

COUNTRY MIGRATION PROFILE (COUNTRY OF ORIGIN)

INDONESIA



Summary Table

Profile of the country	
A. Total Number of Nationals Working Abroad	Total: 2,992,338 <u>Men</u> : 1,538,003 <u>Women</u> : 1,454,335 Information taken from United Nations Database (Sept 2013) ¹
B. Key Countries of Destination (with numbers)	1. Malaysia (1,051,227) 2. Saudi Arabia (379,632) 3. United Arab Emirates (320,684) 4. Bangladesh (154,945) 5. Singapore (152,681) 6. Netherlands (139,260) 7. Hong Kong (132,985) 8. United States (108,600) 9. Kuwait (82,139) 10. Australia (78,744) Information taken from United Nations Database (Sept 2013); reflects numbers of skilled and semi-skilled workers. ²

Overview of Migration

General Overview

In 2013, the United Nations Department of Social and Economic Affairs reported that 2,992,338 documented migrants from Indonesia.³ However, Indonesia's National Agency for the Protection and Placement of Indonesian Migrant Workers (BNP2TKI) place the total number of migrants at an estimate of 4.3 million, not including undocumented migrants.⁴ Each year, 700,000 migrants – of which 78 percent work in the domestic sector – leave Indonesia to seek overseas employment.⁵

¹ United Nations, Department of Economic and Social Affairs (2013), "Trends in International Migrant Stock: Migrants by Destination and Origin", available at:

<http://www.un.org/en/development/desa/population/migration/data/estimates2/estimatesorigin.shtml>

² UN Dept of Economic and Social Affairs (2013).

³ UN Dept of Economic and Social Affairs (2013).

⁴ International Labour Organization (8 May 2013), "Better protecting Indonesian migrant workers through bilateral and multilateral agreement" (press release), available at:

http://www.ilo.org/jakarta/info/public/pr/WCMS_212738/lang--en/index.htm

⁵ ILO (8 May 2013).

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Due to significant levels of unemployment within Indonesia, many nationals opt to seek better opportunities and higher salaries by migrating overseas.⁶ Labour migration is frequently classed as “temporary” as most workers remit their earned resources to their families in Indonesia and generally do not intend to remain or seek citizenship within their country of destination; indeed, many countries do not allow them to do so.⁷ Destination countries overwhelmingly include Malaysia, followed by countries in the Middle East (notably Saudi Arabia and Kuwait) and East Asia (Singapore, Hong Kong and Taiwan).

Legal / Administrative Framework for Migration Processes

Administration Agencies

While the Ministry of Manpower and Transmigration (MOMT) is responsible generally for matters related to labour and transmigration, the National Board for the Placement and Protection of Indonesian Overseas Workers (*Badan Nasional Penempatan dan Pelindungan Tenaga Kerja Indonesia*; BNP2TKI) is the governmental agency tasked with the actual implementation of policies relating to the placement and protection of migrant workers.⁸ Both have local counterparts respectively in the forms of (i) provincial / local Ministry of Manpower offices, and (ii) the Agency for the Service, Placement and Protection of Migrant Workers (BNP3TKI). *Law No. 39/2004 concerning the Placement and Protection of Indonesian Workers Abroad* provides the main legal framework for all matters related to the migration process.⁹

Migration Process

Intending migrant workers, once registered with their local manpower agency, may be placed only by the Government, or a government-approved private recruitment agency (PJTKI).¹⁰ Licensed recruitment agencies possessing an overseas recruitment agreement, job order and draft placement-employment may obtain a Migrant Worker Placement Licence (“SIP”) from the Minister of Labour, allowing to select and sign contracts with recruits in relation to a particular overseas job order.¹¹ Such processes are technically the statutory responsibility of the recruitment agency; however, in practice the recruitment and preparation of migrant workers for travelling overseas (e.g. passports, purchasing insurance, money-lending, etc.) are frequently done by local brokers.¹²

⁶ International Organization for Migration (2010), *Labour Migration from Indonesia*, available at: https://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/Final-LM-Report-English.pdf

⁷ IOM (2010).

⁸ Fabenblum, B, Taylor-Nicholson, E. & Paoletti, S. (2013), “Legal & Institutional Frameworks Governing Indonesian Labor Migration”, *Migrant Workers’ Access to Justice at Home: Indonesia*, P42.

⁹ *Law No. 39/2004 concerning the Placement and Protection of Indonesian Workers Abroad*. English version available at:

http://www.colomboprocess.org/user_images/Notable%20Publications%20and%20Reports%20-%20law_39_year_2004.pdf

¹⁰ Amnesty International (2013), “3. Migration from Indonesia – recruitment”, *Exploited for profit, failed by governments – Indonesian Migrant Domestic Workers Trafficked to Hong Kong*, Amnesty International Ltd: London.

¹¹ Article 32-38, *Law No.39/2004*.

