INDONESIA'S MIGRANT DOMESTIC WORKERS WITHIN ASEAN COMMUNITY FRAMEWORK: A SOCIETAL AND ECONOMIC SECURITY APPROACH

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Abstract

This paper aims to analyze the issue of Indonesia's migrant domestic workers within the framework of ASEAN Community beyond 2015. With the government's plan to stop the sending of Indonesia's migrant domestic worker abroad in 2017, one of possible direct effects would be the rise of unemployment rate. On other hand, one of the consequences of the integrated ASEAN Economic Community is the free movement of people, commodities and services between ASEAN member countries. Higher level of people's flow will increase connectivity and competition as well. Using a qualitative approach of method, this paper elaborates the discourse of the Indonesia's migrant domestic workers, using the societal and economic security perspective as analytical framework.

Keywords: ASEAN Community, economic security, Indonesia's migrant domestic workers, migrant workers, societal security

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Introduction

The discourse on globalization always closely related to many issues such as global financial market, free trade, and free mobility of people. For the last mentioned, aside of globalization phenomenon, a more direct driving dimensions to international migration – including labour mobility – are: the differences and gap in development; demography; and democracy between countries. As for labour mobility, the labour market segmentation is counted as one crucial process in international migration that resulted in high number of migrant workers. These migrant workers mostly fill the lack of local labour supply in the sending countries, particularly in the working areas which are not attractive for local population, because it is considered as inferior in status, income and security level. This labour segmentation mostly has a pattern where the migrant workers who fill this kind of unwanted job come from emerging economic countries many of them are from Asian countries.

Indonesia is one of South East Asian countries that have a quite long track record in sending a high level of migrant workers in informal sector, especially domestic workers. Mei (2006) mentioned that Indonesia has become one of the world’s major sources of unskilled labour migrants. The main push factors are lack of employment opportunities, poverty and wage level difference (IOM, 2010). At first in 1970s where the number of Indonesian migrant workers started to increase significantly, men workers were more dominant in number. However, as there was an increasing demand for migrant workers in manufacturing and domestic sectors, the trend changed. Since 1980s, the majority of Indonesian migrant workers are women. These women mostly work as nannies, domestic workers and home care givers.

The biggest advantage of this high number of domestic workers is their contribution to the national economy with the wage they get and the remittance they send to their hometown (Dwianto, 2012). However, the negative side comes from the very limited legal protection for them, even when violation in labour practices from withholding of wages and passport to mental and physical abuse are very frequent. In 2009, the number of cases of abuse experienced by Indonesian women migrant workers that surfaced reached 7,709 and still increasing (Indrayani, Dewi, & Qobulsyah, 2015). Several cases also showed that these workers were sentenced to death for killing their employee, even though they did it for self-defence.
Indonesian migrant domestic workers are not only prone to physical and sexual abuse during their stay in host countries, but also are facing the gaps in their salary compared to domestic workers from other countries. Their salary is approximately half that earned by domestic workers from the Philippines and received the lowest monthly salary compared to other Asian migrant workers. For many years, it has been a dilemma especially for the government, considering the severe condition that many migrant domestic workers have to face. The bad management and protection of migrant workers leads many of them to the trap of human trafficking and sex trade (Henschke, 2011).

Many parties include NGOs and worker itself considered this complex situation of Indonesian migrant workers as the result of inadequate protection and bad management of migrant domestic workers by the Indonesian government. As a response to this, the Indonesian government had done several policies to overcome the situation. Moratoriums were implemented to several destination countries such as Malaysia and Saudi Arabia, but still did not really solve the problems. Instead of improvement in protection quality, another problem arose with the increasing number of unregistered domestic workers.

Recently, another policy taken by the Indonesian government is the plan to stop the sending of migrant domestic workers overseas. In 2012, due to many cases of bad treatment to Indonesian domestic workers, the Ministry of Manpower and Transmigration under the Yudhoyono’s administration declared a 2017 Zero-Roadmap of domestic workers. It means by 2017, there will be no more new deployment of migrant domestic workers. This plan is reaffirmed by the current Indonesian government, when in early February 2015, President Joko Widodo stated that he gave a target to Minister of Manpower to make a clear roadmap to stop the sending of migrant domestic workers, as it is related to the pride and dignity of Indonesia (Wismabrata, 2015).

