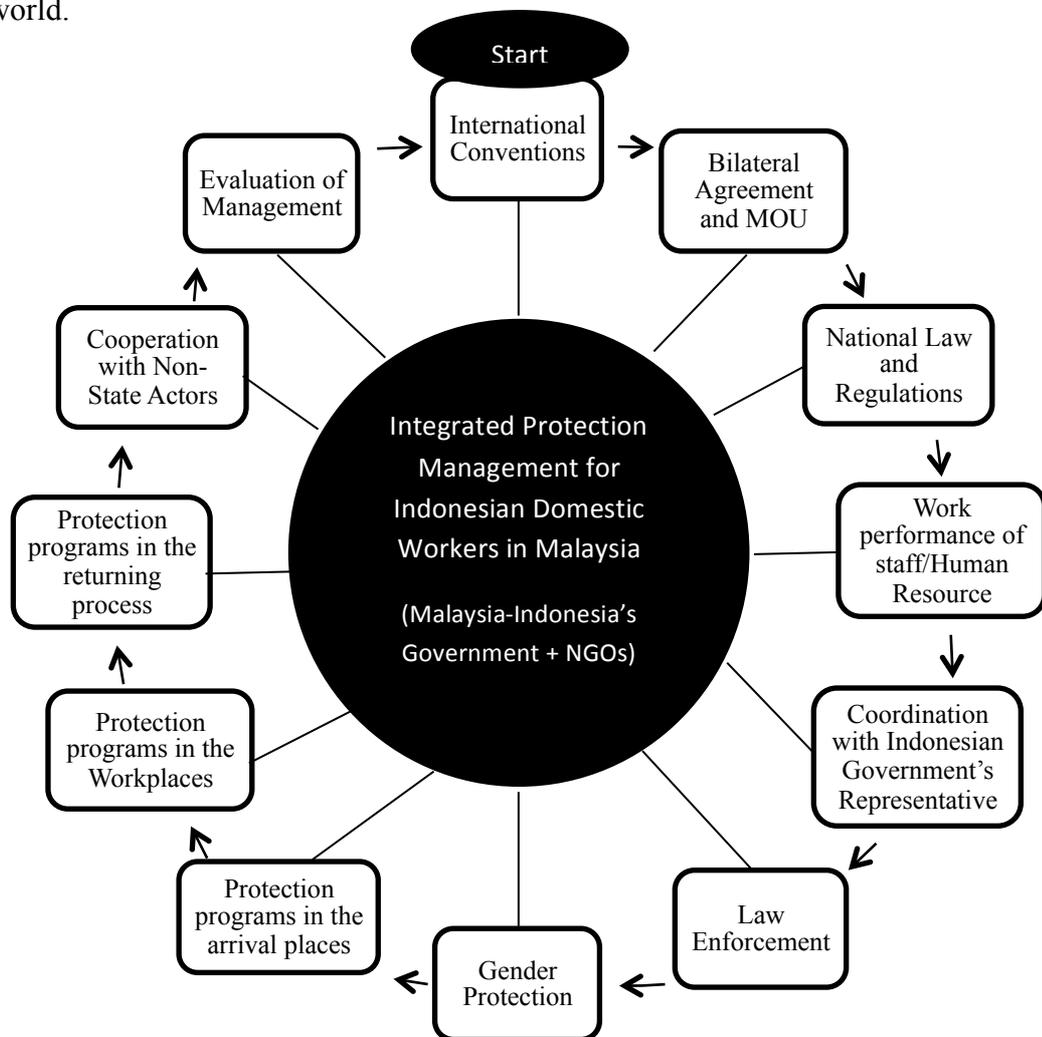
This cooperation should result in integration under one protection system that is monitored by both countries (Jones, 2000, pp. 10-1), thus making it easier to check and to deal with the violation of DWs’ rights. This system could run well if the international and bilateral legislation is enacted. Furthermore, strong determination by the government is required to build an integrated protection system that can maximise the outcomes.

This integrated program should be characterized by the following requirements:

1. Both countries (Malaysia and Indonesia) agree that the integrated protection program data can be accessed by both parties.
2. Local NGOs in Malaysia and Indonesia are involved in controlling the implementation of that integrated protection system.
3. Both countries agree to use the online system to manage DWs including their recruitment, training, deployment, and protection during the employment and return. With this online system, all agencies in Indonesia and Malaysia will be connected and must be registered to get the online facilities.
4. Monthly reports should be made by the employers and the agencies in Malaysia, and DWs must report their conditions to the agencies via the online system. A transparent system that can be accessed by everyone is expected to minimise the deception by agencies, and the NGOs can establish good contact with DWs via “Facebook” and the other social networks, since the majority of DWs have communication devices that can be used to interact with others.
5. This integrated system would connect the DWs’ cards with the system in Indonesia and Malaysia. Therefore, the government could seek solution for DWs’ problems and cases assisted by the NGOs in Indonesia and Malaysia, and the embassy in Kuala Lumpur.
6. This system rejects the assumption that employers’ houses are private areas that cannot be “touched”. The online communication system and reports under one database can ease the pressure on the Malaysian government to control and monitor Indonesian DWs and other DWs living in the employers’ house.
7. This integrated and transparent system can open up the “DWs’ closed world” and lighten their burden.
8. This system can improve the macro economy in Malaysia and Indonesia because it can maximise the productivity of DWs and their salaries can be transferred safely to their origin areas.

9. The system cannot run well if one of the protection items illustrated in the figure cannot be met by Malaysia. The involvement of NGOs and the Indonesian government is required for the process of controlling and monitoring.

Previous studies have not discussed the integrated, online and transparent collaboration between state and non-state organisations. Appropriate software can be prepared by both countries, and this software usage will make the operation of the system easier, and allow the monitoring of DWs' conditions and improvements in order to eliminate this form of "modern slavery" around the world.



**Figure 7.18: A Model for the Integrated Protection Management of Indonesian DWs (IPM DW) in Malaysia**

The model of IPM DW in Malaysia and Singapore is similar. Yet, in Malaysia, the researcher stresses that the revision of MOU 2011 between Indonesia and Malaysia should be implemented as soon as possible and creates some points of agreement about IPM DW. In Singapore there is no MOU created yet, so the model of IPM DWs could not make in the agreement between Indonesia and Singapore.

The researcher believes that there is some chance of this “integrated system” with Malaysia being implemented, because Indonesia and Malaysia have many similarities in culture, language and religion (Dorall, 1989; Arifianto, 2009). The government must change the mindset to protect and respect DWs as workers and it should be actualized in reality by ratifying the international conventions, followed by an agreement to establish an online system for the monitoring and protection of DWs in both countries.

Many researchers, such as Moniaga (2008) and Orange, Seitz and Kor (2012) believe that the management of Indonesian DWs is difficult to implement because of their status. This will not happen if the government is willing to learn from Hong Kong in managing DWs. Protection is something that can occur if it is supported by a system that integrates all the components.

The theory of integrated management is supported by Huling (2012, p. 669), who states that without strong law enforcement by the Malaysian government, it is impossible to grant the DWs’ rights. The integrated system cannot be realised without a strong determination to protect domestic workers and strong law enforcement (Oishi, 2012). This would eliminate the view that employers’ house cannot be “touched”, because the regular reports by DWs via the internet into the database of the migration system would be accessed by all parties.

Huling (2012, p. 677) believes that the very first step in ending the chain of exploitation and trafficking experienced by DWs in Malaysia is by ratifying and signing the international conventions, as stated in the model of integrated protection in which the first engine of integration is the international conventions.

Huling (2012, p. 680) also supports the integrated management because it will be beneficial, not only for migrant workers, but also for the sending and destination countries. Furthermore, the researcher supposes that this system can provide profit or agencies in Indonesia and Malaysia, migrant workers' families and surrounding societies, and the society in Malaysia (as explains in the last paragraph of this section)

The HRW (2007, p. 3) finds that around the world, DWs are predominantly females and constitute more than 10% of the total workers in several countries. They work in the employers' houses and are invisible, thus they are vulnerable to physical, social and psychological abuses, unpaid wages, excessive working hours without rest, food deprivation, and even confinement. Most DWs are low-educated and some quite well-educated - trapped in the forced workforce, trafficking and slavery. Therefore, the ILO (as cited in HRW, 2007, p. 3) states that this never-ending condition will continue if the countries do not improve their legislative framework, as the national laws in several countries exclude DWs from the safeguard of regulations and the protection of workers. In addition, the national standards cannot deal with this problem as a whole.

The problem with DWs, according to the HRW (2007, p. 8) is that they lack monitoring and protection in the workplace because they are working in the privacy of the employers' houses. Most of them have no understanding of where to go when they get into trouble. When they complain to the police, they are ignored and returned to their employer, while the employer does not receive any punishment. Therefore, the online protection system and the monthly report under the "IPM-DW" method is expected to reduce the abuse and exploitation. Jones (2000, pp. 10-2) and Hangzo (2011) state that to protect DWs, there should be national, regional and global cooperation and commitment supporting the theory of Integrated Protection Management for DWs, where individual parties do not solve the problem separately.

Hangzo (2011) focuses on the inadequacy or absence of legal protection at the national level in both the sending and destination countries, as the root cause of the vulnerable state of migrant DWs. Also, Kodoth and Varghese (2011, p. 7) believe that the protection run by the state is one form of investment, because the Malaysian and the Indonesian governments must finance the protection infrastructure to receive the economic, social and political outcomes of the integrated system. This finding is supported by respondent “F”.

The contribution this study provides to the improvement of protection management for DWs is the importance of integrated protection management for the sake of all parties involved. This includes:

- a. The economic development of Malaysia  
Safe conditions for Indonesian DWs and other DWs can advance economic growth in Malaysia compared to the current mistreatment and poor condition experienced by DWs in Malaysia.
- b. The psychology, economy and humanism of employers of Indonesian DWs in Malaysia.  
The employers will feel safe because they trust the DWs deployed by Indonesia. The Indonesian DW candidates must be prepared well and have high qualifications to fulfil the standard labour requirements and protection management. The productivity can be improved and the employers are expected to respect DWs as workers, not as “modern slaves”.
- c. Agencies in Malaysia will obtain better financial profit because they are trusted by the employers and the Indonesian government in processing the deployment and the placement of Indonesian DWs.
- d. The agencies in Indonesia can gain more benefit because there are no complaints.

- e. The Indonesian government's representatives in Kuala Lumpur can be more active in managing DWs and they are not burdened by the never-ending problems experienced by DWs.
- f. The central government in Jakarta can build better bilateral cooperation with Malaysia to advance the macro economy via remittances transferred by DWs in Malaysia.
- g. DWs' families can improve their living condition and prosperity.
- h. DWs will be more responsible in performing their role as workers/economic actors rather than servants.

## **7.7 Reaction/Attitude of the Malaysian and the Indonesian Government**

The Malaysian and Indonesian governments have responded to the international critics as described below.

### **7.7.1 Reaction/attitude of the Malaysian government**

In brief, Malaysia is very slow in responding to the protests from civil societies and international organisations, such as the ILO and UN. This slow reaction shows the reluctance of the Malaysian government to acknowledge DWs as workers. Malaysia has not made any significant improvements in protecting Indonesian DWs. There are many cases experienced by Indonesian DWs, for example rape cases committed by the Malaysian police against Indonesian DWs (*The Jakarta Post*, 22 November 2012), and these cases were invisible, though they have violated the international and national legal ethic.

Although there are some attempts to improve the regulations and the MOU with Indonesia, Malaysia still seems half-hearted about making significant changes (Gunawan, 2012, p. 52). This situation is used by the corrupt in Malaysia and Indonesia to obtain more profits by extorting Indonesian DWs during their recruitment and arrival in Malaysia. This is the vicious cycle that is difficult to break, since this movement is backed by the Indonesian and the Malaysian governments' staff (interview with respondents in Indonesia and Malaysia).

The protection efforts run by the Malaysian government have not been integrated and there is no coordination to manage and protect Indonesian DWs. For example, Malaysia and Indonesia have their own way of solving the cases regarding Indonesian DWs. This weak coordination has become the prominent weakness used by the “corrupt” and the “migration mafia” to exploit and extort Indonesian DWs. They are difficult to handle unless the “integrated protection mechanism” controlled by both countries is applied.

### **7.7.2 Reaction/attitude of the Indonesian government and the role of the Indonesian Embassy**

The Indonesian government is very slow and not assertive in responding to the criticism from the mass media and NGOs. It is proven that Indonesia is very slow in lobbying for political and international relations with Malaysia, and the revision of the MOU since 2006 has consumed much time (IOM, 2010). The worst aspect is that the revision of the MOU has not been implemented well, since there is still much exploitation and abuse perpetrated against Indonesian DWs.

The moratorium in 2009 seemed to be inconsistent because Indonesia still deployed DWs to Malaysia. This condition has damaged the image of Indonesia in the eyes of the Malaysian government. After Malaysia announced it would hire DWs from Sri Lanka, Bangladesh and other countries, Indonesia showed lack of strength by not lobbying for the protection of Indonesian DWs.

The Indonesian President, Susilo Bambang Yudhoyono seems to be “not active” enough in protecting Indonesian DWs compared to President Abdurahman Wahid. For instance, Mr. Wahid had saved an Indonesian migrant worker in Saudi Arabia, though there was no strong system of migration management. The better protection and management system in the Philippines has resulted in better treatment for Filipino DWs (interview with respondents “G”, “H” and “M”).

Furthermore, the Indonesian government's representative in Kuala Lumpur is still not effective in providing protections to DWs, because the process is very slow and bureaucratic (Morgan & Nolan, 2012; Hangzo et al., 2011; Devadason & Meng, 2012; Ananta, 2009). Moreover, there is corruption and inhumane treatment still reported (Hall, 2011, p. 46). Compared to Indonesia, the Philippines government tends to be more active in protecting their DWs by negotiating the standards of the employment contract with the Malaysian government.

Indonesia has attempted to expand services to Indonesian DWs by accepting Indonesian DWs' complaints via the communication media. These include text message, telephone, e-mail, fax, letter, face-to-face and even via the internet. However, the online system often does not clarify the name and the Indonesian DWs' conditions. The Indonesian government's representatives are often placed far from Indonesian DWs' workplaces, thus Indonesian DWs are hampered from accessing the Indonesian Embassy. Many Indonesian DWs choose to head to the airport, rather than reporting their problem to the Indonesian government's representative (interview with respondent "G").

Therefore, in the researcher's opinion, the Indonesian government in Jakarta and the Indonesian government's representative in Malaysia (Kuala Lumpur) do not have strong coordination, and tend to blame each other. In fact, they should enhance the monitoring process to include the recruitment process before the migrant workers are deployed in Malaysia. Currently, information related to migration overseas has been provided by the community called "Labour Migrant Expo" (BNP2TKI, 2008; Antara News, 2006). Their campaign focuses on the preparation before migrant workers are deployed abroad (IOM, 2010). However, the action taken by the Indonesian government still invites much criticism from scholars dealing with the falsification of information about working conditions overseas (Romidiati, Noveria & Bandiyono, 2002; Raharto, 2002; Anggraeni, 2006; HRW, 2004; Tenaganita, 2008; Graham, 2012).

To alleviate the miserable conditions that Indonesian DWs' are subjected to, the Indonesian government has made several efforts to protect them.

- a. A temporary ban on domestic migrant workers (moratorium).
- b. Increasing or strengthening bilateral agreement/s related to the employment standards between the sending and receiving country.
- c. Implementing new regulations and amending the present regulations (Hangzoet al., 2011; HRW, 2010; Devadason & Meng, 2012; Kaur, 2013).

Based on the field research, the researcher found that those attempts have not yet been ideal because they only postpone the occurrence of new problems without solving the cases properly. One resolution to this problem is that the Indonesian government's representative should involve the existing migrant workers, because the ones who know about the working conditions and misery of migrant workers are the migrant workers themselves. Many returned migrant workers have established non-government organisations like Migrant Care, Solidaritas Perempuan and the Institute for Ecosoc Rights. Ironically, the Indonesian government denies their input in further policy making and administration (ILO, 2006).

## **7.8 Summary**

There are six main findings in Chapter Seven. Firstly, Malaysia is the main destination country for Indonesian DWs in the Southeast Asian region and Malaysia has the largest number of DWs compared to the other destination countries. Malaysia had benefited from using the services of Indonesian DWs before the signing of the Medan Agreement 1984, there was a massive inflow of Indonesian migrant workers into Malaysia including DWs, so Malaysia was disturbed by their presence. The policies that should reflect Malaysia's success in managing a macro economy that requires a large number of migrant workers have failed in ensuring the comfort and safety of migrant workers in general and female Indonesian DWs in particular. Therefore, Malaysia is a hazardous country for

Indonesian DWs as long as there is no commitment of the Malaysian rulers to changing the “mindset” from exploiting the DWs into respecting the DWs’ existence.

Furthermore, Malaysia and Indonesia are like “siblings”, because the majority of Malaysian citizens have similar culture, religion and language to Indonesians, but even these cannot guarantee the safety and decent work for Indonesian DWs in Malaysia. It seems that Indonesia does not dare to be more active in protesting against the Malaysian policies that harm Indonesian DWs. This contrasts with the Philippines government, which has a strong willingness and pays serious attention to protecting Filipino DWs in Malaysia. The Philippines is more active in “lobbying” the Malaysian government, and as a result, Filipino DWs can hold their passport, have freedom of movement, have one day off per week, have a better salary than Indonesian DWs, etc. These conditions cannot be enjoyed by Indonesian DWs. Compared to other DWs, most of the Indonesian DWs become victims of abuse, exploitation and even human trafficking in Malaysia.

Secondly, the contribution of International NGOs and local NGOs to better rights for Indonesian DWs is very significant. The efforts of NGOs also create “a stronger action” than the Malaysian government in protecting Indonesian DWs from abuse, exploitation and other mistreatment. For instance, in 2004, the HRW reported to the international society about abuses of Indonesian DWs in Malaysia, and this NGO gave such a wonderful recommendation for the Malaysian and Indonesian government to provide more protection for Indonesian DWs. After the report, the Malaysian government created a new revision of the MOU with Indonesia in 2006 and some new regulations, such as dismissing RELA. Furthermore, the IOM, ILO and UNHCR also pushed the state to give more protection for DWs through reports written in 2011, 2012 and 2013. The result is that the Malaysian government signed the new MOU with Indonesia in 2011, while local NGOs in Malaysia also try to provide advocacy programs, shelter and training programs to ensure more safety and protection for Indonesian DWs. Local NGOs are also still trying to campaign for one day off for DWs in

Malaysia. Those actions slowly but surely insists the Malaysian government in coming closer to following the international protection standard. Another interesting point is this research found that local NGOs both in Malaysia and Indonesia work together to solve the Indonesian DWs' problems.

Thirdly, based on the media analysis, the condition of Indonesian DWs up until now is still vulnerable, because many cases of Indonesian DWs that have been reported by the mass media have not been handled well by the Malaysian government. It seems that the Malaysian government has ignored giving more attention and protection to Indonesian DWs through the international ratification and regulations. The Indonesian government also is still "very slow" in pushing the Malaysian government to give rights to Indonesian DWs based on the new MOU revision in 2011.

