

# Illegal Female Migrant Workers: Victims of Violence to Human Trafficking

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## ABSTRACT

Migrant workers often face problems in the placement country. These workers sometimes come illegally so they are vulnerable to legal threats in a destination and deportation country. They choose to become migrant workers mostly because of economic reasons. This study employed a descriptive method by interviewing 200 informants in Surabaya, Lamongan, and Bangkalan. The informants consisted of migrant workers and families of illegal migrant workers. This study found that being a migrant worker, especially illegal migrants, encountered a number of problems both during departure and working in placement country. Illegal migrant workers experience problems and a series of cases and violence because of their status as illegal workers. They did not complete official documents and various immigration requirements because of their ignorance of legal proceedings and were cheated by brokers. These migrant workers worked in informant sectors where some of them were trapped in a human trafficking syndicate. These migrant workers did not understand process of their departure so some of them chose illegal route and encountered a number of risks. The decision of migrant workers to work abroad was driven by economic pressures and family conditions which required them to immediately go abroad. Some of them chose instant and straightforward methods, so they decided to become illegal workers.

**Keywords:** Human Trafficking, Illegal, Migrant Worker

## INTRODUCTION

Being a migrant in a foreign country is not easy for some people. One reason people choose to become migrants is to get a job. Ironically, there are those who become illegal migrants without any skills. A study conducted by Sikwan (2006) found that illegal migrant workers were abused by their employer because they did not want to serve men for sexual pleasure. They were also often fed with stale rice and never paid. These workers live in uncertainty because they are vulnerable to legal issues. They often do not understand procedures of working abroad, while access to work abroad is tightened and they are vulnerable to becoming victims of trafficking and human smuggling, fraud and abusive employer (Piper, 2003).

Becoming a migrant worker is one effort for Indonesian to get out of the poverty zone (Febrianto, 2019). Unfortunately, many migrant workers do not complete the required documents so that they face legal cases in the country of placement. Previous studies explained that illegal migrant workers are workers who do not have official documents and do not follow process of the applicable international labor law mechanism so

that they cannot have protection under Law No. 18 of 2017 concerning Protection of Indonesian Migrant Workers (Lamzana, 2016; Muwahid & Syafa'at, 2018; Huruswati, 2006).

In reality, illegal migrant workers are a phenomenon of international crime syndicate market share. Prospective migrant workers are deceived into leaving the country of origin immediately by illegal means. In addition, prospective migrant workers do not know procedures for departure and requirements to become migrant workers because of a desire to get a job immediately. Some labor importing countries also make female workers as a "dependent" party and become a market segment so that these migrant workers who do not have a work permit could be easily become illegal workers (Boyd & Griecom 2003; Cavounidis, 2006; O'Neill & O'Neill, 2015).

A study conducted by Astuti (2008) found that various countries do not yet have legal standards to protect female migrant workers from trafficking. Meanwhile, if found guilty of violating the law due to prostitution in other countries, women are arrested and face trials. This occurs because illegal

migrant workers are trapped in prostitution business which they have not realised since their departure. In addition, as a result of poverty, women in Indonesia work as migrant workers as oil palm plantation workers and even sell illegal drugs because they do not understand the law and have no adequate skills (Rupita, 2020; Suta'at, 2008; Aini, 2019).

A study conducted by Ryazantsev et al. (2015) concluded that illegal migrant workers from Russia were generally trapped by human trafficking syndicates whose members were victims of fraud that later became migrant workers. They did not realise that their departure had become a problem because of economic difficulty in the country. Similar condition happened to Latina migrants. Female migrant workers from Latina chose to work abroad because of economic pressures. Even though they had to pay a sum of money in order to go abroad, they still experienced fears of being deported or exposed in cases of incomplete documents. (Raijman et al., 2003; Fussell, 2011; Smith & Winders, 2007).