The government plan of zero-domestic workers received various responses, from pro to contrary. The parties who criticized the plan arguing on this policy will not solve the migrant domestic workers’ problem. The Executive Director of Migrant Care, mentioned that the plan is not a good solution, it is actually a discriminative one (Pikiran Rakyat, 2015). He argued that it was contradicted with the campaign from President Joko Widodo that declared state will be on presence wherever the people work. The government, he said, should ensure that every citizen could work properly and not
banning certain sector. The solution should be focusing on the “problems”, and not stopping the workers.

Moving towards the zero deployment of migrant domestic workers plan in 2017, Indonesia will also face the ASEAN Community regional framework post 2015. Within this framework, one unavoidable consequence is the increasing level of people mobility and connectivity. Further, ASEAN people will enter the free labour market where they can fill the job vacancy as well as trade goods and services without boundaries. For those who are highly qualified, this zero-barrier could be very advantageous. However, for people with lower skilled or uneducated, this scheme could be a dangerous threat. Indonesian migrant domestic workers here mostly entered the later qualification. If the government policy of migrant domestic workers’ zero deployment is fully implemented in 2017, Indonesian domestic workers will face both challenges and opportunities in social and economic aspects. This paper will elaborate this discourse further, by using the societal and economic security perspective as analytical framework.

**Study Design and Method**

This paper is written based on a descriptive qualitative approach research that mainly conducted by literature review. The qualitative approach is used to emphasize on in-depth knowledge and on the refinement and elaboration of images which appropriate for several goals of social research (Ragin, 2011). As the title mentioned, the object of this research is the Indonesia’s migrant domestic workers. ASEAN Community beyond 2015 is taken as a regional framework that will give both opportunities and challenges for the Indonesia’s migrant domestic workers. The main analytical framework to examine the opportunities and challenges are the societal and economic security concepts.

**Conceptual Framework**

**Societal Security**

Societal security relates to collective identity. The threat for societal security was the identity of society, such as language, culture, religion, national identity, and custom. Weaver used the word “we” to define collective identity and explain societal security as a concept that play significant role related to the problem of sovereignty after Cold War
in Europe (Roe, 2007: 165). In this concept, state and societal security adjoining. Both have a complementary logic, the state security focusing on threat to sovereignty, meanwhile, societal security focusing to the identity of its society. Roe try to relate both logic by saying the vulnerabilities at society may create vulnerabilities to state sovereignty.

Roe (2007: 169) summed up Buzan, et. al.’s argument on the threat of societal security as a condition when society having pressure to express their identity. Those pressures include prohibition of local language, name and cultural dress, education and religion institution, through deportation or annihilation to the member of community. This threat may happen to the next generation if the reproduction of identity failed to be done by the society (Roe, 2007: 169). Based on those definitions, we could see that there are two definitions in defining threat for societal security. First, Waever placed state as actors in societal security with the sovereignty as the main focus for the threat. Second, Roe placed state as the main source of threat to societal identity.

At least, there are three common issues that may threat the societal security. Buzan, Waever, and de Wilde mentioned migration, horizontal competitions, and vertical competitions as the most common issues. Migration is when X people are being overrun or diluted by influxes of Y people; X identity is being changed by a shift in the composition of population (Buzan, Waever, & Wilde, 1998: 121). Horizontal competition is a condition where X people living here and will change their ways because of the overriding cultural and linguistic influence from neighboring culture Y (Buzan, Waever, & Wilde, 1998: 121). Vertical competition happens when people will stop seeing themselves as X, because there is either an integrating project or a secessionist regionalist project that pulls them forward wider nor narrower identities (Buzan, Waever, & Wilde, 1998: 121).

In order to tackle those threats, Buzan, Waever, and de Wilde (1998: 121) suggest moving the issue into political sector and stated it as a threat that should become state agenda. State as security actor broads the problem at society. As Waever stated earlier, vulnerabilities to society may become the state vulnerabilities because state constructed by relation of people on it. For example, in tackling the migration problem that sometimes perceived as threat to identity of people in one state, the government may create migration policy that restrict the quota of immigration into their country. On the other
hand, Buzan, Waever, and de Wilde (1998: 121) suggest the state to control their own border to protect the flow of migration to their country. In this paper, we will elaborate on the state action toward the issues of Indonesian migrant workers in ASEAN.