Fourthly, from the results of interviews and questionnaire, the five weakest points of labour protection management of the Malaysian government are:

- 1) The implementation of the new MOU 2011 does not have any binding power to give rights to Indonesian DWs in Malaysia such as freedom of movement, holding their passport, etc.
- 2) The state does not respect Indonesian DWs in Malaysia. This kind of worker is still assumed to be "modern slave".
- 3) The evaluation of management of this state does not "show" any serious efforts.
- 4) The state does not have strong law enforcement.
- 5) Even though the Malaysian government knows that most victims of exploitation, abuse and even human trafficking are female DWs, the gender protection program is still "a dream".

Then, interestingly, the attitude of the Malaysian and Indonesian governments to the criticism of International NGOs and local NGOs was very slow. In fact, there is little progress in providing better protection for DWs.

Finally, as in Singapore, the researcher argues for the importance of an “Integrated Protection Mechanism for Indonesian DWs”/IPM DW, which might be able to minimise exploitation, abuse and trafficking of Indonesian DWs in Malaysia. Through the “IT connection and management” the twelve items of labour protection management should be well-integrated “under one command system” that is clear, firm and transparent. This model could provide benefits for all parties, such as a better international relationship between Malaysia and Indonesia due to the problems of Indonesia DWs decreasing and, secondly, employers not having to worry about the problems of Indonesian DWs because every month the situation and condition of Indonesian DWs can be detected by the IPM DW. The employers and DWs will feel safer; the economy of Malaysia and Indonesia would improve because most of the remittances of Indonesian DWs come from Malaysia. Protection and development of the remittance management of Indonesian DWs will be explained in the next chapter.

**CHAPTER EIGHT**  
**INDONESIAN DOMESTIC WORKERS' REMITTANCES:**  
**MIGRATION AND DEVELOPMENT?**

**8.1 Introduction**

Indonesian DWs who have returned to their homeland after completing their employment contracts in Singapore and Malaysia have contributed a significant amount in remittances, to the national income in the non-oil sector. This chapter examines the role of the remittances contributions in the Indonesian economy, and illustrates the economic protection pounded by the Indonesian government for DWs after their return. The last explanation point includes how to develop the DWs' economy after migration and what kind of management model is appropriate to be implemented in Indonesia to achieve better economic conditions.

**8.2 Indonesian Female DWs' Remittances**

The movement of Indonesian DWs to destination countries has resulted in a sharp increase in economic migration in recent years, and the remittance sent by female DWs are a significant contribution to the growth in the Indonesian macro and micro economy but male DWs not too significant (Hugo, 2002, 2003, 2006; Terry & Vilson, 2005, p. 361). In Indonesian macro economy, remittances constitute 1.6% of Indonesia's GDP and one third of total Foreign Direct Investment/FDI, thus it is an important source of foreign exchange (Organisation for Economic Co-operation and Development/OECD, 2000, p. 217; Lucas, 2005, p. 156; IOM, 2009). This is the reason why the Indonesian government's policy of placing women as DWs abroad is one of the strategies to reduce poverty and unemployment in Indonesia (Tirtosudarmo, 2009).

**Table 8.1: Remittance Inflow of DWs to Indonesia, the Philippines, Bangladesh and Sri Lanka (in Million US\$), 1988-2011**

<b>Year</b>	<b>Indonesia</b>	<b>The Philippines</b>	<b>Bangladesh</b>	<b>Sri Lanka</b>
1988	99	1262	765	358
1989	167	1362	758	358
1990	166	1465	782	401
1995	651	5360	1202	809
2000	1190	6961	1955	1166
2001	1400	6000	2072	1185
2002	1200	6900	2848	1309
2003	1489	10 243	3192	1438
2004	1866	11 471	3584	1590
2005	5420	13 566	4314	1991
2010	7139	21 311	11 050	3612
2011	6923	22 973	12 067	5153

**Sources:**

- a) Asian Development Bank (2004) in Efficiency of Migrant Workers' Remittance: The Bangladesh Case
- b) World Bank. (2007). World Development Indicators (2007)
- c) Asian Development Bank. (2009). Global Crisis and the Impact on Remittance to Developing Asia: p. 5
- d) <http://www.imf.org/external/np/sta/bop/2006/luxgrp/pdf/philip.pdf>
- e) World Bank (2008) in the Malaysia-Indonesia Remittance Corridor: p. 12
- f) World Bank. Migration and Remittance Factbook 2011

Table 8.1 shows that remittances transferred by Indonesian DWs (mainly female) increase every year, but are, in actual fact, less compared to the Philippines and Bangladesh. In 1988, Indonesia only received US\$99 million, while the Philippines received US\$1262 million. In other words, Indonesia only received about 20% of the total Philippines' remittances. In 2011, Indonesia received 30% of the Philippines' remittances. In the researcher's opinion, Indonesia still does not "manage well" the sending of migrant workers abroad, especially in optimising the huge number of potential migrant workers from many areas in Indonesia, as Indonesia has a population five times larger than the Philippines.

### **8.2.1 Remittance channels**

There are two remittance channels used by Indonesian DWs: the formal and informal channels. The informal channel is still preferred by the female migrant workers as it is more convenient (Truong & Gasper, 2011, p. 114). The informal channel allows their friends or relatives to bring the money back in the form of goods or gold (8.5% - 80%). The formal channel is through recognised institutions like banks and non-banks such as post offices and official agents. The report of Bank Indonesia/BI (2008) shows that there are 81.9% of migrant workers who have used bank transfers; however, only 32% of migrant workers have bank accounts, thus most migrants use one bank account to remit as a group. For the non-bank formal channel, Indonesian DWs use money transfer organisations, money changers, and post offices (IOM, 2009). There are four agencies that handle migration and remittance issue: the Coordinating Ministry for Economic Affairs, the Ministry of Manpower and Transmigration, the BNP2TKI and BI (IOM, 2010, p. 18). However, the recorded amount of remittance transfer is only based on the legal formal banking reports (such as Bank Indonesia/BI, and Bank Republik Indonesia/BRI). There is a “dark” figure of remittance data, which is data that have not been officially recorded, including the remittances that are transferred via informal channel, for example, transfers through friends or relatives, and agencies, or carried by the migrants themselves (Robinson & Bessell, 2002, p. 174).

### **8.2.2 Remittances transferred from destination countries to Indonesia**

The IOM (2010, p. 23) states that remittance transfers have grown steadily at 5.79%, coinciding with the increase in the number of Indonesian migrant workers overseas. The remittance flow from Malaysia was about US\$2.3 billion or 35% of total remittance in 2009, from Saudi Arabia it was about US\$2.2 billion (33%), from Hong Kong it was US\$425 million (6.6%), from Taiwan Province of China it was US\$425 million (6.4%) and from Singapore it was US\$425 million (6.4%). Complete data related to the remittance flow in Indonesia are presented in Table 8.2.

**Table 8.2: Remittances Coming into Indonesia (in US\$ million)**

Remittance by Country of Destination	2005	2006	2007	2008	2009
Malaysia	2659	2732	2586	2476	2335
Hong Kong SAR	1351	1398	1747	2250	2207
Saudi Arabia	327	360	417	454	442
Taiwan Province of China	210	281	358	379	425
Singapore	124	135	188	214	425
United Arab Emirates	154	168	145	166	179
Japan	117	117	114	130	142

Source: IOM (2010).

The largest remittances are obviously transferred from Malaysia. This situation is because of the similar culture and language of Indonesia and Malaysia, thus it is the easiest migration flow from Indonesia, especially for those who come from rural areas and work in the informal or domestic sectors. Furthermore, historically, Malaysia and Indonesia have established strong social networks since the Dutch colonial period (see Chapter 4). The kinship and social networks make it easy for Indonesian workers to migrate to Malaysia compared to other destination countries, since they need to learn the culture and language beforehand.

### **8.2.3 Mobile financial transaction: a new player**

To ease and to improve the services for remittance transfers, Bank National Malaysia/BNM, in cooperation with several telecommunication companies, has developed the technology of remittance transfers via mobile phone. This business model has been adopted by remittance transfer companies in the Philippines that have cooperated with Telkom, Smart Communications and Globe Telecom in the Philippines. In the researcher opinion, mobile phone can be connected with electronic money (e-money), thus it can be linked with electronic protection (e-protection) and electronic development (e-development) (see the integrated protection management for domestic workers' remittances/IPM DWR model in the last section of this chapter).

The latest development shows that Malaysia's Maxis Communication Bhd has introduced a mobile phone product to transfer remittances. By using this technology, e-money can be accessed. Also, the Maxi remittance system can be distributed via SMS (Short Message Service) to the receivers (HSBC Bank) in Indonesia (Maxis, 2008).

Furthermore, DIGI Telecommunications (another provider) has cooperated with Citibank and introduced a transfer service via mobile phone from Malaysia to Indonesia. There are 44 centres of DIGI service (Winn, 2007). With this system, migrant workers are not obliged to create a bank account, but this program has not been able to be implemented with Indonesian DWs in Malaysia because they have no freedom of movement.

#### **8.2.4 The allocation of Indonesian DWs' remittances**

Remittances have a significant impact on the distribution of household income and well-being in the communities in the origin areas (Barham & Boucher, 1998). Remittances are used to send their children to school and to support the family's life (Redfoot & Houser, 2005, p. 34; Terry & Vilson, 2005, p. 361), house repairs, buying land, paying off debts, and to initiate small business (IOM, 2009). Briefly, most remittances are allocated to meet daily needs, health care, education, clothes, gadgets and other consumption goods, but remittances are rarely spent on productive investment (Robinson & Bessell, 2002, p. 174; Firdausy, 2005; Lucas, 2005, p. 156; de Haas, 2007; IOM, 2009). The use of remittances for non-productive investment will cause "a passive and dangerous" dependency on remittances (de Haas, 2005).

There are two forms of investment, "physical capital" and "human capital" (Salomone, 2006, p. 14; Sirkeci, Cohen & Ratha, 2012, p. 90). Lindstrom (1996) defines the two roles of remittances in economic investment as "fixed capital assets" (fixed deposits in a bank) and "productive assets" (farmland, livestock, tractors or irrigation equipment, which can be used to generate income in the future).

The allocation of remittances for productive investment is focused on irrigation, because many migrant workers are peasants who come from rural areas. Investment is undertaken to initiate business or production, and to open small shops, but it has not yet been optimal as there is no strong government support (interview with respondent “F”). Furthermore, investment by migrant workers depends on the infrastructure and government policy for managing and creating a good investment environment (Lucas, 2005, p. 156; Holger & Egbert, 2008, p. 206; Naerssen, Spaan & Zoomers, 2008, p. 60).

### **8.2.5 Making Indonesian DWs and government partnerships work**

The remittance policy has two aspects. The first is to maximise the remittance inflow and the other focuses on mobilising remittances within the formal banking system (Terry & Wilson, 2005, p. 365). Indonesia has focused on providing a banking system for Indonesian migrant workers, in which the BNP2TKI and Bank Syariah Mandiri (BSM) have signed a cooperation arrangement related to banking access for Indonesian migrant workers and their families. This will make it easier for Indonesian migrant workers to obtain funds for their deployment overseas, and BSM provides the facilities for funding, remittance transfers and the financial education of Indonesian migrant workers.

The migrant workers not only need remittance channels, but also credit facilities, savings and investment. Therefore, it is important to explore public private partnership (Doi, 2010). The Indonesian government has implemented the program of *Kredit Usaha Rakyat*/KUR (credit for opening people’s business). The Minister of Economy, Hatta Rajasa, states that KUR is given by the government to support Indonesian migrant workers, who contribute a large amount of foreign exchange. Eighty percent of the KUR funds will be entrusted to the banks, which are members of KUR. The ceiling for KUR has been increased from IDR 5 million to IDR 20 million. This program is expected to minimise the risk of debt bondage and has been practised in East Java with BRI (Bank Rakyat Indonesia) as

the provider of credit (BNP2TKI, 2010). In addition, Fahri Hamzah, a legislator from the Prosperous Justice Party (PKS) from Sumbawa, says that the provinces have created a lot of programs to empower ex-migrant workers and to provide financial aid to make them new entrepreneurs, so that they are not expected to seek job opportunities abroad (*The Jakarta Post*, 6 July 2012). However, the increase in remittances has not been utilised optimally to increase their prosperity. Hence, the BNP2TKI has cooperated with the World Bank to provide financial and banking education for Indonesian migrant workers and their families in order to improve remittance management (BNP2TKI, 2012). However, this program has not reached ex-migrant workers, so most of them remain jobless or working on farms upon their return. Most of them are also reluctant to take the credit because it has complicated administrative requirements and a high interest rate (Silabat, 2012).

The World Bank in cooperation with the state (BNP2TKI), has initiated a program of financial literacy education for Indonesian migrant workers and their families. This program deals with many aspects of financial knowledge: financial awareness, including basic financial concepts such as interest rates, exchange rate, transaction fees, savings and insurance; applied financial knowledge to provide the respondents with financial advices; and financial numeracy skills to provide the respondents with skills in basic calculations (Buchori, 2012). This financial education has been run since 2010 and it is included in the *Rancangan Program Jangka Menengah Nasional RPJMN* (planning for the national middle programs) of 2010 - 2014. Banking education and remittance management have been held in nineteen BP3TKI (the branches of the BNP2TKI in every province in Indonesia), and it has 1800 participants in 2012 (BNP2TKI, 2012). Unfortunately, based on the researcher's findings, the Indonesian government has not run those programs optimally (further explanation can be seen in the result of the interviews with the respondents).

There are several economic development programs that have been provided by the Indonesian government, but they have not been run seriously. The Ministry of Manpower and Transmigration and several national agencies held some training activities for business entrepreneurship (Kiss, 2009). The BNP2TKI (2008) also supports the state's decision to empower migrant workers by providing financial aid through banks and other institutions to manage their remittances. For example, the local government in Karanganyar, Semarang, has provided subsidies and financial aid for business capital, in which IDR 500 million has been allocated for subsidy program, and IDR 1 billion is for business credit (*Suara Merdeka*, 7 July 2006). However, the government has not managed this program professionally. Further explanation about economic protection and economic development of Indonesian DWs conducted by the Indonesian government can be viewed from the interview results with the respondents in the following section.

### **8.3 The Results of Interviews regarding Economic Protection and Economic Development Programs**

The interview results with ten respondents in Indonesia related to the issue of remittance, protection and economic development programs for Indonesian DWs (seven items) are described.

#### **1. The program for remittance and financial training management for DWs.**

Several reports by the ILO (2010) and the IOM (2010) explain that the Philippines actively promoted the remittance and financial training management for Filipino DWs. Yet, the Indonesian government has not provided the training for Indonesian DWs. The opinion of respondent "I" regarding this matter is as follows:

Honestly, Indonesian DWs is very happy if they have support from the Indonesian government, especially financial management program, such as training of small business development. The majority of Indonesian DWs I met in the field wish for that, because they think that if their money is still intact, it can be developed further rather than for consumptive spending, like purchasing land, house, and motorcycle.

## **2. The program of micro financial aid**

In the Philippines, the campaign giving assistance to small business is very effective (Blank, 2011). The state provides information about financial aid throughout the rural areas, especially for those who are willing to develop small businesses such as sewing, opening a stall, and so on. In contrast, the banking institutions in Indonesia do not dare to provide financial aid for Indonesian DWs because most Indonesian DWs do not have enough knowledge in the management of finance and small businesses. The worry is that the Indonesian DWs cannot pay the debt on the date due or that they may even face bankruptcy.

The quotation below is the opinion of respondent “A”:

In fact, the government has the will to provide financial aid, especially by the enactment of the KUR TKI. However, the KUR TKI is limited to loans for departure, not for economic development of Indonesian DWs post-return. Therefore, Indonesian DWs who are willing to initiate small business tend to borrow capital to their neighbours, parents, the BPR (*Bank Perkreditan Rakyat*) or money lender.

## **3. The program of regional and national investment**

Investment programs are one of the keys of economic development. Based on the theory of macro economy, regional investment will strengthen the macro national income (Sassen, 2001). The Indonesian government can initiate regional investment by the management of the economic development of Indonesian DWs. This can be done by providing opportunities for them to invest in their hometown, for example through the establishment of a tapioca factory in the fertile mountainous areas where cassava is planted, or in coastal areas, the government could provide opportunities for the establishment of a fish canning factory. Half of this investment could be from the government and the other half from Indonesian DWs. However, the central and regional governments are not interested, or do not dare to make such investments.

The opinion of respondent “J” is as follow:

I come from a village which sends many Indonesian DWs Central Java. I see the regional government revenue is big enough to assist the regional economy. After Indonesian DWs return to their origin area, they are not provided with the chance to do some business or investment in the region, even though the regional development needs financial investment. If the regional government gives opportunities for investment, for example catfish market development, and cooperate with Indonesian DWs. I think it will bring benefits for every party. On the other hand, there are many companies which need investors at the national level.

#### **4. The program for assisting management and the controlling of economic development**

Ideally, if there are some efforts in guidance, small business training and investment management for Indonesian DWs, the government could better support the efforts taken by DWs for their economic development, for instance the Indonesian DWs in Malang, East Java (*Jawa Pos*, 12 January 2012), who have established a home industry of *Tempe* chips. This industry is the result of cooperation between Indonesian DWs, and it would be better for the government to support these businesses initiated by Indonesian DWs.

Assistance with marketing, financing, production and personnel management is required, and this would result in economic development that is more optimal, longer lasting and safer because it is supported and developed by the regional government. Also, the cooperation between the local government and local universities (the nearest to the Indonesian DWs’ business) can be realised in the form of the KKN program (program for the Indonesian university students in the last year, to give such a beneficial program for the society, normally two months in the rural areas), research and local small business development. Therefore, the benefit can be enjoyed by all parties. On the other hand, students of economy and management, accounting, technology of agriculture, and law can apply their knowledge and help Indonesian DWs to manufacturing business. Unfortunately, the Indonesian government shows no desire to be involved with Indonesian DWs’

businesses, there is no integration between central and regional government, and there is no coordination between departments.

The following quotation is from respondent “G”:

Indonesia, which is the second largest DWs sending country after the Philippines has benefited from the remittances by least \$6 billion per year. However, the economic development of Indonesian DWs has not occurred. Also, their needs for developing small business require immense attention. Many groups of Indonesian DWs in rural communities are trying to establish cooperatives or other small businesses. But this program has no support from the regional or central governments. Perhaps, yes... based on my opinion, if the Indonesian government is willing to run economic development management in cooperation with universities, cooperative department, and home affair department, the guidance and investment control will bring better advantages and will reduce unemployment in that region.

## **5. The program for marketing product**

Marketing products is at the heart of a business and nowadays, the government should work together with civil societies to “invest” together in promoting and selling the products (Kotler & Kotler, 2013: p. xiv). One example is the program to promote handicraft products manufactured by Indonesian DWs in Klaten, Central Java (*Kompas*, 2 January 2012). It is better for the Indonesian government to assist with marketing and working with (the big companies in Indonesia) to promote these products. However, it seems Indonesian government is ignoring the potential of Indonesian DWs in Klaten. This is in contrast with the situation in the Philippines, in which the government is actively promoting the products of Filipino DWs in Kuzon (*Times*, 2 October 2012).