The decision to become a migrant worker is driven by conditions in the country where a lot of unemployment and economic needs cannot be met from agriculture and trade sectors so that many women do mobility even though it is illegal (Halima et al., 2019; Wirawan & Mas'udah, 2020). These migrant workers bring hope that by working abroad even without skills, they will still get enough income to meet their family needs. Previous studies mentioned that women chose illegal route because of simplicity, quick, and less document requirements as they wanted to be dispatched immediately (Ridha, 2017; Mael & Anggraini, 2019). This option turns out to be quite normal that by leaving through illegal ways, they will quickly depart and get income.

Although sending migrant workers has reaped controversy in some countries, migrant workers contribute a great remittance to the country (Mas'udah, 2019; Seddon et al., 2002; Purwanto & Hariri, 2020). The state receives a large amount of remittance from migrant workers, especially in terms of foreign exchange. In Indonesia, migrant workers are dubbed as "foreign exchange heroes" because the country benefits from foreign exchange and money exchange. In this case, migrant workers are one of the Indonesian diaspora who have great services in economic terms.

Migrant workers are recruited by migrant worker placement companies. Prospective migrant workers who choose legal procedure must join training

program and prepare various official documents required. In case of illegal departure, these workers skip various requirements. Illegal labor recruitment is also carried out by brokers who approach prospective workers by promising work in the placement country but asking for departure rates that are far greater than the legal one (Fernandez, 2011; Kern & Müller-Böker, 2015; Fernandez, 2013). Usually, a prospective migrant worker is asked to pay a sum of money as a condition to leave immediately, without realising that he has been cheated by brokers. This also happened in Thailand, where many prospective migrant workers paid more to the broker, that subsequently made the number of illegal workers from Thailand increased significantly (Turner & Michaud, 2018).

These prospective migrant workers do not know the whole process, so they have no idea that they have been a victim of human trafficking. The increasing practice of human trafficking occurs because of various requirement processes thus make violations of departure process are difficult to track (Pudjiono & Nugroho, 2014). In addition, protection for migrant workers is less than optimal, with many brokers seeking profit from illegal departure process (Astuti, 2008; Nuraini & Rochminarni, 2013).

A study conducted by Hanson (2006) found that in Mexico, where citizens grew up to become educated citizens, finally chose to include women in international labor market segment, especially as industrial workers in the United States. These women believed that working in the U.S. would bring a better life than working in their own country. They became illegal migrant workers driven by poverty conditions and watched their parents work hard everyday. In the end, these migrants were determined to go to the U.S. without documents even though they realised the consequences (Segarra & Prasad, 2019; Orrenius, 2001; McKenzie & Rapoport, 2010).

A study conducted by Akbar et al. (2017) stated that there are push and pull factors of being an illegal migrant worker. The push factors include desire to get out of the poverty zone, weaknesses in the system of sending migrant workers legally, lack of skills, low education, and weak anti-counterfeiting document system. Meanwhile, the pull factors are increased demand for labor in the placement country but is not supported by strict supervision by immigration agencies, and the ease of transportation making it easier for smuggling.

Because of this complex factor, there are often problems or cases experienced by migrant workers.

If the case occurs with legal migrant workers, then it is possible to still be exempt from punishment. But if the case happens to illegal migrant workers then it seems like there is no hope of protection assistance for them. Apart from problems with documents, migrant workers sometimes experience problems in placement countries due to conflicts with employers so that documents including their passports are retained. In this condition, they are already included in the category of illegal migrant workers (Putri et al., 2019; Ramadhan, 2019; Mirsel & Manehitu, 2014).

Similar condition happened to Ethiopian female migrant workers who worked in the Gulf Arab countries. Women from Ethiopia tried to run away from their employers in Gulf countries and lived illegally because of kafala system, which is a custom that makes employers make workers their property (Nisrane et al., 2019; Pande, 2013; Pessoa et al., 2014). In addition, because the only reason to become a migrant worker is to improve lives, they have a low understanding of the rights and obligations of the job so that they do not have a strong legal basis when exposed to cases in the placement country (Jannah, 2012).