¹² International Migration Organization (2012), “Strengthening Pre-Departure Orientation Programmes in Indonesia, Nepal and the Philippines”, *Issue in Brief*. Available at:

http://publications.iom.int/bookstore/free/MPI_Issue5_28Sept2012_web.pdf

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As required in *Law No.39/2004*, recruits must then undertake work-related training (including compulsory pre-departure training), work-related assessments, as well as physical and mental health examinations to ensure their fitness for their area of employment.¹³ This results in a certificate for working competence following completion of training.¹⁴ During training, recruits generally stay in accommodation provided for by the recruitment agency for a period between one and three months, although longer is also possible.¹⁵ Meanwhile, the recruitment agency processes technicalities such as passports, visa applications, migrant worker identity cards (to be used in the country of destination), and employment contracts.¹⁶ Once the preparation of the above is complete, the recruited migrant workers may be deployed.

When the migrant workers arrive in the country of destination, they are statutorily obliged by virtue of *Law. No. 39/2004* to report to the Representative of Indonesia within that country; agencies must then report the workers' arrival to work at their respective employers.¹⁷ From there, they may bring any enquiries or seek help from the Indonesian consulate.

Relevant Policies

Memorandums of Understanding

Currently, Indonesia only deploys migrant labour to countries with which the government has a Memorandum of Understanding or other bilateral or regional agreement. Some of these countries currently include Malaysia, Taiwan, Korea and recently Saudi Arabia, allowing the Indonesian government to negotiate on employment conditions for Indonesian migrant workers.¹⁸ Jordan, Australia, Japan, Qatar and Timor-Leste also have agreements with the Indonesia governments, as receiving countries.

Issues

Labour Exploitation and Abuse

In recent years, rampant incidences of abuse and labour exploitation involving Indonesian nationals – most notably the case of domestic worker Erwiana Sulistyarningsih in Hong Kong – have come to light. Forced labour and exploitation commonly take the form of debt bondage due to the charging of illegal fees, deception concerning contracts or working conditions, physical and sexual abuse, long working hours, and withholding travel/identity documents.¹⁹

Such practices have been especially prevalent in the Middle East, but also occur to an alarming extent in receiving countries in East Asia. A multitude of reports by human rights organisations such as Human Rights Watch and Amnesty International have documented unbelievably harsh

¹³ Article 48, *Law No. 39/2004*

¹⁴ Article 44, *Law No. 39/2004*

¹⁵ Aspinall E. et al, (2010), "Travelling the Aspal Route", *The State and Illegality in Indonesia*, KITLV Press: Leiden. p110.

¹⁶ Aspinall E. et al, (2010), p110.

¹⁷ Article 75, *Law No. 39/2004*

¹⁸ Fabenblum, B, Taylor-Nicholson, E. & Paoletti, S. (2013)

¹⁹ International Labour Organization, "Labour migration in Indonesia", available at: <http://www.ilo.org/jakarta/areasofwork/labour-migration/lang--en/index.htm>

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situations encountered by Indonesian domestic workers in which while working within their employer's home, they were verbally, physically and psychologically abused.²⁰ Issues of exploitation and abuse are exacerbated by migration policies implemented by the destination country; for example, in the United Arab Emirates (UAE), the 'kafala' system operates such that a tie between the worker and their visa sponsors means that they are unable to change employers.²¹ Further, migrant domestic workers are not always covered by local labour laws (UAE) or categorised as an exception (Singapore).

While exploitation is rampant amongst Indonesian domestic workers, the same is unfortunately true for semi-skilled workers contributing to industries such as building and construction. In 2013, Qatar faced international criticism for the exploitation and abuse of migrant workers during the construction of the stadiums for the Qatar World Cup to be held in 2022. Amnesty International released a report documenting labour rights abuses within the construction sectors; workers were not receiving income on a timely basis, were forced to live in overcrowded conditions, and would work in dangerous conditions.²² While such problems are not unique to Indonesian migrant workers, the significant number of Indonesian nationals working overseas means that it is a problem that must be addressed swiftly.

In response, the Indonesian government has expressed an intention to cease the deployment of informal migrant workers – including domestic workers – by 2017.²³ While the government reportedly recognises the implications of such a policy – increases in unemployment – they seek to generate more jobs within the domestic economy.

Families left behind

The economic migration of Indonesian workers leaves tangible consequences for the families they leave behind. As a significant country of origin for individuals seeking opportunities for domestic work elsewhere, generations of women leave Indonesia to better provide for their families.²⁴ Civil society organisations report that whilst remittances are sent back to families by migrant workers, households and communities do not necessarily become wealthier.²⁵

Immigration policies of many labour-receiving countries – for example, Hong Kong and Singapore – do not permit the sponsoring of dependents by unskilled or semi-skilled workers. Studies by UNICEF and Save the Children document the impact migrating mothers have on offspring, indications showing that children were affected psychologically by long-term changes in their family structure.²⁶

²⁰Jadallah, A. (23 October 2014) "Migrant workers in UAE abused, exploited under 'kafala' system – HRW", *Reuters*, available at: <http://www.rt.com/news/198536-uae-abuse-workers-migrant/>

²¹Jadallah, A. (23 October 2014).