The opinion of respondent “F” is shown below.

In fact, the potential of Indonesian DWs who are obedient and easily organised is a worthwhile asset. Indeed, there are some regions in Indonesia, Solo is one of them, which established an organisation of Indonesian DWs, and they built a cooperative and produce many products, such as handicrafts and batik. If the infrastructure of the government can assist them to market and promote those products overseas, at least inside the country, it will be of great assistance and

strengthen the economy of commoners, especially Indonesian DWs. However, instead of assisting with product marketing, the infrastructure to prepare Indonesian DWs is inadequate and there is no proper training and so on.

## **6. Cooperative and banking programs for Indonesian DWs**

When the researcher visited the respondent in Jakarta, he stated that there were some efforts being made by the government to plan the establishment of Bank TKI/Indonesian migrant workers. This bank is from TKI, for TKI (including Indonesian DWs) and can assist their economy, both in the cost of departure and other costs required, and in reducing debt bondage to recruitment agents.

The interview with respondent “B” is below:

I am former staff and I have worked for ten years, and when Mr. Eman Suparman took control of the Ministry of Manpower and Transmigration, he suggested the establishment of Bank TKI purposed to assist Indonesian migrant workers who do not have money to migrate and other migration administration. It also reinforces Indonesian migrant workers’ economy, from and for migrant workers. However, Indonesian policies have changed too often. With the reshuffling of the current minister, previous policies are not run without a good reason.

Moreover, the attempt to establish the cooperatives by Indonesian DWs is not included in the national program to help and support Indonesian DWs. The Indonesian government tends to provide less support for cooperatives. Some cooperatives built by Indonesian DWs close or become bankrupt due to the lack of government concern in assisting and protecting those Indonesian DWs’ cooperatives (*Jawa Pos*, 2 January 2012).

The interview results show that the Indonesian government is still not optimal in managing remittances, economic protection and economic development for migrant workers, especially for DWs. Therefore, the economic development model for DWs, called IPM DWR, will be presented.

## **8.4 The Proposal of the New Concept of Integrated Protection Management for Domestic Workers' Remittances (IPM DWR)**

The concept of IPM DWR (Integrated Protection Management for Domestic Workers' Remittance) is a new concept (the researcher's proposal) for economic development and remittance protection management for Indonesian DWs. In this context, the observation, undertaken by the researcher prove the importance of economic development and protection for DWs as sustainable steps as mandated in C189 on the economic development and protection of DWs. This underlying concept is that DWs are workers. However, the researcher considers DWs' prosperity and dignity, thus they are not only acknowledged as workers, but also as "investors", who can provide some benefits for their own protection, for the micro and macro economy and for the economic stability and productivity of the sending countries (which in this context is Indonesia).

### **8.4.1 The definition of the IPM DWR**

The researcher defines IPM DWR as:

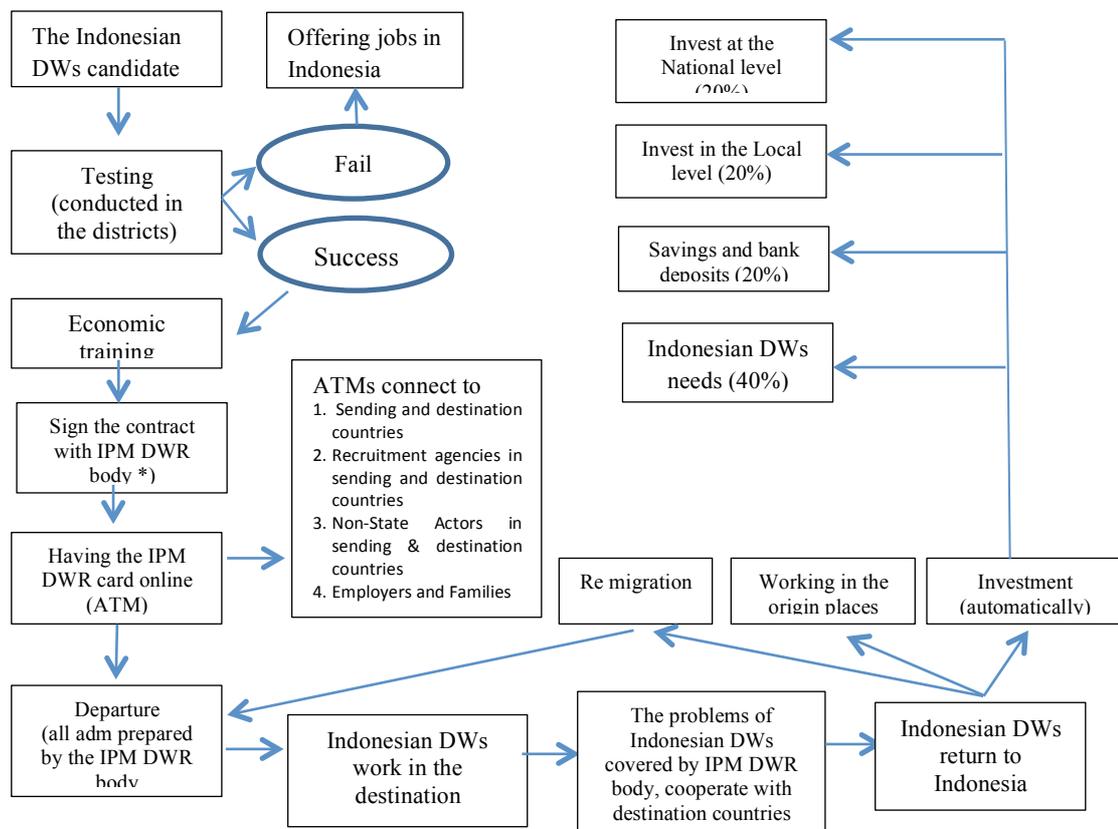
The system of managing migrant workers' recruitment (especially Indonesian DWs) through a professional body (under direct command of the president/leader of the state), using integrated information technology (computer software and networks), which can be accessed by all the relevant people including all actors in the migration industry such as Indonesian DWs, recruitment agencies, the Indonesian government, the Indonesian representative in the destination countries, the governments of receiving countries, employers/users, recruitment agencies in the destination countries, banks or financial institution that handle financial management, training institutions, police, judges, and other actors approved by the national parliament and cooperating with civil societies and non-state actors (nationally and internationally) for ensuring transparency, quality and professionalism. The system provides economic benefits for all related parties through professional management, starting from the initial recruitment, while working abroad and when returning, and preparing business plans or economic activities for migrant workers after returning from working abroad.

## **The IPM DW and the IPM DWR**

The concept of the IPM DW (Integrated Protection Management for Indonesian DWs) in the pre-departure, deployment and returning processes (as described in Chapters Five, Six and Seven), is similar to the IPM DWR (Integrated Protection Management for Indonesian DWs' Remittances). Both models use information technology, but the IPM DWR puts more focus on remittances. Before creating the IPM DWR, the first step is that Indonesia must implement the IPM DW, which consists of seventeen protection items in the pre-departure phase and six protection items in the returning phase (as described in Chapter Five).

### **8.4.2 The IPM DWR (Integrated Protection Management for Indonesian Domestic Workers' Remittance) flow chart**

In the history of migration management, the failure to manage migration is because of the pattern of policies and regulations that have tended to be short-term and do not consider long-term plan (Skeldon, 1990). Long term plans consists of a way to manage migrant workers' remittance and economic development in the future. It requires firm and transparent decision making to understand the context of long-term migration policies and to anticipate the value of remittances in the development a nation. Therefore, this model tries to answer those challenges.



**Figure 8.1: The flow chart of Integrated Protection Management for Indonesian Domestic Workers' Remittance/IPM DWR**

\*) IPM DWR national body in this term (like the POEA in the Philippines) is a national body which focusing on the economic protection and development of Indonesian DWs under the Indonesian President's instruction or the BNP2TKI, or separated from the BNP2TKI and the Ministry of Manpower and Transmigration (the researcher refers this body as an independent institution under a new law, and is controlled directly by the Indonesian President and both local and international NGOs. This body has branches in every provinces in Indonesia). Therefore, the staff in this body should be professional and "clean"/no corrupt people (on line management controlling system).

The explanation of Figure 8.1 is as follows:

1. Only the Indonesian DW candidates who pass the examination (skill test, including technical skill, language, administration and attitude) may become DWs. For who fail in this test, the Indonesian government should prepare job vacancies in Indonesia, such as work in a company, which most share, obligation and investments are collected from the remittances

of Indonesian DWs, for example the local company (BUMD) in every province or region in Indonesia.

2. After the Indonesian DWs succeed in the test, they receive a professional training in their origin/district area (*kabupaten* and *kecamatan*). Having the training located in the local area rather than in Jakarta will result in a reduction in exploitation and abuses and more transparent activities. Also, resources in every origin area of Indonesian DWs can be optimally explored, for example, the local government can cooperate with the vocational high school or universities to provide the venue for training Indonesian DWs. Indonesian DWs would not need to stay in the training centre, because they can go there in the morning and return to their houses in the evening.
3. After the Indonesian DWs have finished their training, they have to sign the contract with the national body of the IPM DWR. The NGOs and other civil societies could start monitoring the IPM DWR system for then.

This system involves all elements, ranging from the government and NGOs to universities. Everybody can access information about the DWs' development and finances by using the website provided by the government, which is supported by the new legal regulation protecting this system (except the money flow of Indonesian DWs, salary, remittances management and investment – only the national body of the IPM DWR and NGOs and other civil societies that are delegated by the Indonesian government can view financial transactions).

4. If the Indonesian DWs receive an approval to become part of the system, they will receive an ATM (Automatic teller machine) card that contains their personal data, employers, agents, address abroad, and access to the system's website.
5. Since the ATM card is directly connected to all users of the system, their employers, the Indonesian Embassy abroad, the governments of

destination countries, recruitment agencies, the NGOs that control the protection, the BNP2TKI, the local and central government, and their families can view their progress.

This card is multifunctional, as it includes the remittance flow and reporting of the DWs' conditions at every migration stage. The system is contained within the KTKLN (card for Indonesian migrant workers overseas) and special ATM for DWs (with the specific PIN number and password to open the internet access report, like ATM bank/net banking system that can be used for transfer money/report, look at the salary, view their investment in the national and regional area) and the data are integrated in Indonesia and the destination countries, and it can be accessed online by all relevant users (agents, DWs' family, embassy, the employers, NGOs, non-state actors and the governments of both countries).

6. Once the administration has been completed and connected to all users, the Indonesian DWs can then go to the destination countries. Then, the IPM DWR national body's branches in the destination countries arrange the arrival and place them with their employers (in cooperation with the Indonesian Embassy and Labour Attaché).
7. While they are working abroad, the salary schemes and reports regarding employers and Indonesian DWs are by managed by the IPM DWR body. If there is a problem, it can be detected as soon as possible, and this body can help them (like the net banking system that inform accurately everyday – about DWs conditions, the salary the health, the investments etc – operated by the IPM DWR body).
8. After they finish their work abroad, the national body prepares investments for DWs. If there are some Indonesian DWs who want to re-migrate, this body could help them to make a new contract.

The separation of investment based on the system is described as follows:

- 20% = national investment (buying the stock of a national company, e.g. Pertamina (national oil company), PLN (electricity company, etc).
- 20% = local investment (BUMD)
- 20% = savings and deposit in the banks
- 40% = freely allocated by DWs

These percentages are flexible, and based on government decision. All these percentages are based on the interviews with the respondents.

Indonesia could perhaps achieve target for sending one million DWs per year. If one DW can contribute remittances of about IDR 50 million/US\$5,000 on average per two years, it means that, in five years, one million DWs can produce around IDR 10 trillion/US\$1,000,000,000. This amount of the DWs money is very significant with the improvement of national and regional economy, providing new jobs in many part of Indonesian provinces and regionals (*kabupaten* or *kecamatan*) as well as hopefully, it could create a spectacular program - “the first DWs’ system for local and national investment” in Indonesia.

#### **8.4.3 The benefits of the IPM DWR**

It is beneficial to all parties, such as the government, the migrant workers and the recruitment agents. The advantage of this management model is that it can improve macro and micro economic development as the national and regional levels. The alleviation of unemployment and the improvement of productivity in the DWs’ origin area will be the trigger to attract DWs’ investment by using this model. The investment that is in the IPM DWR model is in line with “productive assets” and “human capital”, as suggested by Salomone (2006, p.14) and Lindstrom (1996). A DW can obtain a more stable economic profit in the long-term, and she will not need to worry about her daughter’s tuition in the future.

This model also provides more qualified Indonesian DWs, thus the employers will be happier and trust them. For instance, the employers will feel “safe” when they entrust their children to Indonesian DWs to be cared for. The employer can also more “enjoy” the qualified DWs who can work well under the new contract with the IPM DWR Information Technology system. If the employers are not willing to sign or agree with this system, the Indonesian government has the authority to cancel the contract. The researcher believes that there are many employers who would be willing to accept this system, since it is transparent and controllable, and provides more dignity for Indonesian DWs. Every month the employers and Indonesian DWs report their conditions through the online system, which would only take five minutes to complete (like filing the data in the net banking system). If the employers cannot do this, the national body of the IPM DWR could assist them through a short message service/SMS system that is connected to the internet, or by telephone.

Other benefit for the destination countries are the same as those described for the IPM DW in Chapters Six and Seven. For instance, the Singaporean and Malaysian governments are more “safe” and this minimises the problems of Indonesian DWs with regard to the international relation between the destination and sending countries. The macro economy of the destination countries will increase, because the employers will be more focused and productive in their jobs outside the house, rather than thinking about the problems associated with the Indonesian DWs.

The model is one of the solutions for solving the tensions between sending and destination countries, because DWs who are sent are qualified, having completed the requirements and employment standards and certifications, thus the employer in the destination countries will be more comfortable in employing the DWs. DWs are little the victims of exploitation, but they have been promoted as migrant workers who are entitled to human rights and dignity as stated in a rights based approach and suitable to the recent international discourse on DWs.

For Indonesian DWs' family, this system can guarantee "safety" for the Indonesian DW, as their parents, husband or children can see the movements and income. Also, the economy of the family can be improved and "safe" since the national body of the IPM DWR manages all of the investments and needs of the family transparently.

The Indonesian people who live in the Indonesian DWs' place of origin may feel "happy" because the system can open up new job vacancies, such as the opening of a handicraft company, agricultural businesses, sea product businesses, and other businesses that would be initiated by the IPM DWR body in their regions, in cooperation with local governments and with control by NGOs and civil societies in those regions.

#### **8.4.4 The assumptions of the concept to be implemented**

The concept is an innovation in economic development and remittances' protection which is rarely proposed by the experts, especially those who are supposed to be concerned with DWs, such as Hugo (2000), Parreñas (2001), Moniaga (2008), Hosen and Raharto (2013) and others. This is an innovation that may will improve the literature on DWs with regard to improving decent work as mandated by the ILO, C189, 2011.

The main assumption underlying his concept is that Indonesian government implements the certain policy changes ratify international conventions and establish IPM DW system. These assumptions are explained as follows:

1. The Indonesian government has established the IPM DW system under the new national law.
2. The Indonesian government has ratified C189 and other important international conventions related to the protection of DWs.
3. The Indonesian government has amended National Law No. 39/2004, so that the content is more concerned with the protection of DWs rather than the placement.

4. The Indonesian government has stronger coordination and management at every level. There is strong cooperation between the Ministry of National Education, especially vocational high school and polytechnic education as well as the university, to improve DWs' skills. The government can make use of the university and vocational high schools to establish the training infrastructure around Indonesia.
5. The government has strengthened the BNP2TKI and the Ministry of Manpower, or established a particular body for this program. Therefore, the staff in this new body are expected to be professional in handling the program, are more transparent and do not commit any corruption.
6. Cooperation with NGOs and international organisations through the IT system has been improved.
7. There have been some attempts to amend the MOU with the destination countries to provide an integrated and transparent concept.

While this system assumes that all people in the national body of the IPM DWR are honest and qualified, it is also assumed that there are inherent self-checks and balances by having different parties. These parties are government officials, representatives of domestic civil societies, experts and representatives of international organisations (such as the ILO, the IOM and others). Finally, the economic activities of the IPM DW body should never stop.

The system purposed by the researcher requires the Indonesian government to create a new policy, a new law passed by the Indonesian parliament (*Dewan Perwakilan Rakyat/DPR*), a new well-sourced and professionally supervised body to manage the migration processes, and effective and transparent control of the economic management of migration. This system should be under the direct control of the Indonesian President, and audited by an independent international agency. It should involve some non-governmental elements such as NGOs and other social organisations, academics, and international agencies such as the ILO, the IOM, etc.

#### **8.4.5 The implementation of the concept**

The researcher hopes that Indonesia can run this program, because in 2013 the amendment of National Law No. 39/2004 is imminent. From this amendment, Indonesia is indicating a desire to provide more protection for Indonesian DWs, even though there are still many weaknesses in the labour protection management. Another motivation is that Indonesia is the second largest country that sends DWs and has the potential to be the largest DW sending country in Southeast Asia. This program may be realised soon if the Indonesian government changes mindset from merely sending DWs to the protection and economic development of DWs under legal policies and regulation.

Based on the information from respondents in Indonesia, the Indonesian government has a plan to stop the send DWs abroad in 2017 and only sending skilled migrants (prioritise formal sectors). In the researcher's opinion, it would be wise for Indonesia not to stop the program of DW migration, because this policy will bring more victims of exploitation, abuse and human trafficking. It is better for the government to improve migration management for Indonesian DWs, rather than to stop the sending of DWs overseas.

#### **8.5 Summary**

There are three interesting findings in Chapter Eight. Firstly, remittances are significant to the economic development of Indonesia, due to the provision of many jobs, the creation of small businesses and enhancement of the quality of human resources. Unfortunately, Indonesia does not have a serious program to cover the management of remittances, unlike in the Philippines.

Secondly, it is not a priority of the Indonesian government to assist Indonesian DWs in their economic development and when returning from migration. In contrast, Filipino DWs receive considerable attention from the state with regard to economic development. Consequently, the majority of Indonesian DWs experience difficulties in receiving assistance, and they suffer more and are

oppressed because there are no funds for migration and no job vacancies available within the rural community. Therefore, they owe another debt, and they are trapped in a vicious circle of exploitation and debt bondage. If the economic development is a success, it will be beneficial for all parties, such as the government, Indonesian DWs' families, the community around Indonesian DWs, and Indonesian citizens in general. However, there are considerable efforts made by Indonesian DWs to establish cooperatives and set up productive businesses that have not been supported by central and regional governments. There is a clear distinction in the Philippines. The Philippines government does not only pass over the responsibility to the Ministry of Small Business and Cooperatives, but also creates some significant development and changes.

Finally, the concept of the Integrated Protection Management for Indonesian DWs' Remittance (IPM DWR) may provide a good method for protecting Indonesian DWs' remittances and developing their economy after returning. The concept, which assumes Indonesian DWs are workers and investors, is equivalent to the mission of C189 on Domestic Workers, stating that domestic workers are no longer slaves, but are economic actors who should be protected and provided with investment and economic safety through the transparent management of an IT system. They will receive an investment and protection scheme from a special body called the IPM DWR National Body, under national law and supported by many parties. This concept is one part of the contributions from this research that may provide new literature on the protection management of domestic workers, based on integrated labour protection management by an IT system, which is rarely found.