As a result of ignorance and wrong processes, migrant workers experience various problems because employers can act arbitrarily. Previous studies suggested that illegal and undocumented departure increases violations committed by employers and leads to mistreatment that involves fraud, violence, coercion, debt, exploitation, and human trafficking (Djelantik, 2008; Sastriyani, 2010; Agustin, 2008). This is further strengthened by unofficial processes and incomplete documents. If there is a case, it is difficult for the workers to escape or even just get help and protection. Studies on international migrant workers are interesting because being a migrant worker is still a necessity for some people in several countries to improve family economic condition. This study sought to reveal how the experiences and problems faced by illegal migrant workers.

## METHODS

A descriptive analysis study was conducted on 200 informants of migrant workers and the families of illegal migrant workers. This study was conducted in three areas, namely Surabaya, Lamongan, and Bangkalan, East Java, Indonesia. Data collection was carried out by guided interviews. Data was collected from September 2019 to January 2020. In-depth interviews were conducted with informants to obtain in-depth information regarding the

problems experienced by migrant workers. The informants in this study are migrant workers and relatives of migrant workers. Furthermore, interviews are expected to provide detailed information. Interviews were conducted face-to-face at the respective homes of migrant workers in Surabaya, Lamongan and Bangkalan. The data collected was categorized, analyzed and discussed with previous relevant studies.

## RESULTS AND DISCUSSION

The basic reason a person becoming a migrant worker is improving his life, especially regarding economic problems and family poverty. Poverty is an inevitable factor for informants to get out of situations like this. By becoming migrant workers, they hope to have a good impact on their families, especially if their family conditions are very poor and have debt.

Some destination countries for migrant workers from Indonesia are Saudi Arabia, United Arab Emirates, Malaysia, Singapore, Brunei Darussalam, Hong Kong and Taiwan. These countries are the most destination countries chosen by prospective migrant workers due to their popularity and most brokers are incorporated in these countries. As experienced by Afi, an informant who decided to become a migrant worker in Malaysia.

"I have departed since 2013 where my family's financial condition worsened. My family has a lot of debt, my husband's salary and my salary is not enough to make daily needs. It's only enough for eating. Our child is still small, they need money for school."

Afi's statement illustrated how poverty conditions are driving women to become migrant workers. Apart from insufficient salary, their decision is also caused by their needs to meet the needs of children's education. Meanwhile, they have no other choice to improve their financial conditions so becoming a migrant worker is the only way to do it. Destination countries for migrant workers are countries with relatively high incomes for workers in informal sectors such as domestic helpers. Working in Malaysia, for example, migrant workers can work in household sector or become oil palm plantation workers. That is even if the recruitment and departure process is carried out legally. If done illegally, migrant workers suffer various problems ranging from violence by employers to unpaid wages to exploitation as commercial sex workers. Besides Malaysia, Taiwan is the country of choice for migrants in Indonesia. Some migrant workers think that being a migrant worker in Taiwan is

slightly better than being a migrant worker in Arab countries or in Southeast Asia. For them, life in Taiwan is a bit looser than in Arabia which is full of social norms and cruel employers. The informant who had worked in Taiwan was Dya, who lived in Bangkalan after returning from Taiwan 3 years ago. Dya said that being a migrant worker succeeded in raising economic life of her family.

"I'm so grateful because I can work abroad. It's not the destination country, but working in Taiwan can lift my economic status. Initially, I was a trader in the market, but a lot of economic difficulty. Seeing many of my friends go abroad, finally I decided to go abroad. Alhamdulillah, now we can renovate the house. This will not happen if I work here, Ma'am. How much do I get to work at the market? I can't renovate a house or buy furniture."