²²Frantz, E. (16 December 2013), "For Indonesian Migrant Workers, Problems Start at Home", *Open Society Foundations*, available at: <https://www.opensocietyfoundations.org/voices/indonesian-migrant-workers-problems-start-home>

²³Wardah, F. (25 February 2015), "Indonesia to Stop Sending Informal Migrant Workers Abroad", *Voice of America*, available at: <http://www.voanews.com/content/indonesia-stop-sending-migrant-workers-abroad/2659300.html>

²⁴Sallabank, J. (12 June 2015), "Does labour migration do more harm than good?", *IRIN News*, available at: <http://www.irinnews.org/report/101627/does-labour-migration-do-more-harm-than-good>

²⁵Sallabank, J. (12 June 2015).

²⁶Sallabank, J. (12 June 2015).

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Responses

Standard Insurance Policy

In 2013, the Standard Insurance Policy, under the “Migrant Worker Insurance Scheme” operated by the Minister of Manpower, has protected Indonesian migrant workers from particular financial risks, covering losses arising from physical and psychological injury, death, as well as termination of contract prior to contract completion.²⁷ Under *Law No. 39/2004*, such mandatory insurance policies are to be operated by private insurance consortiums as designated by the Minister of Manpower, and must be arranged for by recruitment agencies during the placement process and prior to deployment of the migrant worker.

In practice, however, the efficacy of the Standard Insurance Policy has yet to be seen. Several problems have been identified; and the program has been heavily criticised by legal personnel, activists and civil society groups as being “essentially extortionate”.²⁸ While it is legally the responsibility of the recruitment agency to arrange for insurance for their migrant workers, they are also permitted to recoup such costs, meaning that the price is shouldered by the migrants themselves. Further, it is reported that many migrants, even if aware of the specific scheme, may be unaware of the procedures necessary to file a claim.²⁹ This has resulted in a low success rate for recouping claims.

Skill Improvement Services

In some destination countries, consulates may organise in addition to general and legal assistance services to help Indonesian nationals hone skills in particular areas. For instance, in Hong Kong, the Indonesian consulate provides cooking and language improvement classes, in order to help local domestic workers adjust to the culture in the city.³⁰ This is in addition to induction sessions – for which attendance is mandatory – of domestic workers to disseminate information related to their rights, avenues of seeking help, as well as general information concerning the local culture.

Reintegration Services

The government in recent years have provided a number of reintegration services or aid meeting the needs of returning migrants.

A prime example is the designed Terminal IV at Soekarna-Hatta International Airport in Jakarta, which provides a one-stop assistance for financial, medical and legal issues.³¹ For instance, in the event that a migrant worker returns requiring medical assistance due to problems in the destination country, personnel will be ready at the airport to assist him or her and follow up

²⁷ Fabenblum, B, Taylor-Nicholson, E. & Paoletti, S. (2013), “Mechanisms for Enforcing Rights and Seeking Redress”, *Migrant Workers’ Access to Justice at Home: Indonesia*, P90.

²⁸ Fabenblum, B, Taylor-Nicholson, E. & Paoletti, S. (2013),

²⁹ Fabenblum, B, Taylor-Nicholson, E. & Paoletti, S. (2013),

³⁰ Obtained through an interview by the Asian Migrant Centre with the Indonesian Consulate in July 2015.

³¹ IOM International Organization for Migration (2010), “Part 1: Labour Migration from Indonesia”, *Labour Migration from Indonesia: An Overview of Indonesian Migration to Selected Destinations in Asia and the Middle East*, International Organization for Migration

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through appropriate legal channels.³² However, although well-intentioned, such services have been criticised for being limited in availability to the Soekarna-Hatta International Airport, which does not consider convenience as a factor for migrant workers who for geographical reasons may not find it appropriate to fly there.³³

Another example is the "Business Empowerment for Former Indonesian Labour Migrants", a programme launched by the Ministry of Manpower, to educate returned labour migrants to pursue business activities in their home towns.³⁴ This policy was formed with the hope that in addition to the sizable remittances of Indonesian migrants to their home country, the proper investment of earnings could help bolster the local economy. Again however, the scheme has been criticised as being ineffectiveness due to its limited availability, geographic coverage and limited funds.³⁵ Regional initiatives fronted by BNP2TKI include the formation of partnerships between banks and newly formed businesses or cooperatives; again, the effectiveness of these depends on resource allocation and the particular whims of each local district.

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- Law No. 39/2004 concerning the Placement and Protection of Indonesian Workers Abroad*. English version available at:

³² IOM (2010).

³³ IOM (2010).

³⁴ IOM (2010).

³⁵ IOM (2010).

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http://www.colomboprocess.org/user_images/Notable%20Publications%20and%20Reports%20-%20law_39_year_2004.pdf

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Useful Links

Ministry for Manpower: <http://indonesia.go.id/en/ministries/ministers/ministry-of-manpower-and-transmigration/1644-profile/194-kementeriann-tenaga-kerja-dan-transmigrasi.html>

BNP2TKI: <http://www.bnp2tki.go.id/>

International Labour Organization in Indonesia: <http://www.ilo.org/jakarta/areasofwork/labour-migration/lang--en/index.htm>