The researcher hopes that Indonesia has a plan to run this IPM DWR model. The NGOs and civil societies in Indonesia have a chance to be involved in the management transparently. Indonesia still has many weaknesses in labour protection in the pre departure, deployment and returning processes, yet this state is trying to achieve better conditions for Indonesian DWs. This program may be

realised soon as long as all parties support the establishment of national laws relating to this model, the IPM DWR National Body, the software and the management systems.

## **CHAPTER NINE**

### **CONCLUSION**

#### **9.1 The Important Findings of the Thesis**

This study has examined Indonesian women's migration to Singapore and Malaysia to work as domestic workers in these countries. It has highlighted the changing migration structures and regulatory processes in Indonesia governing women's migration to the two countries. Specifically, the study examined the evolving international legal framework on labour migration and the promotion of decent work conditions in the context of international conventions and the human rights discourse.

Following the financial crisis of 1997/98, the government increased the deployment of all Indonesian DWs and became a labour brokerage state. At the same time, the government focussed on the women's (and other migrants') remittances and left it to the destination states to devise their own labour laws. My research has shed light on the importance of civil society and faith-based groups in Indonesia and in the destination countries in reinforcing the need for labour protections and advocating justice for Indonesian and other domestic workers. An important role was also played by INGOs such as Human Rights Watch, which reported cases of exploitation and abuses suffered by domestic workers in Singapore and Malaysia that led to substantive changes.

The thesis makes an important contribution to the subject of women's migration as domestic workers by providing detailed information on their exploitation and abuse in the domestic (Indonesian) situation by unscrupulous labour brokers and in the destination countries by employers and the Singaporean and Malaysian governments. It compares the domestic workers' situation in the two countries. It also covers the work of international organisations such as the ILO, the IOM and the United Nations and the importance of International Convention C189 for

Domestic Workers. This chapter discusses recommendations for policy development that are drawn from the study.

As pointed out in Chapters One and Two, there were some gaps in the research and the policies on International Labour Migration (ILM) especially regarding Indonesian domestic workers (Indonesian DWs) who had worked in Singapore and Malaysia. The aim of this research is to fill these gaps by investigating the operation of labour protection management (including policies, laws, regulations, law enforcement, procedures, bilateral agreements, international conventions, the role of NGOs, marketing and financial management, gender protection programs, coordination and evaluation of management) for Indonesian DWs that had been implemented by the Indonesian, Singaporean and Malaysian governments and its impact on the DWs' conditions during the pre-departure, deployment and returning processes.

This research attempted to answer the following research questions:

1. Why, and in what ways has the Indonesian government transformed itself into a labour brokerage state, preparing workers for foreign jobs, developing a bureaucracy to send them abroad, and regulating them for work abroad? How effective is labour protection management of the Indonesian DWs in the pre-departure and returning processes in Indonesia? (these are discussed in Chapters 4 and 5).
2. How do the Singaporean and Malaysian states regulate the recruitment and employment of Indonesian DWs under their immigration laws? What are the working conditions of the Indonesian DWs in these countries? What are the roles of Indonesian government representatives and NGOs in those countries in protecting Indonesian DWs? (these are discussed in Chapters 6 and 7).
3. To what extent have Indonesian DWs' remittances benefitted both the Indonesian government and the Indonesian DWs? What programs has the Indonesian government developed to enhance the economic betterment of

Indonesian DWs after their return to Indonesia? Do the workers' remittances help in the economic development of Indonesia in the long term? (these are discussed in Chapter 8).

Chapter Two discussed the literature reviews and arrived at several specific conclusions. This chapter sought the theory of migration, migration and development concept, remittances management, international labour migration as well as; integration protection labour management that involves all parties (including the sending and destination countries, NGOs local and international; recruitment agencies, domestic workers and others).

Chapter Three discussed the research methodology and the objectives of the research. Four methods of data collection were employed. The four methods were searching documentd and administrative records a questionnaire, semi-structured interviews and media analysis. These methods are well established in social science and management research. It is useful for understanding labour protection management of Indonesian DWs conducted by the Indonesian, Singaporean and Malaysian government through the lens of directors/program managers of NGOs as well as the Indonesian government officials in Jakarta and Kuala Lumpur.

Chapter Four provided an historical overview of the politics and economy in Indonesia and of international labour migration since 1830. This chapter aimed to answer the first research question: Why and in what way did the Indonesian government transform itself into a labour brokerage state, preparing workers for foreign jobs, developing a bureaucracy to send them abroad, and regulating them for work abroad? The analysis in this chapter found that Indonesia is the largest country in Southeast Asia with significant social, economic and political potential. This state still has not optimized that potential of the resources since its independence. During the Dutch colonial administration (1830 - 1942), Indonesia produced many products, all of which had benefited the Dutch.

After the Indonesian independence was declared in 1945, during the era of the first President, Sukarno, Indonesia had no thought of managing the deployment program of TKI/Indonesian migrant workers. Migration at that time happened spontaneously and voluntarily. The program of sending migrant workers has been well-managed and well-arranged since the era of President Suharto (the New Order era). Indonesia sent migrant workers to various destination countries, such as Saudi Arabia, Malaysia and other destination countries under the program of Repelita or Five Year Economic Plan II, III and IV. During this regime, there was no thought of creating a whole protection program for Indonesian migrant workers, especially for Indonesian DWs.

Chapter Five examined Indonesia as a labour brokerage state. This chapter also answered the first research question: Why and in what ways did the Indonesian government transform itself into a labour brokerage state, preparing workers for foreign jobs, developing a bureaucracy to send them abroad, and regulating them for work abroad? How effective is labour protection management of the Indonesian DWs in the pre-departure and return processes?

The findings of the research show that poverty, unemployment and gender inequality are the main factors from migration in Indonesia. Poorly, the preparation of migration program during the recruitment process has many weaknesses; such as insufficient information being provided to the Indonesian would be DWs. The training is below standard, and the bureaucratic administration process is long. The position of Indonesian DWs becomes “weak” and they are trapped in the “migration trap” since they are caught by the *calo* or mediator.

The protection management by the Indonesian government in the pre departure and returning is weaker than the Philippines. The interesting point noted in Chapter Five is the efforts that have been taken by the local and international NGOs to obtain Indonesian DWs’ rights. NGOs are continuously lobbying for the revision of National Law No. 39/2004 and encouraging the Indonesian

government to ratify the international conventions. The researcher proposed the concept of “integrated management” called IPM DW (Integrated protection management for Indonesian DWs) to solve the problem of Indonesian DWs transparently through the online system connected to KTKLN and online controlling.

Chapter Six focuses on Indonesian Domestic Workers in Singapore, 1978 - 2012. This chapter answered the second research question: How does the Singaporean state manage Indonesian DWs and what are the working conditions of the Indonesian DWs in Singapore? What are the roles of Indonesian government representatives and NGOs in this country in protecting Indonesian DWs?

Singapore is one of the favourite destination countries of Indonesian DWs in the Southeast Asian region. Unfortunately, the Singaporean government is not serious in paying attention to DWs’ rights, as proved by there being no national regulation covering DWs’ problem. Interestingly, though many Indonesian DWs suffer exploitation, abuses and even human trafficking, this situation is different with Filipino DWs. It is because the Philippines government is more assertive in lobbying the Singaporean government to provide better protection for Filipino DWs. Although Singapore pays less attention to DWs, the condition of Filipino DWs is much better than Indonesian DWs, and as a result, Filipino DWs can hold their passport, have freedom of movement and one day off. The rights accorded to Filipino DWs cannot be enjoyed by Indonesian DWs. International and local NGOs have insisted that the Singaporean government provide one day off for Indonesian DWs and other DWs in Singapore.

The role of Indonesian government representative in Singapore is “slow” to solve the problems of Indonesian DWs’. In this chapter, the researcher proposed the concept of IPM DW (the online system management between Singapore and Indonesia) to solve the problem of Indonesian DWs.

Chapter Seven studied the Indonesian Domestic Workers in Malaysia, 1984 - 2012. This chapter answered the second research question: How does the

Malaysian state manage Indonesian DWs and what are the working conditions of the Indonesian DWs in Malaysia? What are the roles of Indonesian government representatives and NGOs in this country in protecting Indonesian DWs?”

Since the implementation of the New Economic Program/NEP in 1970, Malaysia has required many workers from Indonesia especially to fill the shortage in the plantation and domestic sectors. However, since the signing of the first MOU in 1984, which is known as the “Medan Agreement”, Malaysia has not been serious in protecting Indonesian DWs. In 2011 Indonesian DWs obtained the right to a day off and are able to keep their passports.

The contributions of International NGOs and local NGOs to the protection of Indonesian DWs are very significant. The Indonesian government representative in Malaysia is significant but still has some weaknesses to handle the Indonesian DWs’ problems. The concept of IPM DW was proposed to solve the problem of Indonesian DWs in Malaysia.

Chapter Eight focused on “Indonesian Domestic Workers’ Remittances: Migration and Development?” This chapter answered the third research question: To what extent can the Indonesian DWs’ remittances benefit Indonesia and Indonesian DWs and what programs have the Indonesian government developed to enhance the economic development of Indonesian DWs after returning? Finally, what sort of a remittance management model is appropriate for Indonesian DWs?

Indonesian DWs’ remittances contribute significantly to the economic development of Indonesia. Interestingly, the largest amount of remittance transferred to Indonesia is from the domestic sector (about 70%). However, the amount of remittance transferred to Indonesia is still less than the Philippines, because Filipino DWs can earn larger incomes than Indonesian DWs. The economic development of Indonesian DWs after their return is not a priority program for the Indonesian government. An interview with a respondent provided the information that there is no serious and sustainable facility for economic

training and the expansion of small business. In addition, financial aid is not provided by the Indonesian government. This is in contrast with the Philippines government, which offers the financial aid to Filipino DWs to establish small businesses. The remittance management, called IPM DWR was proposed to solve the problem of remittance and economic development management in Indonesia.

## **9.2 Discussion**

### **9.2.1 International labour migration and the export of Indonesian DWs**

The movement of international labour migration (ILM) since the 1990s has improved sharply by spreading the income of people who work overseas to more than US\$7 billion. The main motivation for people to work overseas is to seek better earnings in the destination country and to improve their welfare in the origin area. For the sending countries, the labour sending program in ILM is purposed to increase the national economic value, decrease the number of unemployed people, and reduce poverty. ILM is still operating in every part of the world, from ILM in Europe, USA, even in Asia. In Southeast Asia, the ILM movement has culminated since 1978 the establishment of the Newly Industrialised Countries/NICs which are Singapore, Malaysia, Thailand and Brunei Darussalam. These newly industrialised countries require a high labour market from the countries in Southeast Asia to fill the 3D workforce (dirty, dangerous and demanding). In addition, the economic crisis which struck all regions in 1998 forced the countries with low revenue, like Indonesia and the Philippines, to send many of their workers overseas, both skilled and unskilled workers. Indonesia, as the second largest labour exporting country after the Philippines, tended to increase the number of the workforce. The majority of labourers sent are unskilled workers; in particular, they are Indonesian DWs dominated by women. The role of ILM in sending Indonesian DWs for the Indonesian government is a strategy of poverty reduction, and increasing the non-

oil and natural gas foreign exchange through the remittance which is significant for the state of the national economy.

The increasing number of Indonesian DWs sent overseas based on the Repelita program was not supported by an appropriate management or a proper protection program. This situation has created higher number of cases of exploitation of the labour force, abuse and conditions of inequality. This reached its climax with the report of exploitation and abuse towards the Indonesian DWs in Malaysia and Singapore communicated by Human Rights Watch in 2004 and 2005. Protests were also made by other non-state organisations in Indonesia insisting on greater protection for Indonesian DWs; at least they were provided with the rights to hold their passport, the freedom to move and have one-day off per week. This very strong pressure resulted in the revision of the MOU in 2009 between Indonesia and Malaysia, and it was ratified in June 2011 by giving some chance to Indonesian DWs to hold their passport, have freedom to move and have one-day off per week.

However, the revision of the MOU was not enough to protect the DWs.. This research finds that the Indonesian government was still slow to set up the regulation to protect Indonesian DWs effectively, especially in the amending National Act No. 39/2004. The government had no effective management system such as the one proposed in this thesis, e.g. an integral management system which involves all elements not only in Indonesia but also in Singapore and Malaysia to collaboratively “connect” the needs of the market, the quality of Indonesian DWs, the quality of recruitment agents and the quality of the management itself in the three countries (Indonesia, Singapore and Malaysia). There have been some revisions of the MOU under pressure from the non-state actors, but these revisions had not been supported by the setting up of management from inside and with a clear vision and mission in organising Indonesian DWs, and the consideration of Indonesian DWs as economic actors based on international convention C189.

Indonesian DWs were still perceived as a “commodity material” which could be extorted, abused and exploited in every stage of the migration processes.

### **9.2.2 Mobilising and organising Indonesian DWs**

This research clearly shows that recruitment agent is the one who holds the control over Indonesian DWs’ mobility from the information provider of job vacancies for potential Indonesian DWs in the rural area in Indonesia, up to the recruitment, training and sending of workers overseas. In addition, this recruitment agent is assisted by brokers that are profit-oriented without considering Indonesian DWs’ safety. For instance, the brokers deceive potential Indonesian DWs in rural areas (where the recruitment agent cannot reach and it is controlled by brokers), and give IDR from one to two million to Indonesian DWs’ family. They (the potential Indonesian DWs and their families) are not aware of being deceived and when they become involved with the recruitment agent, they cannot escape because they have signed a contract the contents of which are not known by the Indonesian DWs themselves; the true content of the contract that is the Indonesian DWs must pay their debt for the migration process which is too much for them (up to \$2000 - \$3000), and it cannot be redeemed unless they go overseas with the deduction of wages, and with potential harm for the Indonesian DWs physically, mentally and economically.

The worst condition is shown based on the data from the Ministry of Manpower and Transmigration in 2012 which describes that from 600 recruitment agents, there were just 50% of agents holding legal and qualified certification. This encourages misleading action on the part of recruitment agents to get benefit from the Indonesian DWs sending business by exploitation (giving false documents; for example Indonesian DWs can have two or three different names on the identity card), false training certificates (most Indonesian DWs do not receive enough training). This practice is carried out by several legal recruitment agents because by this practice they can obtain more benefit, for example without holding training, without medical check-ups (and they collaborate with the corrupt

government apparatus). Even though the majority of legal recruitment agents engage the same practice as illegal agents, the legal agents are more subtle and are more “protected” by some officials and the influential people in Indonesia.

The distinct opposite is seen in the Philippines. If the government apparatus holds stock or business interests with recruitment agents, they will be fired. This will curb the occurrence of the manipulation of DWs preparation related to the manipulation of Indonesian DWs’ quality and identity. The Philippines government has the POEA, the OWWA (Overseas Workers Welfare Administration) and the DOLE (Department of Labor and Employment) which have better integration and are well organised in the preparation of Filipino DWs before departure. The coordination between institutions in the pre departure process in the Philippines is better compared to Indonesia. The recruitment agents in the Philippines obey the state regulations because the recruitment is through one channel and controlled by the state, while in Indonesia, there are lack of mobilisation and preparation of Indonesian DWs. This makes some negative impacts in the form of an unqualified labour force being sent to Malaysia, the false identity documents, exploitation and violation of Indonesian DWs’ rights, and other abuses in the training centre and in the Soekarno-Hatta Airport. Moreover, Indonesian DWs still have to suffer due to the exploitation and abuse perpetrated by their employers in the destination country, and some Indonesian DWs are sold in the destination country by the recruitment agents.

### **9.2.3 Labour protection management of the Indonesian government in the pre-departure**

The labour protection management of the Indonesian government in order to minimise the Indonesian DWs incidence of exploitation, abuses and conditions of inequality as well as human trafficking has not yet been implemented ideally or with true seriousness. This situation is caused mostly by the Indonesian government that has not yet changed its mindset; that is Indonesian DWs are arguably considered as a “material commodity” that continues to be exported as a

major source of foreign income, but without any or with little preparation in the pre-departure stage. The apparent lack of seriousness of the Indonesian government in setting up labour protection management systems has occurred since the New Order Era (Suharto period), 1967 to 1998, and it continued up to the Reformation era in 1999 (the Habibie government period), through 2000-2001 (the Abdurrahman Wahid period), and into 2002-2004 (the Megawati Soekarno Putri period) and continues in 2004-2013 (the Susilo Bambang Yudhoyono period). Indonesia has been “rather late” to learn how to manage and organise migration. This is proved by the fact that Indonesia has just legislated a national constitution which organises and protects Indonesian DWs and, the national institution (BNP2TKI) which places and protects labour migrants was only established in 2007.

It can be concluded that Indonesia has been far behind in terms of setting up and employing an effective labour protection management compared to the Philippines government. The main weaknesses of the Indonesian labour protection in the pre departure stage were described in Chapter Five.

#### **9.2.4 Labour protection management of Indonesian vs. the Philippines government’s representative in Singapore and Malaysia**

The Philippines government’s representative is more active in protecting Filipino DWs in Singapore and Malaysia compared to the Indonesian government’s representative. The infrastructure and human resources and the other facilities provided by Philippines are far more effective. For example, before Filipino DWs first arrival in both destination countries, the Philippines government has trained Filipino DWs more actively and more intensely. When they are overseas, the government can communicate with its DWs regarding all their affairs, administration or problems encountered. If Filipino DWs have problems, they can call their Labour Attaché in the destination countries e.g in Singapore or Malaysia and the issues will be dealt with well and relatively fast. On the other hand, Indonesian DWs who encounter problems face difficulties in reporting it to the

authorised people and/or the representatives of the Indonesian government in those countries. The process is serpentine and takes a long time to resolve. When the researcher visited the Indonesian embassy in Kuala Lumpur, he observed a long queue of Indonesian DWs who really needed immediate assistance. This seemed far from their expectation.

Lack of human resources in the Indonesian Embassy, lack of administrative staff and computer infrastructure and IT affect their performance in assisting hundreds with migration problems every month. Almost every day, the Indonesian embassy in Kuala Lumpur has to face at least ten Indonesian DWs' problems whether it is a private issue or a criminal matter. The level of human resources and the facilities were not enough to handle all of these problems. Actually, the embassy had sent a message to the central Indonesian government in Jakarta to improve the facilities and human resources in the office, but it had not at that time been granted by the central government. This made the Indonesian government's representative in Malaysia experience many difficulties in dealing with the problems of Indonesian DWs. At the Indonesian Embassy in Singapore, there was also no Indonesian Labour Attaché (when the researcher conducted the study), so Indonesian DWs would suffer more when they experienced troubles. Indonesian DWs in Singapore prefer asking for help from the famous NGOs, like HOME or TWC2 and IFN where their problems will be solved. IFN is very active in cooperating with HOME and TWC2 which are established and acknowledged by the Singapore government, thus the Indonesian DWs always called IFN to contact HOME or TWC2 to help troubled Indonesian DWs. In addition, most Indonesian DWs had difficulty in communicating with other Indonesian DWs because it was prohibited and they had no information about the situation outside the employer's house.