From Dya's statement, it can be inferred that being a migrant worker brings benefits for her. Dya no longer looks like a market trader. She now looks like a socialite housewife who have graduated. Dya's appearance is also pretty, with clothes showing that she is now a classy woman. At the time of the interview, Dya wore makeup that seemed to have been deliberately shown her upscaled social status.

These migrant worker informants sometimes also experience fear of living in other countries. One of them was Saf, who departed illegally via Entikong in West Kalimantan. She realised that she did not have complete documents, but the broker assured her that she would arrive in Malaysia safely. As Saf said, to get to Malaysia, she had to sail across the ocean using a speedboat at night so as not to be caught by sea security officers.

"It's really terrible, Ma'am. I don't know how to change my destiny instead of going through all this. I am aware and know that I have incomplete documents, but I'm determined. If it's not like this, when will I go to work? There is nothing at home, nothing can be done. I departed at night, I took a speedboat, there were friends too, I also knew them at the shelter. Like cat and mouse, Ma'am. Then I met my employer."

From Saf's assessment, it can be inferred that there are actually migrant workers who realise that the method they used to work abroad is wrong. But because of their unanimous determination to get a job immediately, they were forced to take that route. Saf was in fear when she crossed the ocean in complete darkness, but there was nothing she could do but hope she would soon reach Malaysia. Wah also experienced similar story as Saf. Wah was an informant from Surabaya who worked in

Malaysia. She was employed in an oil palm plantation. At first, she thought she would work as a household assistant, but when she reached mainland Malaysia, Wah was taken to a village close to the forest. In the end, she was told that her job was a palm oil worker.

In case of illegal migrant workers, employers tend to be arbitrary because they consider that illegal migrant workers do not have any power, even just protection from embassies. Therefore, employers treat workers as they wish, not infrequently they commit violence. This was conveyed by Puj, who became a migrant worker in Saudi Arabia.

"My employer has no heart, Ma'am. Cruel. The character of person there is hard. You certainly know horrible stories of female illegal workers in Arab. Not only from Indonesia, Ma'am, there are people from Africa with similar fate. We live in hard conditions everyday. Sometimes if the male employer is annoying, you know, Ma'am, there are also workers who become like sex slaves there."

Puj's statement above describes that gambling fate in someone's country is like betting on life. Illegal migrant workers are vulnerable to the practice of human trafficking. Usually, illegal migrant workers are exploited either for cheap paid work or even sexual exploitation. If they refuse, they will face a serious case. They quite often end on beheaded.

This indicates that migrant workers have very little knowledge and awareness of the risks they bear. Both legal and illegal migrant workers are at risk. The difference is that legal migrants are protected by law and can be fought by the diplomatic process, while illegal migrant workers can be said to be stateless because they come without official documents. Cases like this often make state diplomacy relations tenuous and problematic.

Meanwhile, Indonesia is a country with large numbers of migrant workers. This has been happening for decades where the state has allowed citizens to become informal field workers in other countries. Although migrant workers are given the title of foreign exchange hero, but the title or nickname is not comparable with the reality they experienced. As stated by Lia, she felt cheated by the broker who directed her to work in Brunei Darussalam. Previously, she worked as a baby sitter to her neighbour.

"I left for Brunei with the help of my friend. But I had to make up-front payment, Ma'am, for the departure process. I only graduated from elementary school, Ma'am. I didn't know the process, what important was I could go. My salary here is not enough for daily living, my husband's

salary is also not enough. I decided to go abroad because I was not comfortable living like this. There were many shortcomings, I kept fighting with my husband. Finally I wanted to become a migrant worker. I spent a lot of money. My friend said that the process was not like this. So, I realised that I was tricked by, Ma'am. But fortunately, I was safe in Brunei at that time. I didn't experience any violence."

Lia's statement illustrated that brokers are parties who are looking for large profits from the departure of migrant workers. As a reason for the departure process, the broker asks for expensive fees on prospective migrant workers. Prospective migrant workers are often forced to lend money so that they can immediately be dispatched abroad. Especially those who are not educated or only graduate from elementary school, they do not understand the immigration procedures and processes. Therefore, they are very vulnerable to human trafficking.