**Economic Security**

Buzan mentioned that the idea of economic security is located squarely in the unresolved and highly political debates about international political economy concerning the nature of relationship between the political structure of anarchy and the economic structure of the market (Buzan, Waever, & Wilde, 1998: 95). The debate was mainly focusing on the mercantilism and liberalism point of view.

On the other hand, mercantilism put politics first, seeing the state as both embodying the social and political purposes for which wealth is generated and providing the security necessary for the operation of firms and markets (Buzan, Waever, & Wilde, 1998: 95). Liberalism has an opposite view to see the function of state. Liberalist put economy first, arguing that the economy should be at the root of the social fabric and that the market should be left to operate without interference by the state (Buzan, Waever, & Wilde, 1998: 95).

The debate also occurred on how the actors see the mobility of economic among states. Mercantilism always give control on free flow mobilization, but liberalism will try to boost the process of massive flow of resources. The question in economic security is how large the role of state should be and the extent to which the market should be allowed to override national and individual security (Buzan, Waever, & Wilde, 1998: 96). The key players in economic security is the state. The objects are ranging from individual through classes and states to the abstract and complex system of the global market itself (Buzan, Waever, & Wilde, 1998: 96). In this paper, we will only be focusing on the state and individual as the referent object.

Economic security logic of threats and vulnerabilities may also be explained by each referent objects. For individuals, economic security can be understood most clearly in terms of basic human needs (Buzan, Waever, & Wilde, 1998: 97). Issues like their live or die related to their basic necessities for sustaining human life, including adequate food, water, clothing, shelter, and education. Nonetheless, Buzan believes that beyond those issues could not be included to the problem of security, since such problem is only an
issue of economy not about survival as human beings. In Buzan statement, threat to economic security has to be a problem of survival. Economic issues can clearly constructed as security issues when they threaten the provision of basic human needs or the survival of the state (Buzan, Waever, & Wilde, 1998: 115). This logic is also applicable in state actors and firm. The actors try to defend their existences or Buzan said as a problem of survival.

In order to manage economic security, actors like state may have two options. First, state can form entirely self-contained economic systems (Buzan, Waever, & Wilde, 1998: 105). Second, the need of state to sustain the reform programs that keeps the national economy in line with the international economy (Buzan, Waever, & Wilde, 1998: 105). The first option is the state treat the security problem by protecting their own national economy from external influences. While the second one, the state adjust their national economy to the current condition of international economy. In a globalized international system, we believe the second option is a favorable one because most states in the world are connected to each other in economy aspects. If we look at the first option, realist will support this option in the name of sovereignty. But, at the first option the state requires a good supply of resources within itself.

Scholars of security studies including Buzan, Waever, and de Wilde said that regionalism in liberal view as a response to globalization. If there is no crisis in global order, regionalization would offer the additional benefit to provide a stronger platform for operating and negotiating in the global economy (Buzan, Waever, & Wilde, 1998: 113). Some benefit from regionalism to state’s economy such as lowering the cost of transportation and communication; offer potentially congenial ways of arranging economic relations between dominant local economic powers and their neighbors; and local knowledge and sociocultural compatibility may favor regional patterns of trade and investment (Buzan, Waever, & Wilde, 1998: 113). Nevertheless, they also said such benefit will works as long as the state using liberal point of view. In migrant workers case, we may see economic security at two level of analysis, individual and state. We will also explain the relation between regionalism in South East Asian and security problems that create some challenge and opportunities on the issue of Indonesian migrant workers.