#### **9.2.5 Labour protection management of the Singaporean vs. Malaysian Governments**

Despite the important contribution to their economies made by the Indonesian DWs, the Singapore and Malaysian governments lacked labour protection

management towards Indonesian DWs. The items of labour protection managements considered weak by the respondents in Singapore and Malaysia are as follows:

- a. Both countries do not have any legal national regulations and laws to protect DWs.
- b. Both countries do not show any strong commitment and determination to ratify international conventions related to the protection for migrant workers, especially domestic workers.
- c. Both countries do not present any strong law enforcement to punish those who violate Indonesian DWs' rights.
- d. Both countries have little determination and little seriousness in evaluating protecting management for DWs, thus the protection practice is still slow.

Interestingly, the researcher found that human resource management and work performance of staff of the Singaporean government tends to be more professional and faster in providing the services for the DWs, while the Malaysian human resources management was slower in assisting and serving Indonesian DWs. In addition, the Malaysian law enforcers tended to commit inhumane acts, such as rape, which happened to three Indonesian DWs because they did not bring their passport in November 2012.

Likewise, the coordination management of Singaporean government is more open to non-state actors in assisting and serving Indonesian DWs. In contrast, the Malaysian government is likely to be exclusive in conducting cooperation with non-state actors, which puts Indonesian DWs at risk to migrate to this country because there is no exact legal protection and openness provided by the Malaysian government management. This meant that there were no serious efforts to protect Indonesian DWs. For instance, the Malaysian government still utilizes the National Act 1955, which had not been amended and there was no particular clauses for the protection of migrant domestic workers. Malaysian law enforcers tended to not protect Indonesian DWs either. This was shown by the considerable

amount of oppression that was evident in Malaysia, although there were only a few cases publicised, such as that of Nirmala Bonat (an Indonesian DW from East Nusa Tenggara). This case only came to light thanks to the insistence from the press and the news broadcasted in Indonesia, Malaysia and the international media (through the internet).

In Singapore, the state prioritises skilled migrant workers. Therefore, Indonesian DWs in Singapore do not attract national legal attention and protection. Non-state actors in Singapore require one day-off because it can be used to communicate with other Indonesian DWs and to report their problems to non-state actors (if they have some problems). Based on the report of Amnesty International, more than 145 Indonesian DWs have jumped from buildings due to the abuse they have suffered and they do not get enough food etc. One of the difficult requirements to be migrant domestic workers in Singapore is that they have to pass an English examination. In 2011, one of the Indonesian DWs committed suicide because she did not pass the English examination and because she had to pay her debt to the recruitment agency in Indonesia, and her family cannot pay this debt. Because of this case, non-state actors forced the Singapore government to abolish the English test.

The first MOU between Indonesia and Malaysia was the Medan Agreement in 1985, which has been revised several times in 2004 and 2006. However, the Malaysian government refused the Indonesian government's demand for Indonesian DWs to hold their passports. The dilemma relating to the passports is very significant because many legal Indonesian DWs were seized and they were claimed to be illegal migrant workers. They were imprisoned easily due to the holding of their passport by their employers and/or recruitment agencies (for the excuse of safety). In 2008, the MOU between Indonesia and Malaysia was re-revised and in 2011 the latest MOU was ratified by giving some rights to Indonesian DWs and labour migrants to hold their passports, and they were given freedom to move and one day-off a week (the latest MOU is included in appendix

F, p. 367). In fact, the Indonesian DWs are still suffering and they are not permitted to hold their passports up to 2013.

### **9.2.6 Labour protection management of Indonesia in the returning**

The questionnaire and interview results suggest that the majority of respondents were of the opinion that labour protection management of the Indonesian government is still very weak in protecting Indonesian DWs compared to the Philippines. The weak aspects of the management by Indonesian government are described as follows:

- a. Coordination for protecting Indonesian DWs in the returning process is very weak, thus there are many parties that take advantage of the weak stance of Indonesian DWs to blackmail and deceive them in the Soekarno-Hatta airport, Terminal IV.
- b. Transportation management for Indonesian DWs has become a private business that harms Indonesian DWs and causes multiple suffering.
- c. Training for economic development and financial aid for initiating business has not yet been addressed significantly by the Indonesian government. Therefore, many Indonesian DWs cannot make use of their remittance during their work overseas and they do not know how to manage their remittance for business or for the re-migration process.

### **9.2.7 Conditions of inequality of Indonesian DWs vs. Filipino DWs**

The incidents of labour exploitation and abuse towards Indonesian DWs, with victims gradually increasing, are caused by lack of labour protection management by the Indonesian government, which does not pay sufficient attention to the issues. Indonesia learns little from the mistakes and weaknesses in protecting migrant workers, though the Indonesian government knew the exact number of Indonesian DWs and that the majority are women. Ironically, there is only one mention of “women” in the National Act No. 39/2004, which means the Indonesian government is not very serious in protecting women in particular. This lack of seriousness of the Indonesian government in the pre-departure,

deployment, and the return causes significant conditions of inequality for Indonesian DWs, especially female Indonesian DWs.

Before departure, female Indonesian DWs must stay in the dormitory/training centre owned by the recruitment agencies while for their deployment and they must not go out from this place, while Filipino DWs are not required to wait for a long time before the departure. Indonesian DWs often encounter sexual, physical, and mental abuse from the recruitment organisers because they have no freedom to go out from the training centre (they are banned from meeting other people, even their families). In addition, there are inadequate and improper facilities in the dormitory; there is, for example, just one toilet for 25 people in one building.

Indonesian DWs' suffering continues in Singapore and Malaysia in which they have no freedom to move, while Filipino DWs can hold their passports, go to the church and have the freedom to move. Although the salary of Indonesian DWs is lower than that of Filipino DWs, Indonesian DWs are more obedient and more diligent, and they can adapt well. However, lack of effort by the Indonesian government causes inequality of wages and conditions in practice. There are only a few cases of sexual and physical abuse encountered by Filipino DWs compared to Indonesian DWs. This is not due to the lesser number of Filipino DWs compared to Indonesian DWs, but to the lack of attention and seriousness on the part of the Indonesian government in protecting Indonesian DWs.

During the return, Indonesian DWs are still extorted and abused in Terminal IV (previously, they were abused in Terminal III Soekarno-Hatta airport, Jakarta, but it was replaced by Terminal IV after many accusations reported by NGOs and Indonesian DWs). In fact, the abuse still exists; however, the subject of abuse and extortion may come from a different department. Many Indonesian DWs cannot meet their families in Jakarta. It is different with Filipino DWs, who feel more comfortable and have few problems to face during their return.

### **9.2.8 Integrated protection management for Indonesian DWs (IPM DW)**

In brief, this research finds that the labour protection management of the Indonesian government is partial. It means that the labour protection migration management is still separated from one department to another, divided between local and central government, as well as among the government representatives in the destination country. The government's role in the monitoring at the level of the protection program is cut off (lack of control towards recruitment agencies that violate the regulations). Due to the intermittent management, the protection program is run without seriousness, without proper coordination, and it is not effective. This situation causes many corruption cases and competition between the parties who fight over the "migration business". Hence the coordination between institutions is weak and the movement and the action of recruitment agencies dare to exploit Indonesian DWs from the recruitment process in the rural area. In addition, not only exploitation but also physical abuse and sexual abuse have been the common situation. Many Indonesian DWs become the victims of abuse but they have no courage to make any official report because they are afraid of the threat from the agents, brokers and government apparatus. The Indonesian government is also "less daring" as regards sentencing the agents who violate the law; there is still a lack of law enforcement.

If the labour protection management of the Indonesian government can be integrated strongly, becoming well-organised between BNP2TKI and the Ministry of Manpower and Transmigration, the law enforcers (police, judges and attorney general), qualified recruitment agents, the support and supervision from non-state actors, will generate the best possible protection for Indonesian DWs and the economy can be developed more intensely and intensively. The interconnected migration system can be achieved by the effective coordination between the central government in Jakarta and the government representatives in the destination countries. This interconnection can facilitate access by the destination countries, employers, recruitment agents in the receiving country and non-state actors. This strong interrelation can minimise the presence of exploitation, abuse and unequal

conditions and can improve the economic potential of Indonesian DWs in all fields and the migration process and can be useful for all parties.

Based on the results of research in the three countries and the interviews with the director/program managers of well-known non-state actors, as well as international institutions and the Indonesian government, the researcher assumes that it is not appropriate to state that the difficulties in controlling and handling Indonesian DWs' problem are because they work in a private area (and so cannot be monitored by others). The difficulties in monitoring Indonesian DWs who work in the employer's house are probably because there are no systems of information technology that can connect people with outsiders in the past. However, the theory is no longer tenable since almost 80% of internet users who rely on yahoo messenger and Skype (HOME, 2012) are dominated by female Indonesian DWs. They are allowed to communicate via the internet.

Therefore, the assumptions that DWs are in a private area and difficult to monitor is no longer appropriate. As long as destination countries provide special liberty for female Indonesian DWs to move, access the internet, communication and technology in accordance with ethics and the regulations, they can be supervised and monitored by all parties, such as recruitment agencies in Indonesia, the Indonesian government, non-state actors in Indonesia, Indonesian DWs' families in Indonesia, and by destination countries governments and NGOs in receiving countries, as well the agencies there. It means that through one monitoring system of protection management, which is called Integrated Protection Management for Indonesian DWs (IPM DW) by the researcher their conditions, the amount of their wages, the problems and the solutions, can be found out by every party in charge of the protection of Indonesian DWs.

The system of IPM DW is an improvement on the KTKLN (Card for working overseas) system that has been implemented by the Indonesian government. This KTKLN system still has many weaknesses, for example this card cannot monitor

the presence of Indonesian DWs when they have just arrived in Singapore or in Malaysia. KTKLN cannot be accessed by the Malaysian government, agencies in Malaysia and Indonesia, Indonesian DWs' families and even by the Indonesian government. This is because KTKLN has not yet been integrated in one system of Information Technology (IT) that can connect all parties via the internet or IT.

The chips of IPM DW card has been filled with information needed, such as the working contract, who the employer is, when the work begins, who the recruitment agencies in Indonesia and in destination countries are, how much their wages are, and other necessary information. The presence of IPM DW uploaded to the internet in a particular website that can be accessed by non-state actors in the sending country (Indonesia) and can be monitored by non-state actors in destination countries via the internet. This means that there is IPM DW body in Indonesia, Malaysia and Singapore uploaded the data, share the information with the NGOs. The national body of IPM DW in Indonesia should update information of Indonesian DWs since pre departure. This system looks like the bank system or tax online that can be accessed by every customer and others which connected with the IPM DW system.

The reporting of Indonesian DWs' improvement in conditions is the responsibility of agencies in Indonesia, recruitment agencies in destination countries and the employers by filling the monthly report about the condition of Indonesian DWs in the system of IPM DW. Therefore, if there is some problem occurring in the employer's house due to no report for more than one month being posted by the employer of DWs themselves, the Indonesian government can coordinate with destination country to take action to resolve this problem. Non-state actors can take the first protection assistance required by Indonesian DWs who experience a case of being beaten or raped and other cases. Thus all elements of the internet users who access the information via IPM DW in destination and sending countries as well Indonesian DWs' family can know the conditions quickly.

The proposal for the establishment of IPM DW can be the symbol of a “breakthrough” system in traditional protection which is still localised and pessimistic and protection can be shifted into a modern, international, integrated and optimistic protection system. It is based on the fact that DWs are highly valued economic actors who have been studied by many scholars in which DWs have provided great contributions to economic development in both sending and destination countries.

### **9.2.9 The proposal of new model of remittances protection and economic development**

The overcomes of implemenlize the new model of economic protection and development for Indonesian DWs, named “Integrated Protection Management for Indonesian DWs Remittances” (IPM DWR) can be the foolramp:

- a. The finance of each female Indonesian DWs can be accessed in that system in which the employer has paid their wage or not and how much the payment deduction is for paying off the debt for the administration process to the recruitment agencies. This openness will bring investment impact; it means the Indonesian government can invest and cooperate with female Indonesian DWs. Thus their remittances for two years employment contract can be expanded and their savings will be managed by the Indonesian government professionally, as explained in Chapter Eight.
- b. The system of IPM DWR could involve some universities, local governments, the central government and non-state actors and it will produce multiple advantages when they are no longer working abroad, and they have had the benefit from the shares and other small business. It is estimated that each Indonesian DW who works in Singapore or Malaysia can bring IDR 90 million every two years. This amount is more than enough if it is managed well and professionally by the government for the sake of economic development and for protection of Indonesian DWs.

- c. The issuance of the IPM DWR card is done after Indonesian DWs have fulfilled the requirements and it is issued by the labour office in the region, not in the central government in Jakarta; thus female Indonesian DWs do not have to pay more for transportation costs to Jakarta and it is safer because they do not need to stay at recruitment agencies' shelters which creates a vulnerable condition for labour exploitation. Every region should cooperate with universities or vocational high schools and publish the skills certificate for Indonesian DWs who are ready to go abroad. The agencies' role is only looking for the employer, but the control is done collaboratively (not the responsibility of the agencies). The agencies will get the benefit from the marketing process of female Indonesian DWs, but they are not in charge for exercising total control.

### **9.3 Key Finding and Contribution**

Contributions to the literature on international labour migration of DWs, conditions and protection management from this study are made and these are explained below:

- a. Many studies on international labour migration especially about Indonesian migrant workers (TKI) have been conducted by Spaan (1994), Liow (2003), Hugo (2000, 2002, 2005), Raharto (2002, 2007, 2011), Hosen (2005), Kaur (2005, 2010), Lindquist (2000, 2010), the IOM (2010), the ILO (2005, 2010) and Orange (2008). However, they do not focus on migrant workers who work in the domestic sector. In addition, these studies focus on the causes of migration and cases of exploitation (Hugo) and the conditions of TKW (female Indonesian migrant workers) (Raharto). The Indonesian and Malaysian government policies regarding labour migration of Indonesian migrant workers has been studied by Kaur, while the IOM and the ILO studies have stressed the reasons and causes of exploitation, abuse and trafficking. Hosen stresses the history of migration to Malaysia and the governance of migration by the Indonesian government, but there is at present no specific study on the labour

protection management of Indonesian DWs, in particular the role of president in Indonesia. The researcher founds (in Chapter Five), that the role of President in Indonesia is very significant in the protection of DWs, yet very little research discusses the role of President in Indonesia in supporting and forcing the government's official staff to provide better protection for DWs.

Based on my research (in Chapter Five), there have been five presidents since the New Order era up until the Reformation era. Firstly, in the regime of President Suharto (the New Order regime, 1966 - 1998), protection management had not yet been conducted. The officials who were responsible for handling migration were under echelon II. The NGOs that tried to complain to the president were sentenced, and this was known as the "black period of DWs' protection". Yet, President Suharto provided the basis for sending Indonesian DWs via the Repelita program.

In 1998, President Suharto was replaced by Habibie (which became the Reformation era). Habibie's authority was called the transition period (1998 - 1999), since he only filled the vacuum of power in Indonesia. In this era, the NGOs and the civil societies insisted that Abdurrahman Wahid (the President at the beginning of the Reformation era, 1999 - 2002) prepare the management for TKI. Wahid agreed with several changes of management. It was a good period because Wahid was known to be a "humanist". The researcher calls this era as "the era of hope for the protection of DWs to shine". For example, Wahid directly lobbied several countries that were preparing to execute TKI and they were successfully freed.

National Law No. 39/2004 was finally legalised by President Megawati Sukarno Putri (2002 - 2004). Megawati's era was considered to be "the hope for labour protection management to shine more brightly". The

establishment of the BNP2TKI was conducted in Susilo Bambang Yudhoyono's regime (2004 - 2014). This period is called "the protection which requires learning and seriousness". Yudhoyono had tried to protect DWs, but not as openly as during the Wahid era. Yudhoyono established the BNP2TKI, and in 2011, the commission of TKI's protection.

- b. Some researchers have studied Indonesian DWs, such as Coss et al. (2008), Moniaga (2008), Lindquist (2010), Morgan et al. (2011), Orange et al. (2012) and Hosen and Raharto (2013), but their researches focus on the sending process of domestic workers from Indonesia to the destination countries, including the regulations and the recruitment process, but they have not examined migration from an integrated labour management systems view. For instance, Lindquist (2010) studies about recruitment of Indonesian from Lombok, but he does not mention more about the role of state and recruitment agencies under integrated system. Hosen and Raharto (2013) also see that the conditions of Indonesian DWs in abroad because of the minimum protection, but they do not clearly explain the recruitment process and the role of the House of Representative, BNP2TKI and other organisations to give more protection for Indonesian DWs. In my research I gained information from nineteen organisations to understand the labour protection management of Indonesian DWs, but Hosen and Raharto employed the secondary data the historical aspect; while Lindquist interviews some Indonesian DWs who will go to abroad in the recruitment agency. Thus the result of the study of Indonesian DWs is more revealing, for instances, the researcher found that recruitment agencies are always the "guilty parties", as stated by some of the literature (like Moniaga, 2008; Coss et al, 2008; Lindquist, 2010), because recruitment agencies are the ones that entrap Indonesian DWs into abuse, exploitation and human trafficking. The researcher believes that the problems are not only from recruitment agencies but also from the "government", as it is the highest authority for protection management and economic development of DWs.

The country's government consisting of the President, the House of Representatives, and its institutions including the BNP2TKI, and the Ministry of Manpower and Transmigration, which will answer the challenge to "reach the golden period of protection for DWs", similar to the effort taken by the Philippines through "openness and collaboration" between NGOs, the POEA and the Philippines government, supported by the church. The researcher believes that Indonesia is able to take similar steps to those taken by the Philippines, but the problem lies in the determination of the responsible government officials. The IPM DW proposal has not been implemented by the Philippines as it uses an open integrated system via the internet, which is integrated between the sending and destination countries and all related parties. However, they have not used the IT infrastructure that is proposed in the IPM DW.

- c. As explained in Chapter Two, many theories of migration such as Ravenstein, Piore, Hagen-Zanker, Pull and Push theory, "The world system theory", the "relative deprivation theory" - unfortunately these theories do not cover issues of migration management by the states, both the sending and destination ones. They are also incapable of providing an effective protection management for migrant domestic workers. I found the "integrated protection management for DWs" – using IT system. Based on my results of research in three countries and interviews with the directors/program managers of well-known non-state actors, as well as international institutions and the Indonesian government, the researcher assumes that it is not appropriate to state that the difficulties in controlling and handling Indonesian DWs' problem are because they work in a private area (and so cannot be monitored by others). The difficulties in monitoring Indonesian DWs who work in the employers' houses are probably because, in the past, there has been no information technology system that can connect people with outsiders. However, the argument may no longer be tenable since most Indonesian DWs can operate the internet and use

yahoo messenger, “Skype” or “Facebook” (based on information from NGOs in Singapore, Indonesia and Malaysia). Starting in 2009, HOME already used the social media to communicate with DWs around the world to find out more about their conditions and how to solve the problems together.