On the other hand, these migrant workers are tempted to become workers in other countries because they see their neighbours' success in improving family economy. Almost all informants stated similar thing, that the people they saw could be successful by becoming migrant workers. Therefore, neighbours or relatives motivate these women to become labourers in other countries. As Tri said, she decided to become a migrant worker in Hong Kong because his brother and neighbour also worked in Hong Kong.

"I see that people really enjoy living. Being migrant workers can build a house, buy a motorcycle. My neighbour, Mrs. Yayuk, can buy a car, her child can go to college. Her husband is a construction worker. Finally I asked my husband and parents if I can go to Hong Kong. I was not permitted at first, but I explained to my family that becoming migrant worker can earn a lot of money. They finally agreed. I went to Hong Kong, and I was right. No offence, Ma'am, but thank God I could renovate the house."

Many migrant workers decide to go to work abroad because they are motivated by people's stories. In addition, difficult family economic conditions make them more determine to become migrant workers. Usually, this income from migrant workers is used

to build or renovate houses, and fill the house with complete furniture, complete with vehicles.

However, this sweet story will not happen to illegal migrant workers. An informant named Bud, the family of migrant worker Din, told the story of his sister when she was caught in the Indonesia-Malaysia border forest near Segumun, Sanggau Regency. Din, who is currently working in a textile factory in Indonesia at that time intending to try her luck in Malaysia, was tricked by broker along with her entourage.

"My sister was determined to go to Malaysia with her group. There were six people departing by land from Kalimantan. She must paid around 3 million to get there. Her dream was to be able to work there. The factory where she worked went bankrupt, and then her friends were taking the initiative to work there. After leaving, she was escorted by the recruitment agency by riding a motorcycle. Up in the middle of the trip, this motorbike did not pass the post (PLBN), but instead turned to another road through the forest. My sister said it was half an hour, before they met with the police. They were caught, Ma'am. They were also interrogated, before being finally repatriated. She finally could not work in Malaysia"

Bud's statement of the incident experienced by his sister is a portrait of being a migrant worker is a choice for job uncertainty at home. They also do not realise that they are tricked by brokers.

This broker's strategy cannot be separated from the cooperation between brokers and cunning employers in Malaysia. Typically, these employers contact brokers in Indonesia to recruit oil palm harvesters, household assistants, or construction workers. Generally, these jobs are underestimated by Malaysians so that looking for workers from other countries is the only choice.

"I didn't know, Ma'am. I just wanted to depart immediately. Mr. Aris (broker) took care of everything. I was also afraid of being caught and arrested. It turned out to be safe, but I was employed in oil palm. Not good, Ma'am. Hard work there, my salary was often postponed. Fortunately, my contract agreement that was taken care of by Mr. Aris there was only 2 years. I no longer want to leave, Ma'am. I'm afraid."



**Fig.1: State Border Post Entikong (PLBN Entikong)**

Source: ekonomi.kompas.com

The brokers then recruit workers from villages or remote areas. Brokers assume that people in remote areas are easily cheated because of their low education and do not understand legal and immigration processes. Remote people are also very easy to fool because they really need a job. Meanwhile, there are very few jobs available in the area. The fate of migrant workers is a turning point for Indonesia and other countries that are sending labor. This lack of supervision and lack of choice is what makes a person choose to work as a migrant worker.

It is undeniable that the income of being a migrant worker is huge. Compared to working as a labourer in Indonesia, the wages of migrant workers are quite large. A phenomenon in Indonesia that the remittance of migrant workers has a big impact on their families. Many migrant workers use the money they send from abroad to build or renovate houses, buy vehicles either motorbikes or cars, rice fields, and even change their lifestyles and their families. A study conducted by Mas'udah (2019) found that remittances of migrant workers helped change their lifestyles and their families become more luxurious.