**Indonesia’s Migrant Domestic Workers within ASEAN Community Framework: A Societal and Economic Security Approach**
Discussing on Indonesia’s domestic workers within ASEAN Community framework beyond 2015, there will be challenges and opportunities that will be faced by those migrant domestic workers that can be assessed from societal and economic security approach. For challenges, at least, there are two direct effects for the workers. First, if the zero-roadmap plan is implemented, the options for the migrant workers to work in domestic sector abroad will be eliminated. Here, if government does not prepare a comprehensive and better migrant workers management, the outcome will be another increasing number of unregistered or illegal workers. On the other hand, the free people movement within ASEAN Community will also increase the risk of human trafficking cases. Second, with the open market with free flows of people, goods and trades in ASEAN Community framework, there will be more competition for all people in ASEAN, including for the Indonesian migrant domestic workers. If within the current framework, going abroad for becoming domestic workers is still a very good possible – though risky – option, it will not be the same in the near future. Indonesian migrant domestic workers have a high possibility to be disadvantaged due to tight competition based on skill qualification.

The two direct effects actually closely related to the rooted problem of Indonesia’s migrant domestic workers, which are low in quality and competence. Compare to their counterparts in the Philippines, Indonesian migrant workers are considered have less competence, not only in the working skill but also intercultural competence such as foreign language proficiency. This is worsen by the inadequate management and protection of the migrant workers in Indonesia. This problem will be a greater challenge faced by the Indonesian migrant workers. If the framework and the policy both actively implemented, it looks like these workers are drifted away from both sides. They are not allowed to go abroad, while they are pushed by foreign workers from other ASEAN member states.

Another challenge is the deficit and unclear treaty on the protection of migrant workers in Indonesia. Regardless of the solution options to overcome, the problem related to migrant domestic workers, the current state is that the Indonesian government still shows minimum commitment to protect these workers. The government has not seriously implemented the ratification of United Nations Convention 1990 on Protection on the Rights of Migrant Workers and their families into national policy or national act. It even
took around eight years for the government to ratify it due to many dissagreement regarding this matter. The government also has not ratified the Convention of International Labour Organization number 189/2011 on domestic workers, concerning decent work for domestic workers (Pikiran Rakyat, 2015). The Bill of Protection of Migrant Workers also is still under negotiation and arrangement.

In ASEAN level, challenge towards better framework of management and protection of migrant workers also exist. Until now, there is no legal binding instrument to protect the migrant workers in ASEAN, moreover for the domestic workers. In fact, this condition means that there is lack of protection and social security for them. There are many disagreements between the sending countries such as Indonesia, Cambodia, and recipient countries such as Malaysia, Singapore, and Brunei Darussalam. The sending countries are the one pushing a negotiation for the legal binding documents, but the others feel that ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration) 2007 is sufficient enough as a guidance of principal norms. With the current loose regime, it would likely to happen that the unskilled workers, including domestic workers will be discriminated under the ASEAN Economic Community (Jong, 2015). Concerns also appeared as the current draft of instrument contains many loopholes such as the prohibition of labour unions, the absence on migrant workers wages standard, and the unavailability of specific arrangement for education of migrant workers’ children considering the tuition fees for foreigners are always higher (Jong, 2015).

The challenges mentioned above could be counted as the source of threats to the societal and economic securities of Indonesian migrant domestic workers. On the other case, with the challenge of negotiating an ASEAN framework on the protection of migrant workers, the road taken by Indonesian government will be harder with the current perception of Indonesia’s identity in Joko Widodo’s administration. Under the new regime, Indonesia’s foreign policy focusing on “pro-people” approach and mainly nationalistic concerning on protecting their sovereignty. Some experts argue that Indonesia under Joko Widodo was shifting their identity from a nice guy into a bad boy. As Gayatri from the Indonesian Institute of Sciences (LIPI) said as if the government wants to prove that having zero friends does not matter (Jong, 2015). The three main guiding principles of the approach are: maintaining the country’s sovereignty, enhancing
citizen’s protection, and improving the country’s economic diplomacy (Lim & Wu, 2016).

The policy of burning and sinking fishing vessels was one of the implementation of maintaining the state’s sovereignty. President Joko Widodo wanted to give a firm perception that he is a decisive person who will do his best on protecting sovereignty and national resources of the state (Hamzah, 2015). These policy may endanger the states relationship in Southeast Asia. Some vessels that burned and sink was their counterpart in ASEAN, such as Malaysia, Thailand and Vietnam. It gives signal to other ASEAN members that Indonesia was seriously concern on maintaining their sovereignty related to maritime resources. Nguyen (2015), a research associate with the Sumitro Chair for Southeast Asia Studies at CSIS, said it was a shock therapy policy that also made to pleased the domestic audiences, especially Indonesian fisherman. It is a part of the identity that Joko Widodo’s administration wanted to show, that the government is pro to the people. Besides showing to the international world, Joko Widodo’s administration also wanted to show their constituent that the government is protecting their sovereignty.