Therefore, the assumptions that DWs are in a private area and difficult to monitor is no longer appropriate. As long as destination countries provide special liberties for Indonesian DWs to move around and access the internet, and use the communication and technology in accordance with ethics and the regulations, they can be supervised and monitored by all parties, such as recruitment agencies in Indonesia, the Indonesian government, non-state actors in Indonesia, Indonesian DWs’ families in Indonesia, and by destination countries government and NGOs in receiving countries, as well the agencies there. This can occur through one monitoring system of protection management called Integrated Protection Management for Indonesian DWs (IPM DW),

- d. My research finding about the role of non-state actors is different from other researchers, such as Ford (2000, 2002, 2010) and Abella (2006). Yet, they do not emphasis the role of local NGOs in sending and destination countries under one “frame” of integrated management. The reseacrcher founds that integrated management amongst NGOs in the sending and destination counties should be ‘created” to give more protection for DWs. NGOs in Indonesia (Migrant Care, Solidaritas Perempuan and the Institute for Ecosoc Rights), NGOs in Singapore (HOME, TWC2 and IFN) and NGOs in Malaysia (Tenaganita, Migrant Care Malaysia, CARAM Asia, MTUC) already “worked together” under “one roof” in 2012. It is also, Ford (2000, 2010) puts more focus on the “cooperative program between NGOs” and not focus on the evaluation of labour protection management.

I found that evaluation of labour protection management supported by NGOs was very significant to create a better protection in the future. For instance, in Indonesia, Migrant Care involved in the Ministry labour and Transmigration management for evaluating the program of Indonesian migrant workers. From the inputs from Migrant Care and other NGOs have contributed significant recommendations for the Indonesian government to create a program of Indonesian DWs.

Furthermore, many researchers state that NGO is invisible and “difficult” to work well in order to push the government to make a better condition for migrant workers (Baccaro, 2001; Antlöv, et al., 2005; Eriksson & Johanna Winberg. 2011; Fontagné & Limardi, 2012). However, the researcher found (as described in Chapters Five, Six and Seven), that due to the large number of victims of exploitation, abuse, human trafficking and the other maltreatments against DWs around the world, NGOs and civil societies insist that the ILO publish an international convention protecting DWs. International Convention C189 was finally published on 16 June 2011, and its principle is that DWs are workers and they should be protected equally. They are no longer modern slaves who can be treated arbitrarily. However, most countries around the world including Indonesia, Singapore and Malaysia, have not yet ratified C189. Therefore, NGOs have urged the ILO to “insist” that the sending countries ratify and implement that convention immediately. On 5 September 2013, in Geneva, the ILO insisted that all countries around the world ratify this convention. There is no further information related to the success of C189 and the insistence of the ILO on 5 September 2013. The researcher believes that due to the hard work of these NGOs and civil societies, as well as the victims who dare to voice their rights, the ILO has successfully published and insisted on the implementation of C189.

- e. Indonesia plays a significant role as a labour brokerage state in the Southeast Asian region. There is much literature that discusses the cause or the motivation to migrate (Hugo, 2000; Kaur 2005; Hosen, 2005; Tritosudarmo, 2010). But, these researchers do not explain about the civil societies and NGO support to the Indonesian government provided to make a better protection for Indonesian DWs. For instance, a wave of “hard work” and “demonstration” of non-state actors, NGOs and civil societies in Indonesia, supported by international organisation such as the ILO, the IOM Jakarta and international NGOs like ACILS, and the ICMC. Thus the Indonesian government is moved to make some improvement in migration management and in protecting DWs during the recruitment and returning processes. The peak was in May 2012 when the House of Representatives were urged to revise National Law No. 39/2004, which has many weaknesses and benefits mainly recruitment agencies. The process of labour protection management in Indonesia cannot be undertaken by the Indonesian government alone but should be supported by NGOs and other non-state actors nationally and internationally that care for DWs’ rights. Therefore, the concept of the integrated management system of IPM DW was initiated to allow transparent and open collaboration.
- f. Indonesian DWs in Malaysia, many researcher has been conducted by (Kanapathy, 2006; Moniaga, 2008; Devadason and Meng, 2012; Orange, Seitz & Kor, 2012). They do not clearly show how to solve the problems of Indonesian DWs from the view of integration management between Indonesia and Malaysia. In my research, I found that Indonesia and Malaysia could create an integrated labour protection management for Indonesian DWs which is run by the Malaysian government effectively and under one system of information management which can be accessed by every parties, such as the government, DWs, employers, recruitment agents and NGOs. This system named IPM DW in Malaysia and based on

the interview and field study in Malaysia as explained in the Chapter Seven, it is clear that IPM DW in Malaysia could give such benefit (multiple positive effects) in economy, politic and social between Indonesia and Malaysia and all actors who involved in this management.

The literature on Indonesian DWs in Singapore by researchers (Huang and Yeoh, 1996; Yap, 1998; Varia, 2007; Eagleton, 2010) do not clearly show how to solve the problems of Indonesian DWs through protection management “under one roof”. I found that Singapore and Indonesia could make a new agreement about the migration management of Indonesian DWs (IPM DW Singapore-Indonesia).

Generally speaking, based on my research as described in Chapter Five and Seven, I found that Indonesia as a sending country of DWs and Singapore and Malaysia as destination countries do not have serious program to protect DWs with strong labour protection management (including procedures, bilateral agreements, international conventions, regulations, laws, etc.).

Singapore and Malaysia are two destination countries. Both countries have made many changes in their protection systems. However, the researcher believes that there is a “high expectation” for the improvement in DWs’ protection in those countries. NGOs haven’t encouraged Singapore to improve several issues, such as the abolishment of the English test and the provision of one day off for DWs, while the insistence of NGOs in Malaysia has encouraged Malaysia to revise MOU 2011. Though the implementation has not yet been optimal, at least there is some effort to provide protection for DWs. This era is called “the transition period of labour protection management” for both countries. The researcher believes the concept of IPM DW can open the possibility to maximise the economic sectors that can be sustained by DWs. The IPM DW can be

monitored by many parties, and the openness and access to the migration flow system will minimise the political tensions between Indonesia and Malaysia, because Malaysia is frustrated by the influx of Indonesian migrant workers and blames Indonesia for the issue. With the concept proposed for cooperation can be established. Furthermore, some NGOs and staff in the Indonesian Embassy are determined to provide better protection for DWs in Malaysia and have requested some facilities from the central government in Jakarta. Though the response is not optimal, the spirit of the officials in Singapore and Malaysia to provide protection for DWs has been evident .

- g. There have been studies on the Indonesian remittance management such as Hugo 1995, 2000, 2002; Raharto, 2007; International Monetary Fund/IMF, 2012; ILO, 2012; Abella, 2000, de Haas, 2009; The World Bank, 2011 – but most of them do not study the model of remittance protection management, to make a better system of remittance in Indonesia in the next future. Most studies focus on the role and the allocation of remittance (Eki, 2000; Raharto et al., 2002; IOM, 2010). As stated in the previous paragraph, the research on remittance commonly discusses the allocation of remittance (Wu, 2008; Cantos & Labetubun, 2009; World Bank, 2011). Therefore, I developed the model of remittance management for Indonesia DWs called the Integrated Protection Management for Indonesian DWs' Remittances (IPM DWR). Their conditions, the amount of their wages, the problems and the solutions can be accessed by every party responsible for the protection of Indonesian DWs. The system of IPM DWR is an improvement on the KTKLN (card for Indonesian migrant workers overseas) system that has been conducted by the Indonesian government. This KTKLN system still has many weaknesses; for example, this card cannot monitor the presence of Indonesian DWs when they have just arrived in Singapore or in Malaysia.

## **9.4 Policy Implementation**

This research contributes some important ideas for policy implementation that may be useful for the governments of Indonesia, Singapore and Malaysia in providing a better protection for Indonesian DWs and creating a more effective management system called “Integrated Management”/IPM DW. To provide a better protection and make this system work, this thesis makes the following recommendations.

### **A. For the Indonesian government**

#### **Short-term**

- a. Ratifying the important international conventions.
- b. Reinforcement and revision of National Law No. 39/2004.
- c. Reinforcement of the BNP2TKI and the Ministry of Manpower.
- d. Reinforcement of government control.
- e. Active bargaining in politics and coordination with destination countries.
- f. Preparing the marketing management in the pre-departure phase.
- g. Improving the quality of human resources management.
- h. Improving the good relationships with non-state actors and international organisations.

#### **Mid-Term**

- a. Making the preparation to establish the Integrated Protection for Indonesian DWs (IPM DW).
- b. Preparing the necessary human resources and the establishment of the new national body of IPM DW under the national law.

#### **Long-term**

- a. The establishment of the Integrated Protection Management for Indonesian Domestic Workers’ Remittances (IPM DWR).
- b. Sustainability of management and programs.

### **B. For the Singaporean government**

Some advice that might be acceptable to the Singapore government is as follows:

1. Ratifying the international conventions.
2. Supporting the proposed one day off.
3. Legislating a national act for the protection of migrant DWs..
4. Changing the paradigm of the labour market to a humanistic labour market model.
5. Cooperating with non-state actors and international organisations
6. Supporting integrated cooperation with the Indonesian government
7. Establishing the Integrated Protection for Indonesian DWs (IPM DW) in the next term.

### **C. For the Malaysian government**

Some recommendations that might be acceptable to the government of Malaysia are as follows:

1. Controlling the implementation of the 2011 MOU.
2. Ratifying the international conventions.
3. Supporting the proposed one day off.
4. Legislating a national act for the protection of migrant DWs.
5. Enhancing cooperation with civil societies.
6. Supporting integrated cooperation with the Indonesian government.
7. Establishing the Integrated Protection for Indonesian DWs (IPM DW) in the next term.

## **9.5 The Limitation of the Research and Future Research Directions**

There are some limitations in the current research. For instance there are no interviews with the recruitment agencies and PPTKIS to determine their opinions about labour protection management. This was due to the difficulties in obtaining permission from the agents. Furthermore, the researcher did not interview the Singaporean and Malaysian government staff, since the researcher is Indonesian and it is difficult to obtain permission from those government officials. Even

though there are some limitations, this research makes a contribution to the literature on DWs' migration and the protection management whole making a significant contribution to the policy makers in Indonesia, Singapore and Malaysia. Future researchers may employ more respondents in three countries, including recruitment agencies, three governments and other parties to improve the understanding of the integrated labour protection for Indonesian DWs in the sending and destination countries.

This research is a valuable base for future research that analyze DWs from other viewpoints, and from management and economic perspectives. For example:

- a. production management and quality development of training for DWs;
- b. accounting management for DWs;
- d. political and socio-economic issues for DWs;
- e. history of DWs' economic and financial institutions; and
- f. psychology of DWs.

There are other aspects of Indonesian DWs that can be studied using various scientific perspectives in order to advance the knowledge about DWs, and improve the body of knowledge that can support and enhance the welfare of DWs, where DWs could be acknowledged as real workers who deserve to be given decent work and conditions around the world.

This study provides a framework for transformation DWs situation and the acceptance of DWs as formal workers. It is acknowledged that there is a need for better protection for DWs, which should include more targeted pre-departure training, especially for new DWs since they are more susceptible to abusive behavior and exploitation. The gaps in the regulatory frameworks are also seen as very important in affecting the lives of DWs as actual conventions and frameworks in place. The Indonesian government has a major responsibility to work with Malaysia and Singapore governments to implement a better system of managing the DWs protection.

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**APPENDICES**

**APPENDIX A**

**QUESTIONNAIRE**

**Indonesian Labour Migration to Malaysia and Singapore, 1990–2010: Assessing Recruitment Policies and the Employment Legislation relating to Domestic Workers’ Employment in These Countries; and Their Consequences for Labour Trafficking and Exploitation**

Serial No : .. (Researcher will write this serial number)  
Name of Organisation/Institution : .....

You can complete this questionnaire by:

1. Simply placing an “X” in the space in front of the provided answer(s), or
2. Write down (or type) your answers for open-ended questions.
3. There are three migration processes of Indonesian domestic workers (Indonesian DWs): pre-departure (in Indonesia), deployment (in Malaysia/Singapore) and returning (in Indonesia).
4. You can skip the questions if you do not want to answer the questions or you do not understand these matters.

**I. SERVICES PROVIDED BY ORGANSATIONS/INSTITUTIONS**

1.1. Please explain why your organisation was set up.

.....

1.2. What are the services provided by your organisation for Indonesian domestic workers (Indonesian DWs)?

.....

1.3. What are the most challenging works that have been taken by your organisation in helping and facilitating Indonesian DWs (especially in minimising abuses, exploitation and human trafficking) during the migration process?

.....

1.4. How many Indonesian DWs have used your services last year (approximately)?

Description	Tick here
<100 persons	
100-1000 persons	
>1000 persons	

**II. PRE-DEPARTURE PROCESS (IN INDONESIA)**

2.1. Information about jobs in Singapore and Malaysia is provided through:

No	Description	Tick here
1	Radio/television	
2	Indonesian government office	
3	Private recruitment agency	
4	Other (please specify) .....	

2.2. Who has the most important position (more powerful) in providing information related to the jobs/recruitment process?

No	Description	Tick here
1	Indonesian government staff	
2	Private recruitment agency	

2.3. What policy does the government have to take in dealing with misconduct, for example, if there is an element of deception found in the job information/sheets/booklets or recruitment process (committed by a person or a private recruitment agency)?

No	Description	Tick here
1	The Indonesian government punishes private recruitment agency/actor	
2	No action	
3	The action is inconsistent, powerful officer may not be punished	

2.4. Who is the main actor that provides information and education about migration for Indonesian DWs?

No	Description	Tick here
1	Indonesian government staff	
2	Private agency officers	
3	Civil society groups (NGOs and others)	

2.5. Is there any inspection conducted by the Indonesian government to check the details of administration and the training process, which is set by the recruitment agencies? (e.g. birth certificates, health condition, training quality, etc.)

\_\_\_\_\_Yes      \_\_\_No

2.6. How much money must Indonesian DWs pay for the administration fees?

No	Description	Tick here
1	Less than Rp. 2 million	
2	>Rp. 2 million	

2.7. Who is the main actor who is responsible for providing training for Indonesian DWs?

No	Description	Tick here
1	Indonesian government staff	
2	Private recruitment agency staff	
3	Civil society (NGOs and others)	
4	Private recruitment agencies, but the Indonesian government staff or their relatives are unofficially involved (e.g. some own the agencies, some of them work for the agencies, some of them act as consultant protector)	

2.8. If there is a report from Indonesian DWs or other sources regarding exploitation, abuses and human trafficking, what is the response of the Indonesian government?

No	Description	Tick here
1	Police will catch the actor	
2	Revoke the licence of the private recruitment Agency	
3	Give an administrative sanction	
4	No action is taken or there is no policy to deal with this issue	
5	There is a policy or rule but it is not implemented consistently or effectively	

2.9. The process of issuing the KTKLN (card for working overseas) is procedural, and it provides strong information to protect Indonesian DWs

\_\_\_Yes

\_\_\_No

2.10. How would you describe the migration administration of Indonesian DWs?

- a. Well-organised and generally consistent
- b. Well-organised but inconsistent (sometimes prioritise powerful parties or individuals)
- c. Poorly organised and inconsistent
- d. Fairly organised but money can play a major role in speeding up a process



### III. LABOUR PROTECTION MANAGEMENT IN THE PRE-DEPARTURE PROCESS

No	Items	SD	D	F	A	SA
1.	Indonesia has ratified and implemented some important International conventions for protecting Indonesian DWs					
2.	Indonesia has strong MOUs with the destination Countries					
3.	Indonesia has strong national laws and regulations for protecting Indonesian DWs.					
4.	Indonesia has strong law enforcement for protecting Indonesian DWs					
5.	The Indonesian President has an important role in protecting Indonesian DWs					
6.	The Indonesian House of Representatives has an important role in protecting Indonesian DWs.					
7.	Indonesian government staff have qualified work performance for serving Indonesian DWs					
8.	Indonesia has strong coordination between ministries and institutions in Indonesia and abroad					
9.	Indonesia has significant cooperation with non-state actors for protecting and assisting Indonesian DWs					
10.	Indonesia has a strong gender program for protecting Indonesian DWs					
11.	Indonesia has a strong role in providing information programs to protect Indonesian DWs					
12.	Indonesia has appropriate marketing management of Indonesian DWs					
13.	Indonesia has professional financial management for Indonesian DWs					
14.	Indonesia has a professional recruitment management practice and adequate training for Indonesian DWs					
15.	Indonesia has a professional administration management practice and IT database of Indonesian DWs					
16.	Indonesia has a strong controlling program in relation to the recruitment agency					
17.	Indonesia has the willingness to improve Indonesian DWs' labour protection management (Evaluation of Management)					
SD	= strongly disagree	D	= disagree			
F	= fair	A	= agree			
SA	= strongly agree					

#### IV. RETURNING PROCESS (IN INDONESIA)

4.1. Who will pick Indonesian DWs up when they arrive in Indonesia?

No	Description	Tick here
1	BNP2TKI/ Indonesian government staff	
2	Private recruitment agency	
3	Civil society (NGO and others)	
4	No one	

4.2. Is there any coordination or cross check (through information systems) between the Indonesian government and the private recruitment agency or/and the Indonesian government's representatives in Singapore or Malaysia when Indonesian DWs return to Indonesia?  
 Yes  No

4.3. If there is a report from Indonesian DWs regarding their problems to the Indonesian government, what is the government's response?

No	Description	Tick here
1	Police will catch the actor	
2	No action is taken or there is no policy to deal with this issue	
3	There is a policy or rule but it is not implemented consistently or effectively	

4.4. Who plays an important role during the returning process in Indonesia?

No	Description	Tick here
1	Indonesian government officials	
2	Private recruitment agency	

4.5. What are the unequal conditions experienced by Indonesian DWs compared to Filipino DWs during the returning process?

No	Description	Indonesian DWs	Filipino DWs
1	Sexual abuse in the airport/other arrival places		
2	Mental abuse in the airport/other arrival places		
3	Blackmailed by intermediaries ( <i>calo</i> ) and other actors		
4	Insurance claim		
5	Problem report		
6	Debt bondage		
7	The victim died		

**V. LABOUR PROTECTION MANAGEMENT IN THE RETURNING PROCESS (IN INDONESIA)**

No	Items	SD	D	F	A	SA
1	Indonesia has strong protection at arrival Places					
2	Indonesia has professional transportation Management					
3	Indonesia has provided an administration service centre					
4	Indonesia has provided an advocacy and law support service					
5	Indonesia has a strong coordination with non-state actors.					
6	Indonesia has professional training and re-migration management					

SD = strongly disagree      D = disagree  
 F = fair                              A = agree  
 SA = strongly agree

**VI. REMITTANCE, PROTECTION AND ECONOMIC DEVELOPMENT**

No	Description	Opinion
1	Indonesia has financial training management for DWs	
2	Indonesia has financial aid for Indonesian DWs to initiate a small business	
3	Indonesia has provided a program of Regional and National Investment for Indonesian DWs	
4	Indonesia has a program for assisting management and the control of economic development	
5	Indonesia has provided a marketing program for Indonesian DWs' products	
6	Indonesia has provided a cooperative and banking program for Indonesian DWs	
7	Indonesia has provided a program of sustainable economic development	

**VII. DEPLOYMENT PROCESS (IN MALAYSIA AND SINGAPORE)**

7.1. The majority of the recruitment process of Indonesian DWs in Malaysia/Singapore is undertaken by:

No	Description	Tick here
1	Malaysian/Singaporean recruitment agency	
2	Malaysian/Singaporean government	
3	Other (please specify): .....	