Meanwhile, migrant workers work in destination countries as workers in labor-intensive fields. Especially for female workers who work in rough fields, they do not have special expertise or skills. On the other hand, countries accept workers in informal fields whether legal or illegal because of necessity. Illegal workers migrate to high-income countries to work in labor-intensive (informal) fields where this type of work is not in demand by the local population of destination country so that the wages of illegal workers are the lowest with full of risks (Kaur, 2007; Icdygu, 2006; Hall &

Greenmann, 2015). This is a picture that the local population has no interest in labor-intensive sector because the country's education is quite good.

Migrant worker's experience is a form of how illegal migrant workers live in fear and uncertainty. Based on data from the International Organisation for Migration, 70% of the mode of human trafficking in Indonesia originates from sending migrant workers illegally abroad (Elfitriani et al., 2018). This indicates that there are still many migrant workers from Indonesia who depart illegally and become victims of human trafficking.

On the other hand, legal protection for international migrant workers so far has not come to light. Various countries participate in fighting for the rights of migrant workers who are often involved in legal issues in the placement country. This also often happens in Gulf Arab countries with legal system that is considered burdensome for migrant workers. Moreover, the countries use kafala system, which is a custom that makes employers make workers their property. Therefore, there are many stories about the problems of migrant workers who work in Gulf Arab countries. In addition, the placement of illegal migrant workers still occurs because there are no strict rules and prohibiting regulations. In addition, employers tend to look for illegal workers because they do not have to pay according to international labor agreements (Makhfudz, 2013; Kiling & Bunga, 2019; Jamilah & Jaya, 2020).

A study conducted by Omar and Trebesch (2010) concluded that human trafficking related to illegal migrant workers is experienced by countries with high migration rates where immigrants agree to dangerous risks. This condition benefits brokers and human trafficking syndicates because of low costs,

and these migrants can be easily cheated. This trafficking syndicate deceives migrant workers well, while migrant workers also do not realise that they are victims of human trafficking.

Previous studies mentioned that human trafficking resembles a global market which involves the supply of labor between employers and brokers where human trafficking is a competitive industry (Wheaton et al., 2010; Molland, 2012; Lindquist et al., 2012). Migrant workers never know how this business works and how it can enter the circle of human trafficking even in the prostitution business. In fact, they realised they were employed at a night bar or massage parlour that served men for sexual satisfaction.

The Indonesian Ministry of Foreign Affairs recorded 12,450 cases of Indonesian citizens who had problems abroad in 2014, including victims of trafficking exploited as forced labor, slavery, oppression, torture, and extortion. While some cases experienced by migrant workers can be resolved properly, many other cases cannot be resolved that make migrant workers convicted (Sulaksono, 2016). In addition, if an illegal migrant worker is exposed to a case in a placement country, he has difficulty obtaining protection due to the absence of documents and limited law education because they come from a less educated background (Baharudin, 2007; Nugroho, 2018; Alkazar, 2008).

Human smuggling as experienced by a number of informants is a form of human rights violations, where they become targets and victims of human trafficking. Moreover, human trafficking is included in human rights violations and is very profitable for criminal businesses because human trafficking is mostly directed at sexual business (Davidson, 2010). Previous studies reported that human trafficking is difficult to trace, because it disguises itself in various forms of work (Belser, 2005; Hubbard et al., 2008; Siegel, 2011).

Illegal migrant workers experience problems and a series of cases and violence because of their status as illegal workers. They did not complete official documents and various immigration requirements because of their ignorance of legal proceedings and were cheated by brokers. These migrant workers worked in informal sectors where some migrant workers were trapped in a human trafficking syndicate. These migrant workers did not understand process of their departure so some of them chose illegal route and encountered a number of risks. The decision of migrant workers to work abroad was driven by economic pressures and

family conditions which required them to immediately go abroad. Some of them chose instant and straightforward method, so they decided to become illegal workers.

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