This strong approach from President Joko Widodo could be perceived as contradictory to the ASEAN spirit, also makes Indonesia seen as hard to negotiate with. As for the negotiation process towards agreement regarding protection of migrant workers, more reluctance will come as every ASEAN members will hold on their national interest. Regardless of those challenges, opportunities also available and could be found if the government of Indonesia also other stakeholders take the necessary steps. Before going further, we need to highlight the fact that the framework of Mutual Recognition Arrangement (MRA) in ASEAN Economic Community is still in high-skilled professionals areas, which are engineering, nursing, architecture, medicine, dentistry, tourism, accounting and surveying (Sugiyarto & Agunias, 2014). This MRA framework is also still facing many obstacles in its implementation, mostly because the nature of current intra-ASEAN migration flows are different from the aspiration. Eventhough the implementation is successful, the type of working areas or vacancies will not be directly affecting the domestic or informal sectors. Moreover, the reality is still far from the aim. Based on a study it was found that the MRA actually helped just 1 per cent of ASEAN workers (Audjarint, 2016). Here, we can see the opportunity that there should be another approach taken that is more suitable with the ASEAN needs.
Furthermore, opportunities for Indonesia’s migrant domestic workers actually rely on the chance for better arrangement, management and protection within ASEAN scheme. Although the current assessment mentioned as a challenge, but the future efforts should be counted as opportunities. If currently the ASEAN focus the MRA on skilled-labour areas, in near future it should be arranged for relatively low skilled labour or migrant workers. This is inevitable remembering the fact that most intra-ASEAN migrants are unskilled workers, more than 78% are low-skilled (Sugiyarto & Agunias, 2014). Indonesia as important player in ASEAN should be leading this arrangement, both for national interest and ASEAN regional interest. By making the adequate low skilled labour agreement scheme, including the irregular migrant workers and migrant domestic workers, many advantages will be received by all low skilled labours in ASEAN. Within the agreement, domestic workers should be included, including those who will be working in ASEAN member states.

Specifically, the ASEAN arrangement of regional MRA on domestic workers should be hand in hand with the national regulation in Indonesia. Government plan to formalizing the domestic workers into specific qualification such as care giver, housekeeper, baby sitter, cooks, family driver, gardener, or elder care taker should be taken into account seriously (SETKAB, 2015). With huge quantity of human resources, the government together with other stakeholders could make best efforts to leverage them to be qualified enough to compete with other counterparts all over ASEAN that have relatively equal background. For migrant domestic workers for instance, Indonesia should be able to compete with the Philippines as another biggest sending countries of migrant domestic workers. From pra-departure to the settlement in the recipient countries, Indonesian migrant domestic workers with specific speciality should hold certificate of qualification and well equiped with hard and soft skills competence, for example the foreign language proficiency and intercultural understanding (Indrayani, Dewi, & Qobulsyah, 2015).

In the era of ASEAN connectivity, the relation between people could also be counted as opportunity. Relations with a close ethinical and trade relations may foster the process of integration in border area. It is suited the transnational border-landers (Martinez, 1994). As Sudagung (2015) mentioned that borderland of Indonesia-Malaysia having a close ethnic composition, family relations and a good economic relations among
themself. Traditionally, people in Indonesia and Malaysia border area were used to travel across their border even before Indonesia and Malaysia exist as an independent state. Two groups of people with different nationality was based on the same route of ethnic. West Borneo Province in Indonesia and Sarawak State in Malaysia have the same dominant ethnic, which are Malay, Dayak, and Chinese. Another example that Indonesian people of Sajingan Besar District, Sambas Region, West Borneo, was shared the same ethnic with Malaysian people of Biawak or Lunduk District. They were coming from the same Dayak Selakau ethnic and named their relations as “Satu Binua” (Sudagung, 2013: 77). Indonesian people at Sajingan Besar also doing international marriage with Malaysian people at Biawak. Those people with different nationality but shared the same family ethnic often visiting each other for marriage or ethnic ceremony (Sudagung, 2013: 80).