7.2. Did Malaysia/Singapore punish the agencies for their misconduct, e.g when they committed deception or facilitated exploitation/human trafficking?

Yes  No

7.3. Who will pick Indonesian DWs up and help them settle (when they arrived in Malaysia/Singapore)

No	Description	Tick here
1	Malaysian/Singaporean recruitment agency	
2	Employers	
3	No one	
4	Other (please specify): .....	

7.4. Is there any coordination between the recruitment agencies in Indonesia and Malaysia/Singapore in solving Indonesian DWs' problems?

Yes  No

7.5. Is there any integrated information system between the KTKLN (Indonesian DWs' card for working overseas) and the database in the Indonesian Embassy in Malaysia/Singapore/?

Yes  No

7.6. Who will give the first orientation about the local culture, and the way to solve their problems in their workplaces?

No	Description	Tick here
1	Malaysian/Singaporean recruitment agency	
2	Indonesian government representatives	
3	Malaysian/Singaporean government staff	
4	NGOs	
5	No one	
6	Other (please specify): .....	

- 7.7. How much is the average salary of Indonesian DWs every month?  
 .....
- 7.8. Do you think the Indonesian DWs' salary is good or not (compared to Filipino DWs' salary)? If it is not good, why?  
 .....
- 7.9. If there is a problem in the employment contract, e.g. Indonesian DWs cannot continue working (because of sickness, etc), what kind of action do the Indonesian government representatives or recruitment agencies take?

No	Description	Tick here
1	Send Indonesian DWs back to Indonesia	
2	Solve the problem using "win-win solution" approach between the employer and agency	
3	No action is taken or there is no policy to deal with the issue	
4	Other (please specify) .....	

- 7.10. Is there any mechanism or tools to report their problems to the Indonesian Embassy or to the police station? (If Indonesian DWs get bad treatment or perhaps they are not paid their salary by the employer or if Indonesian DWs are vulnerable to be victims of human trafficking?)

No	Description	Tick here
1	Indonesian DWs have mechanisms and tools (mobile phone) to report their problems	
2	Indonesian DWs do not have mechanisms and do not understand at all about the procedure to complain	
3	Other (please specify) .....	

- 7.11. Is there any inspection/checking from the Indonesian Labour Attaché or Indonesian Embassy on Indonesian DWs? If yes, what do they do? If not, go to the next number.

No	Description	Tick here
1	The Indonesian Embassy staff or Labour Attaché calls the employer by phone	
2	Cross check with the recruitment agencies regarding Indonesian DW's conditions	
3	Cross check with the worker unions or other civil society groups, e.g. NGOs	
4	Other (please specify) .....	

7.12. Is there any inspection conducted by the Malaysian/Singaporean governments in monitoring the condition of Indonesian DWs? (e.g. calling by phone, checking who the employer is, etc)?

\_\_\_Yes \_\_\_\_\_No

7.13. What are the main problems of Indonesian DWs during their working period for their employers (e.g. no freedom of movement, not enough food, sexual abuses, etc.)?

.....  
 .....

7.14. Is there any legislation to deal with abuses, exploitation and human trafficking of Indonesian DWs? If not, why?

.....  
 .....

7.15. What is your opinion of the management in the deployment process between the Indonesian and the Philippines governments?

In Malaysia:

.....  
 .....

In Singapore:

.....  
 .....

7.16. What are the unequal conditions of Indonesian DWs compared to Filipino DWs during the deployment process?

No	Description	Indonesian DWs	Filipino DWs
1	Passports		
2	Freedom of movement		
3	One day off		
4	Religion worship		
5	Mobile phone		
6	Salary		
7	Work hours		
8	Bedroom		
9	Sexual abuse		
10	Physical abuse		
11	Mental abuse		
12	Human trafficking		

### VIII. LABOUR PROTECTION MANAGEMENT IN THE DEPLOYMENT PROCESS

No	Items	SD	D	F	A	SA
1.	Malaysia/Singapore has strong commitment to ratify the International Conventions related to protection of Indonesian DWs and other DWs.					
2.	Malaysia/Singapore has strong commitment to force and apply the MOU revision 2011 for better conditions and protection of Indonesian DWs					
3.	Malaysia/Singapore has strong commitment in establishing new national law/regulations to provide better protection of Indonesian DWs and other DWs					
4.	Malaysia/Singapore has professional work performance of staff to serve and protect Indonesian DWs					
5.	Malaysia/Singapore has strong coordination with the Indonesian Embassy to solve the problems of Indonesian DWs					
6.	Malaysia/Singapore has strong law enforcement for protecting Indonesian DWs					
7.	Malaysia/Singapore has a strong commitment to applying gender protection programs for better protection of Indonesian DWs					
8.	Malaysia/Singapore has strong commitment to protect Indonesian DWs when they first arrive					
9.	Malaysia/Singapore has a specific protection program to inspect/control the condition of Indonesian DWs in their workplaces					
10.	Malaysia/Singapore has a strong commitment to provide protection during the returning process of Indonesian DWs					
11.	Malaysia/Singapore has a strong cooperation with non-state actors					
12.	Malaysia/Singapore has a strong commitment to evaluating migration management in order to create better conditions for Indonesian DWs					

SD = strongly disagree

F = fair

SA = strongly agree

D = disagree

A = agree

**Concluding remarks:**

.....  
 .....



Ethics Office

Research Development & Integrity

Research Division

Armidale NSW 2351

## APPENDIX B

### HUMAN RESEARCH ETHICS COMMITTEE

MEMORANDUM TO : Prof A Kaur, Dr Z Adnan & Mr C Gunawan  
School of Business, Economics & Public Policy

This is to advise you that the Human Research Ethics Committee has approved the following:

PROJECT TITLE: Indonesian Labour Migration to Malaysia and Singapore  
1990- 2010: Assessing Recruitment Policies and the  
Employment Legislation relating to Domestic Worker  
Employment in these countries; and their consequences for  
Labour Trafficking and Exploitation.

APPROVAL No.: HE11-215

COMMENCEMENT DATE: 29/11/2011

APPROVAL VALID TO: 29/11/2012

COMMENTS: Nil. Conditions met in full.

The Human Research Ethics Committee may grant approval for up to a maximum of three years. For approval periods greater than 12 months, researchers are required to submit an application for renewal at each twelve-month period. All researchers are required to submit a Final Report at the completion of their project. The Progress/Final Report Form is available at the following web address: <http://www.une.edu.au/research-services/researchdevelopmentintegrity/ethics/humanethics/hrecforms.php>

The *NHMRC National Statement on Ethical Conduct in Research Involving Humans* requires that researchers must report immediately to the Human Research Ethics Committee anything that might affect ethical acceptance of the protocol. This includes adverse reactions of participants, proposed changes in the protocol, and any other unforeseen events that might affect the continued ethical acceptability of the project.

In issuing this approval number, it is required that all data and consent forms are stored in a secure location for a minimum period of five years. These documents may be required for compliance audit processes during that time. If the location at which data and documentation are retained is changed within that five year period, the Research Ethics Officer should be advised of the new location.

29/11/2011



Jo-Ann Sozou  
Secretary/Research Ethics Officer

A11/110



School of Business, Economics  
& Public Policy  
University of New England  
Armidale NSW 2351  
Australia  
Phone 61 2 6773 3403

## APPENDIX C

29 November 2011

### INFORMATION SHEET FOR PARTICIPANTS (For Face to Face Interview)

**Research Project:**  
**Indonesian Labour Migration to Malaysia and Singapore, 1990-2010:  
Assessing Recruitment Policies and the Employment Legislation relating to  
Domestic Workers Employment in These Countries; and Their  
Consequences for Labour Trafficking and Exploitation**

I wish to invite you to participate in my research on above topic. The details of the study follow and I hope you will consider being involved. I am conducting this research project for my PhD at the University of New England. My supervisors are Professor Amarjit Kaur and Dr. Zifirdaus Adnan of University of New England. Professor Amarjit Kaur can be contacted by email at [akaur@une.edu.au](mailto:akaur@une.edu.au) or by phone on 02 6773 2874. Dr. Zifirdaus Adnan can be contacted by email at [zadnan@une.edu.au](mailto:zadnan@une.edu.au) or by phone on 02 6773 351 and I can be contacted by email at [cgunawan@une.edu.au](mailto:cgunawan@une.edu.au) or by phone on 02 6773 3403.

**Time Requirements:**

A semi structured interview lasting approximately 45 minutes (audio taped)

**Interviews:**

There will be a series of open-ended questions that allow you to explore your views and practices related to position in the organisation. These interviews will be voice recorded following the interview, a transcript will be provided to you if you wish to see one. Any information or personal details gathered in the course of the study will remain confidential. No individual will be identified by name in any publication of the results. All names will be replaced by pseudonyms, this will ensure that you are not identifiable.

Participation is completely voluntary, if you decide to participate, you are free to withdraw your consent from the project and discontinue at any time without having to give a reason and without consequence if you decide not to participate or withdraw at any time.

The voice recording will be kept in a locked filing cabinet at the researcher's office. The transcription and other data will be kept in the same manner for five (5) years following thesis submission and then destroyed. Only the investigators will have access to the data.

**Research Process**

It is anticipated that this research will be completed by the end of 2012. The results may also be presented at conferences or written up in journals without any identifying information.

This project has been approved by the Human Research Ethics Committee of the University of New England (Approval No.HE11-215).

**Standard Complaint Procedure**

This interview is voluntary. You can opt out of this interview when you think it necessary to do so.

Should you have any complaints concerning the manner in which this research is conducted, please contact the Research Ethics Officer at the following address:

Research Services  
University of New England  
Armidale, NSW 2351.  
Telephone: (02) 6773 3449 Facsimile (02) 6773 3543  
Email: [ethics@une.edu.au](mailto:ethics@une.edu.au)

Thank you for considering this request and I look forward to future contact with you.

Regards,

Cakti Indra Gunawan

If you have any queries about my research or its use, you can contact:

**Researcher:**

Cakti Indra Gunawan  
School of Business, Economics and Public Policy  
University of New England, Australia  
Email: [cgunawan@une.edu.au](mailto:cgunawan@une.edu.au) Phone: +61 2 6773 3403 (Australia)  
Mobile Phone: +61431238352 (Australia) +6281229981066 (Indonesia)  
Fax: +6126773 3596

**Local Contacts**

In Indonesia

Budhi Candra Dharmawan, S.Pi., M.Si  
International Research and Development for Human Beings (IRDH)  
Senior researcher  
Jl. Sokajaya 59 Purwokerto  
Email : [bc\\_dharmawan@yahoo.com](mailto:bc_dharmawan@yahoo.com)  
Phone +62 281 7919897

In Malaysia

Dr. Kiranjit Kaur (Associate Professor)

Faculty of Communication and Media Studies

University Teknologi MARA

40450 Shah Alam, Selangor, MALAYSIA

Email: [kkludher@gmail.com](mailto:kkludher@gmail.com) Phone: +6012-381 3145

### **Supervisors**

Professor Amarjit Kaur

School of Business, Economics and Public Policy

University of New England, Australia

Email: [akaur@une.edu.au](mailto:akaur@une.edu.au)

Phone: +61 2 6773 3516

Dr. Zifirdaus Adnan

School of Arts,

University of New England, Australia

Email: [zadnan@une.edu.au](mailto:zadnan@une.edu.au)

Phone: +61 2 6773 3735

**Consent Form for Participant**

**Research Project:**

**Indonesian Labour Migration to Malaysia and Singapore, 1990-2010:  
Assessing Recruitment Policies and the Employment Legislation relating to  
Domestic Workers Employment in These Countries; and Their  
Consequences for Labour Trafficking and Exploitation**

I, ..... have read the information contained in the Information Sheet for Participants and any questions. I have asked have been answered to my satisfaction.

Yes/No

I agree to participate in this activity, realising that I may withdraw at any time.

Yes/No

I agree that research data gathered for the study may be published using a pseudonym.

Yes/No

I agree to the interview having my voice recorded and transcribed.

.....  
Participant

.....  
Date

.....  
Researcher

.....  
Date

**INFORMATION SHEET FOR PARTICIPANTS OF QUESTIONNAIRE  
(To accompany the questionnaire)**

**Research Project:  
Indonesian Labour Migration to Malaysia and Singapore, 1990-2010:  
Assessing Recruitment Policies and the Employment Legislation relating to  
Domestic Workers Employment in These Countries; and heir Consequences  
for Labour Trafficking and Exploitation**

I am a student of the School of Business, Economics and Public Policy, at the University of New England in Australia, conducting a survey as part of a thesis to be submitted in a Doctor of Philosophy degree.

Participant is voluntary and confidential. There is no foreseeable risk associated with your involvement in this project. There will be no penalty should you decide not to participate in this study. You may withdraw at any time. To protect your privacy the questionnaire is anonymous (the research questionnaire does not ask for names and address of participants).

If you choose to return your survey by mail, responses will be totally anonymous. Confidentiality of emailed and faxed questionnaires cannot be guaranteed. However, all identifiers will be removed immediately on receiving the returned questionnaire; the information will be kept confidential; the origin of the information will not be able

The information contained in the questionnaire will be used only for the purpose of this research project. It is your choice whether you wish to participate in this project. Your responses are important and will assist me with my research. The information you provided may assist in the long-term planning for future state policy on recruitment of Indonesian domestic workers in Indonesia and lead to a better understanding of the elimination of labour trafficking and exploitation.

If you decide to participate in this study, you will be asked to fill out the attached questionnaire that will take about 30 minutes to complete. It is hoped that the completed questionnaire will be returned as soon as possible, or no later than 30 January 2012, to the researcher directly or by email, mail or fax (see contact details in the box below).

<p>Cakti Indra Gunawan Jl. Sokajaya 59 Purwokerto, Jawa Tengah, Indonesia E-mail: cgunawan@une.edu.au Phone: +6281229981066 (Indonesia) Phone: +61 2 6773 3403 (Australia) Mobile Phone : +61431 238 352 Fax: +61 2 6773 3596</p>
---

If, you have any queries about my research or its use, you can contact:

**Researcher**

Cakti Indra Gunawan  
School of Business, Economics and Public Policy  
University of New England, Australia  
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University of New England,  
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Phone: + 61 2 6773 3516 \

Thank you very much for your cooperation and for taking the time to complete and return the questionnaire.

Regards,

Cakti Indra Gunawan

**Standard Complaint Procedure**

Completing this questionnaire is voluntary. You can opt out of this questionnaire when you think it is necessary.

Should you have any complaints, concerning the manner in which this research is conducted, please contact the Research Ethics Officer at the following address:

Research Services

University of New England

Armidale, NSW, 2351.

Telephone: +61 2 6773 3449 Facsimile: +61 02 6773 3543

This project has been approved by the Human Research Ethics Committee of the University of New England (Approval No.HE11-215 Valid to 29/11/2012).

## **APPENDIX D**

**PROTOCOL AMENDING THE MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA  
AND  
THE GOVERNMENT OF MALAYSIA  
ON  
THE RECRUITMENT AND PLACEMENT OF INDONESIAN DOMESTIC  
WORKERS SIGNED AT BALI, INDONESIA ON 13 MAY 2006**

The Government of the Republic of Indonesia and the Government of Malaysia (Hereinafter referred to collectively as “the parties” and singularly as “the party”).

**DESIRING** to promote the right and protection of both the employers and the domestic workers in Malaysia, as well as the fulfillment of their fundamental human rights;

**REFERRING** to the following documents:

- (a) Records of Discussion for the Third Joint Working Group Meeting between the Government of Malaysia and the Government of Republic of Indonesia on the Recruitment and Placement of Indonesian Domestic Workers in Kuala Lumpur, Malaysia on 20 August 2009;
- (b) Records of Discussion for the Fourth Joint Working Group Meeting between the Government of Republic of Indonesia and the Government of Malaysia on the Recruitment and Placement of Indonesian Domestic Workers in Fourth Joint Working Group, in Jakarta, Indonesia on 5 September 2009;
- (c) Records of Discussion for the Fifth joint Working Group Meeting between the Government of Malaysia and the Government of Republic of Indonesia on the Recruitment and Placement of Indonesian Domestic Workers in Kuala Lumpur, Malaysia on 19 November 2009.
- (d) Records of Discussion for the Sixth Joint Working Group Meeting between the Republic of Indonesia and Malaysia on the Recruitment and Placement of Indonesian Domestic Workers in Jakarta, Indonesia on 23 August 2010;
- (e) Letter of Intent for amendment to the Memorandum of Understanding on the Recruitment and Placement of Indonesian domestic workers 2006 in Putra Jaya, Malaysia on 18 May 2010;

- (f) Record of Discussion of the Meeting between Hon. Datuk Dr. S. Subramaniam, the Minister of Human Resources, Malaysia and Hon. H. A. Muhaimin Iskandar, the Minister of Manpower and Transmigration, Republic of Indonesia, in Kuala Lumpur, Malaysia on 21 March 2011, and
- (g) The record of Discussion for the Technical Meeting Indonesia – Malaysia on the Draft Protocol to the Memorandum of Understanding (MOU) between the Government of Malaysia and the Government of Republic of Indonesia on the Recruitment and Placement of Indonesian Domestic workers in Putra Jaya, Malaysia on 26-27 April and 5-6 May 2011, and at the Indonesian Embassy in Kuala Lumpur on 18-19 May 2011;

**PURSUANT** to Article 15 of the Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Malaysia on the Recruitment and Placement of Indonesian domestic workers signed on 13 May 2006 (Hereinafter referred to as “the MOU 2006”),

**HAVE AGREED** as follows:

#### ARTICLE 1

This protocol amending the Memorandum of Understanding between the government of the Republic of Indonesia and the government of Malaysia on the Recruitment and Placement of Indonesian domestic workers signed at Bali, Indonesia on 13 May 2006 (Hereinafter referred to as “Protocol”) amends the MOU 2006.

#### ARTICLE 2

Article 1 of the MOU 2006 shall be amended by inserting after the definition of “work pass” the following paragraphs.

- (a) “**Abscond**” means a voluntary conduct by the Domestic Worker to leave the place of work, as stipulated in the Contract of Employment within the valid period of the Contract of Employment, without the consent of the employer, but such act does not include abscond due to personal safety reasons, abuse or ill-treatment by the employer.
- (b) “incompetent” means a state of incompetence due to inability of the Domestic Workers to perform his/her assigned duties in accordance with the job specification based on the Skills Competence as certified by Badan Nasional Sertifikasi Profesi (BNSP) Indonesia.

#### ARTICLE 3

Article 5 of the MOU 2006 shall be substituted with the following:

“Article 5

Any specific request of employment of the Domestic Worker by any Employer, where appropriate, may be made through specific procedures, and subject to prior approval of the Parties through the relevant authorities in accordance with the relevant national laws, regulations and policies of the parties. The relevant authorities shall inform the Indonesian and Malaysian mission of such prior approval.”