Another example of cross border activity based on historical and ethnical root was happened in Entikong Region. Most of Entikong people was Dayak Bidayuh ethnic that were the original people of Sarawak State in Malaysia. Entikong people still perceived that Dayak Bidayuh ethnic in Malaysia as their family (Wulandari, 2009: 104). In entikong also acknowledge a demographical organization named Dayak Bidayuh Organization. This organization was established by Dayak Bidayuh people at Sarawak with the purpose to maintain a good relation among Dayak Bidayuh at Sarawak and Entikong (Wulandari, 2009: 92). Those borderlander in Indonesia-Malaysia border area using the same ethnic language although they were located at a different states (Sudagung, 2015: 69).

ASEAN Community will need these kind of good relations among people of ASEAN. A good perception between people with different cultures and states will help ASEAN members to relate each other. By learning from ethnical relations in Indonesia-Malaysia border area, we may see that an identity as the same ethnic or even family may help to maintain their relations. Although we know that those people are separated by the nationality. This process can be adopted in a bigger scenario at ASEAN level. Each members should perceive their neighbor as friends or even family. This perception may ease some differentiation that every members of ASEAN had as their potential factors, such as culture barrier or economic level barrier (Minh, 2011).

Another opportunity that should be counted is the cooperation principal among ASEAN members. Each ASEAN members in point 2 of the Treaty of Amity and
Cooperation in Southeast Asia (1974) agreed on six principals that mainly focusing in fostering cooperation. Each ASEAN members should respect each other independent, sovereignty, territorial integrity, and national identity (Shimizu, 2011). This principal give ASEAN members the dignity that every single states should have. There is no intervention in domestic matter of every members of ASEAN. ASEAN members also solving problems between each other with peaceful settlement. The other two principle were rejection the use of military in ASEAN and the effective cooperation among members of ASEAN.

By seeing these principles, we believe that if ASEAN members are committed then the process of integration can be done. On the last principle, we may see that ASEAN is promoting cooperation as one of the way to maintain the relation among members. If they keep on track and consistently implemented the principle, it will be a big opportunity that beyond 2015, Southeast Asia could be integrated well.

In addition, the explanation about current approach of Indonesian government, Indonesia should be really careful in taking any actions that could affect its relationship with other neighboring countries regardless of the inward-looking approach that focusing more to the people interest. By balancing the inward approach with regionalism of ASEAN Spirit, Indonesia can push more towards the building of ASEAN regime that will protect all ASEAN people, not exclusive to some.

**Conclusion**

From the discussions above, it can be concluded that challenges and opportunities faced by the Indonesian migrant domestic workers in ASEAN Community beyond 2015 framework, mostly related to the quality of the workers, arrangement and protection management of the workers, and the dynamics of government’s policy and plan combined with the regional framework setting.

Positively, looking at the regional arrangement in ASEAN for skilled labour, similar arrangement could be made and implemented for the low skilled and/or unskilled labour. By including specified and adequate arrangement that will be advantaging the migrant domestic workers, there is no necessity in pursuing zero-domestic workers roadmap plan in 2017 hastily. The solution should be on how to enhance the quality and
protection for every migrant workers, - especially those who are prone to bad situations - , not by prohibiting them to choose their livelihood.

Another solution that could be done by elite in Indonesia or ASEAN is in the way they identify each other. An identity as friend or family already successfully helping people in Indonesia-Malaysia border area in maintaining their social relations until right now. People to people relations could be a new solution that ASEAN leaders should be focused on. Not only on how the state integrated politically, but also ASEAN leaders should come up in boost the people to people connectivity to create a tied relations between people. For the sake of community integration, understanding among states and people of ASEAN should be increased to create a peaceful region. Further, it should promote the achievement one of the ASEAN’s visions, “sharing and caring” for the poor, weak and voiceless. By achieving this, all migrant workers, including Indonesian migrant domestic workers will also receive the benefits of united ASEAN Community, now, and beyond.

References