ARTICLE 4

The MOU2006 shall be amended by inserting a new Article 12 A of the MOU 2006 as follows:

“Article 12 A

- (1) The parties agreed, for the purpose of technical implementation of the MOU and its Protocol, to establish a joint Task Force (hereafter referred to as ‘the JTF’) based each in Jakarta and Kuala Lumpur;
- (2) The JTF shall be comprised of the representatives to be appointed by the respective Parties;
- (3) The JTF shall endeavor to provide appropriate solutions on matters concerning Indonesian Domestic Workers;
- (4) The JTF shall report regularly to the Joint Working Group in accordance with Article 12 of the MOU and its Protocol; and
- (5) Detailed arrangement on the establishment and functions or the JTF shall be stipulated in the Terms of Reference to be agreed upon by the Parties.”

ARTICLE 5

**Appendix A to the MOU 2006 shall be amended –**

5.1 by substituting Paragraph A (i) with the following:

“The Employer shall be responsible personally or through an authorized MRA, to obtain approval from the relevant authorities in Malaysia for the purpose of recruitment or employment of the Domestic Worker.’;

5.2 by substituting Paragraph A (ii) with the following:

“Subject to Article 5 of the MOU, the Employer make a specific request for recruitment of a Domestic Worker through specific procedures under this MOU to the relevant authorities in accordance with the national laws, regulations and policies of the parties.’;

5.3 by substituting Paragraph A (iii) with the following:

“The Employer shall pay the Domestic Worker a monthly wage as agreed in the term and conditions of the Contract of Employment at the rate determined by the market forces taking into account the indicative range of wages to be agreed upon by the Parties.”;

5.4 by substituting Paragraph A (vi) with the following:

“The Employer shall, under Article 5 of the MOU, be bound by all decisions taken by the relevant authorities, regarding the arrangement for such employment and to fulfill any direction given in such decision and responsibilities thereupon, which shall be the condition precedent of the Contract of Employment.”;

5.5 by substituting Paragraph A (viii) with the following:

“The Employer shall, in the event that the Domestic Worker is employed pursuant to Article 5 of the MOU, be responsible for the responsible for the repatriation and substitution cost of the Domestic Worker who is certified as medically unfit from the medical examination conducted under paragraph (vii) above.”;

5.6 by substituting Paragraph A (xii) with the following:

“(a) The passport shall remain in the possession of the Domestic Worker: and  
(b) The passport may be allowed to be kept by the Employer, with prior consent of the Domestic Worker for safekeeping purposes. The passport shall be returned at any time requested.”;

5.7 by substituting Paragraph A (xvii) with the following:

“(a) The Domestic Worker shall be entitled to 1 (one) rest day in a week;  
(b) The Domestic Worker may agree to work on his/her rest day; and  
(c) In the event the Domestic Worker agrees to work on any of his/her rest day, the Domestic Worker shall be paid a certain amount of money to be calculated on pro-rate basis in lieu of the rest day as agreed upon by the Employer and the Domestic Worker in the Contract of Employment.”;

5.8 by substituting paragraph A (xxiii) with the following:

“The Employers shall comply with all Malaysian laws, rules, regulations, policies and directives.”;

5.9 by substituting paragraph B (v) with the following:

- “(a) In the event the Domestic Worker absconds or is incompetent during the first 6 (six) months, the Employer shall have the right to the following –
- (i) a substitution of the Domestic Worker provided by the MRA within 2 (two) weeks from the date of the Domestic Worker absconds or is incompetent; or
  - (ii) reimbursement by the MRA of the relevant costs and expenses incurred by the Employer in the revised Cost Structure as stipulated in the Revised Annex and Attachment of Annex to the MOU concerning the cost structure of the recruitment and placement of Indonesian Domestic Workers. The said sum shall be reimbursed by the MRA to the employer within 4 (four) weeks from the date of the demand for reimbursement.
- (b) In the event Domestic Worker is certified as medically unfit during the first 3 (three) months, the Employer shall have the right to the following -
- (i) a substitution of the Domestic Worker provided by the MRA within 2 (two) weeks from the date the Domestic Worker has been certified medically unfit; or
  - (ii) reimbursement by the MRA of the relevant cost and expenses incurred by the Employer in the revised Cost Structure as stipulated in Revised Annex and Attachment of Annex to the MOU concerning the cost structure of the recruitment and placement of Indonesian Domestic Worker. The said some shall be reimbursed by the MRA to the Employer within 4 (four) weeks from the date of the demand for reimbursement.
- (c) In the event the Employer choses the rights to a substitution as stipulated in the paragraph (a) (i) and (b) (i) above, such substitution shall be made by the MRA within the stipulated period. In the event of default standard by the MRA, the Employer shall be entitled to seek reimbursement from the MRA on the cost and expenses of recruitment incurred by the Employer.
- (d) In the event the Employer choses the right to reimbursement as stipulated in paragraph (a) (ii) and (b) (ii) above, such reimbursement shall be made by the MRA within the stipulated period. In the event of default by the MRA, the subsequent default of the MRA, the competence authorities shall immediately cancel the MRA’s license. “:

5.10 by substituting paragraph C (vi) with the following provision:

- “(a) In the event of Domestic Worker absconds or is incompetent during the first 6 (six) months, the Employer and/or MRA shall have the right to the following –
- (i) a substitution of the Domestic Worker by the IRA within 2 (two) weeks from the date of the Domestic Worker abscond or is incompetent; or
  - (ii) reimbursement by the IRA of the relevant cost and expenses incurred by the Employer and/or MRA in the revised Cost Structure as stipulated in the Revised Annex and Attachment of Annex the MOU concerning cost structure of the recruitment and placement of Indonesian Domestic Worker. The said sum shall be reimbursed by the IRA to the Employer and/or MRA within 4 (four) weeks from the date of the demand for reimbursement.
- (b) In the event of Domestic Worker in certified as medically unfit during the first 3 (three) months, the Employer and/or MRA shall have the right to the following-
- (i) a substitution of the Domestic Worker by the IRA 2 (two) weeks from the date of the domestic workers has been certified as medically unfit or
  - (ii) reimbursement by the IRA of the relevant costs and expenses incurred by the Employer and/or MRA in the revised cost structure as stipulated in the Revised Annex and Attachment of the Annex to the MOU concerning the cost structure of the recruitment and placement of Indonesian Domestic Worker. The said sum shall be reimbursed by the IRA to the Employer and/or MRA within 4 (four) weeks from the date of the demand for reimbursement.
- (c) in the Event the Employer and /or MRA choses the right to a substitution as stipulated in paragraph (a) (i) and (b) (i) above, such substitution shall be made by the IRA within the stipulated period. In the event of default by the IRA, the Employer shall be entitled to seek reimbursement from the IRA on the costs and expenses incurred by the Employer and/or MRA.
- (e) In the event the Employer and/or MRA chooses the right to reimbursement as stipulated in paragraph (a)(ii) and (b)(ii) above, such reimbursement shall be made by the IRA within the stipulated period. In the event of default by the IRA, the competent authorities shall suspend

the IRA's license. Pursuant to the subsequent default of the IRA, the competent authorities shall immediately cancel the IRA's license.';

5.11 by substituting paragraph B (xiii) with the following:

“MRA shall comply with the fees for the recruitment and placement of Domestic Workers as agreed upon by the relevant Indonesian and Malaysian authorities as stipulated in the Revised Annex and Attachment of Annex to the MOU concerning the cost structure of the recruitment and placement of Indonesian Domestic Workers.”;

5.12 by substituting paragraph C (x) with the following:

“IRA shall comply with the fees for the recruitment and placement of Domestic Workers as agreed upon by the relevant Indonesian and Malaysian authorities as stipulated in the Revised Annex and Attachment of Annex to the MOU concerning the cost structure of the recruitment and placement of Indonesian Domestic Workers.”; and

5.13 by inserting a new paragraph D (x) with the following:

“In the event the Domestic Worker absconds, their temporary work/employment pass shall be revoked and they shall not be allowed to enter Malaysia for employment purpose in accordance with the applicable Malaysian laws and policies.”

## ARTICLE 6

### **Appendix B to the MOU 2006 shall be amended –**

6.1 by inserting a new sub-paragraph (i) after sub-paragraph (h) in paragraph 3 as follows:

“(i) The Domestic Worker may allow and agree for the Employer to keep his/her passport for safekeeping purposes. Such agreement shall be made in writing. The passport shall be returned upon request.”;

6.2 by inserting a new sub-paragraph (f) to be inserted after sub-paragraph (e) in paragraph 4 (four) with the following:

“(f) Subject to sub-paragraph 3 (i), the Employer may keep the passport of the Domestic Worker for safekeeping purpose upon being agreed in the writing by the Domestic Worker. The passport shall be returned at any time requested.”;

6.3 by inserting a new sub-paragraph (g) to be inserted after the new sub-paragraph (f) in paragraph 4 with the following:

“(g) the Employer shall allow the Domestic Worker to communicate with his/her family.”;

6.4 by substituting paragraph 5 (a) with the following:

“the Employer shall pay the Domestic Worker a monthly wage as indicated and agreed by the Employer and the Domestic Worker, in the amount of RM\_\_\_\_\_ (Ringgit Malaysia.....) in accordance with Malaysia labour laws. The payment of the monthly wages shall be made through a Bank account.”;

6.5 by substituting paragraph 5 (b) with the following:

“The Domestic Worker shall bear his/her recruitment and placement fee to work in Malaysia.”;

6.6 by inserting a new sub-paragraph 5 (c) with the following:

“The Employer may pay for the recruitment and placement fee of the Domestic Worker concerned in advance, provided that the Employer shall be entitled to deduct the monthly wage of the Domestic Worker not exceeding in the amount of 50% (fifty percent) of the Domestic Worker’s basic wage per month until such advance payment is fully by the Domestic Worker.”;

6.7 by substituting paragraph 6 with the following:

**“6 Rest Day**

- (a) The Domestic Worker shall be entitled to 1 (one) rest day every week.
- (b) In the event the Domestic Worker waives the entitlement of the right as mentioned in sub-paragraph (a) above, the Domestic Worker shall be paid a certain amount of money to be calculated on pro-rate basis in lieu of the rest day or as agreed upon by the Employer and the Domestic Worker.”;

6.8 by substituting the word “employment” in Paragraph 9 (a) and (c) of the General Provision with “work”; and

6.9 by inserting the requirement for endorsement of the respective Missions of the Parties after the signatures column.

## ARTICLE 7

This Protocol shall enter into force on the date of signing.

## ARTICLE 8

This protocol shall supersede earlier understanding and arrangements between the Parties which arise prior to the date of entry into force of this Protocol.

## ARTICLE 9

Article 9 the MOU 2006 shall be substituted with the following:

“The Domestic Worker who is recruited under this MOU shall work in Malaysia-

- (a) For a specified period of time in accordance with the Contract of Employment as per Appendix B as amended by this Protocol; and
- (b) Subject to the terms and conditions of the Contract of Employment as per Appendix B as amended by this Protocol.”

## ARTICLE 10

Pursuant to Article 17 of the MOU 2006, the parties have agreed to the followings;

- (a) The MOU 2006 shall be extended for 5 (five) year from the date of signing of this Protocol; and
- (b) This Protocol shall be read as an integral part of the MOU 2006.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized there to by their respective Government, have signed this Protocol.

**DONE** in duplicate at Bandung, Indonesia on this thirtieth day of May in the year two thousand and eleven, each in Indonesian **and** English languages, all texts being equally authentic. In the event of any divergence of Interpretation between any of the texts, the English text shall prevail.

FOR THE GOVERNMENT OF THE  
REPUBLIC OF INDONESIA

FOR THE GOVERNMENT OF MALAYSIA

Drs. H. A. MUHAIMAN ISKANDAR, MSi  
Minister for Manpower and Transmigration

DATUK DR. S. SUBRAMANIAM  
Minister for Human Resources

## REVISED ANNEX

### TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF MALAYSIA ON THE RECRUITMENT AND PLACEMENT OF INDONESIAN DOMESTIC WORKERS DONE AT BALI, INDONESIA, ON MAY 13, 2006

#### CONCERNING THE REVISED COST STRUCTURE OF THE RECRUITMENT AND PLACEMENT OF INDONESIAN DOMESTIC WORKERS

1. This Revised Annex is concluded pursuant to Paragraph B (xii) and Paragraph C (x) of Appendix A of the Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Malaysia on the Recruitment and Placement of Indonesian Domestic Workers, signed at Bali, Indonesia, on May 13 2006 (“MOU”) as amended by its Protocol signed at Bandung, Indonesia, on 30 May 2011, which stipulates that fees (cost structure) for the recruitment and placement of the Domestic Workers shall be agreed by the Parties.
2. The meeting of the seventh Joint Working Group of the MOU held in Bandung, Indonesia on 31 May 2011 agreed that the fees to be borne by the Employers and the Domestic Workers for the purpose of the MOU shall be as follows:

a. Fees to be borne by the Employers:

NO	ITEM	AMOUNT (RP)	AMOUNT (RM)
1.	Annual levy	1,0008,000	360
2.	Work process and document	238,000	85
3.	Stamping, airport clearance, documentation, service tax, food and lodging, insurance, etc.	1,806,000	645
4.	Medical check-up in Malaysia	532,000	190
5.	Fees for Malaysian agency	1,778,000	635
6.	Transportation cost from the original exit point in Indonesia to the palace of employment in Malaysia	1,400,000	500
7.	Airport tax and handling	280,000	100
8.	Training (50%)	550,000	196
<b>TOTAL</b>		<b>7,592,000</b>	<b>2,711</b>

b. Fees to be borne by the Domestic Workers:

NO	ITEM	AMOUNT (RP)	AMOUNT (RM)
1.	Medical check-up in Indonesia	400,000	143
2.	Transportation cost from original city of the Domestic Workers to the original exit point in Indonesia	225,000	80
3.	Visa imposed by the Malaysian Embassy	45,000	16
4.	Traveling document	120,000	43
5.	Insurance	400,000	143
6.	Government levy	135,000	48
7.	Training (50%)	550,000	196
8.	Competency examination	110,000	39
9.	Accommodation	1,405,000	502
10.	Fee for Indonesian agency	1,650,000	589
<b>TOTAL</b>		<b>5,040,000</b>	<b>1,800</b>

Note:

\* The total training fees of Rp. 1,100,000 or RM 392 to be equally borne by the Employers and the Domestic Workers.

3. This Revised Annex shall replace the Annex to the MOU concerning the Cost Structure of the Recruitment and Placement of Indonesian Domestic Workers signed at Jakarta on 20 November 2006
4. This Revised Annex shall take into effect on the date of signature and will be subject to review every one (1) year or at any time to be agreed by the Parties.

Signed at Bandung, Indonesia in duplicate on 31 May 2011.

FOR THE GOVERNMENT OF THE  
REPUBLIC OF INDONESIA

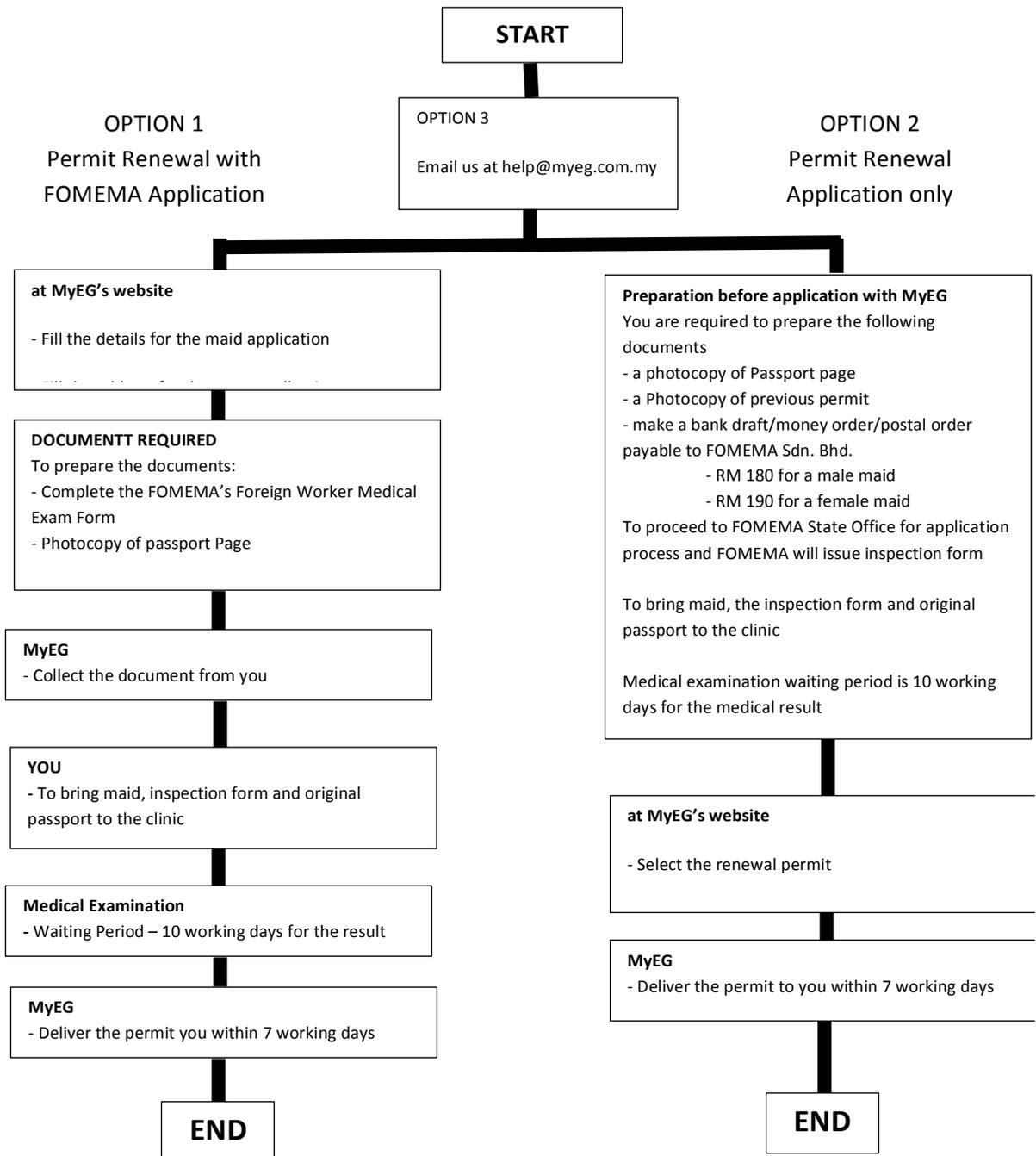
FOR THE GOVERNMENT OF MALAYSIA

**Tatang Budie Utama Razak**  
Acting Director General for Protocol  
and Consular Affairs Ministry of  
Foreign Affairs

**YM Dato' Raja Azahar bin Raja Abdul Manap**  
Ministry of Home Affairs

## APPENDIX E

### Process flow for Immigration's Maid Permit Renewal



MyEG will call to arrange for the Permit delivery  
(contact Number is compulsory to facilitate this arrangement)