

Country study

# Political economy analysis of Indonesian migrant workers' vulnerabilities to exploitation in Malaysia's palm oil sector

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Labour migration and trafficking in persons: A political economy analysis

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## About this publication

This publication was produced as an output of a research partnership between ASEAN-ACT and ODI. The research involved conducting an applied political economy analysis to understand the dynamics of labour exploitation and trafficking in persons in Southeast Asia, for the purposes of: 1) improving the evidence base for ASEAN-ACT and partners' programming and policy engagement; and 2) developing and implementing a process for feeding that evidence into ASEAN-ACT and partners' programming and consultations.

The purpose of this research is to advance understandings of the vulnerabilities of labour migrants to exploitation and trafficking. This can contribute to improved response capabilities of state agencies and international programmes to address these issues and strengthen protection and support for labour migrants and victims of trafficking in persons.

Phase 1 of the research project includes four country studies: Cambodia, Laos PDR, Thailand and Vietnam. Phase 2 includes four country studies: Indonesia, Myanmar, Malaysia and the Philippines, of which this is one. Thematic briefs distil findings from across the country studies on key cross-cutting issues.

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# Contents

Acknowledgements.....	3
Contents.....	4
Acronyms.....	6
Executive summary.....	8
Methods.....	8
Findings.....	9
Recommendations.....	10
1 Introduction.....	12
Box 1 Procedural versus non-procedural and regular versus irregular migration 13	
2 Methodology.....	15
2.1 Political economy.....	15
Figure 1 Mapping the vulnerabilities to trafficking along the labour migration cycle.....	16
2.2 Selection of the palm oil sector.....	17
2.3 Research methods.....	18
Figure 2 Map of research locations.....	18
2.4 Research Ethics.....	19
3 Political economy context.....	20
3.1 Political factors.....	20
3.2 Economic factors.....	22
3.3 Social factors.....	23
3.4 Palm oil sector.....	24
3.4.1 Palm oil controversy and pressure for change.....	25
3.4.2 Palm oil production and labour.....	25
3.5 Institutional context on labour migration and TIP.....	26
3.5.1 Formal rules : policy and legal framework on labour migration ..	26
Box 2 The role of private recruitment agencies in Indonesian labour migration 27	
3.5.2 Formal rules: policy and legal framework on human trafficking .	32
3.5.3 Informal rules.....	33
3.6 Key actors.....	34
3.6.1 Government and state agencies.....	34
3.6.2 International organisations.....	35
3.6.3 Civil society (International non-governmental organisations, CSOs and others).....	35
3.6.4 Recruitment actors.....	36
3.6.5 Private Sector.....	36

4	Labour migration patterns.....	38
4.1	Labour migrant profiles .....	38
4.2	Key factors explaining migration from Indonesia to Malaysian palm oil sector	39
5	Vulnerabilities experienced by labour migrants .....	41
5.1	Procedural vs Non-procedural Migrants.....	41
5.1.1	Vulnerabilities during pre-departure and recruitment .....	42
5.1.2	Vulnerabilities during transit for non-procedural migrant workers	48
5.1.3	Vulnerabilities at destination.....	49
5.1.4	Vulnerabilities during return.....	51
5.2	Regular vs Irregular Migrants.....	52
5.2.1	Vulnerabilities at pre-departure .....	52
5.2.2	Vulnerabilities at destination.....	54
5.3	Successful vs Unsuccessful Migration .....	55
6	Response measures and protective possibilities.....	57
6.1	Government response.....	57
6.2	Justice sector response .....	61
6.3	Private-sector response .....	61
6.4	Voice and agency: Response capacity of CSOs and labour migrants	62
7	Conclusion and Recommendations .....	64
7.1	Conclusion .....	64
7.2	Recommendations .....	65
	References.....	69
Annex 1	List of interviews.....	76

# Acronyms

ADBMI	<i>Advokasi Buruh Migran Indonesia</i> , Indonesian Migrant Workers Advocacy
AGO	Attorney General Office
AMMTC	ASEAN Ministerial Meeting on Transnational Crime
APIMI	Association of Palm Oil Plantation Investors of Malaysia in Indonesia
APJATI	Indonesian Manpower Supply Association
ASEAN	Association of Southeast Asian Nations
ASEAN ACT	Association of Southeast Asian Nations – Australia Counter Trafficking Program
Bareskrim	National Police Criminal Investigation Division
BHL	Casual Labourers
BLK	Job Training Centre
BNP2TKI	Agency for the Placement and Protection of Indonesian Migrant Workers
BP2MI	Agency for the Protection of Indonesian Migrant Workers
BP3MI	Indonesian Agency for Placement and Protection of Indonesian Migrant Workers
BPS	Central Bureau of Statistics
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of the Families
CPOPC	Council of Palm Oil Producing Countries
CSO	Civil society organisation
Divhubinter	National Police's International Relations Division
EAGPIL	East Asia & Pacific Gender Innovation Lab
EPA	United States Environmental Protection Agency
EU	European Union
G2G	Government-to-Government
GAPKI	<i>Gabungan Pengusaha Kelapa Sawit Indonesia</i> , Indonesian Palm Oil Association
GDP	Gross Domestic Product
ICESCR	International Convention on Economic, Social Cultural Rights
IEIS	Illegal Entry, Illegal Stay
ILO	International Labour Organisation
IOM	International Organization for Migration
JTK	Foreign Workers' Management
KBMB	Migrant Workers' Coalition
LBH	<i>Lembaga Bantuan Hukum</i> , Legal Aid Foundation
LEIS	Legal Entry, Illegal Stay
LTSA	Labour Training and Socialisation Agencies (also known as One-Roof Integrated Service)
NTB	West Nusa Tenggara Province
NTT	East Nusa Tenggara Province
P3MI	Indonesian Migrant Worker Placement Companies
PMI	Indonesian Migrant Workers
PPTKILN	Placement and Protection of Indonesian Workers Abroad
PPTKIS	Private Agency for the Placement of Indonesian Migrant Workers
KUR	People's Business Credit

RED	Renewable Energy Directives
RKP	Placement Work Plan
RPTC	Protection and Trauma Centre, Social Affairs
RSPO	Roundtable on Sustainable Palm Oil
SBMI	<i>Serikat Buruh Migran Indonesia</i> , Indonesian Migrant Workers Union
SIP2MI	Permit for Recruiting Indonesian Migrant Workers
SIP3MI	the Indonesian Migrant Worker Placement Company Permit
SISKO	Computerised System for Protection of Indonesian Migrant Workers
P2MI	Standard Operating Procedures
TIP	Trafficking in Persons
TPPO	Trafficking in Person Crime
UDHR	Universal Declaration of Human Rights
UNODC	United Nations Office for Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
WALHI	<i>Wahana Lingkungan Hidup Indonesia</i> , Indonesia Environmental Forum

\$ refers to US dollars unless otherwise indicated

# Executive summary

This country study documents the vulnerabilities of Indonesian labour migrants travelling to work in Malaysia's palm oil sector. It sets out the context in which this migration takes place, the pathways and associated vulnerabilities, and the response and protective capacities of various actors involved.

An estimated 9 million Indonesian labour migrants work abroad – approximately 7% of the country's labour force (World Bank, 2017: 2). Of this, 2.7 million Indonesians are estimated to be working in Malaysia (Llewellyn, 2021). While many of them work in the domestic sector, the vast majority of the 87% of foreign workers on palm oil plantations are Indonesian (Cramb and McCarthy, 2016: 33; Puder, 2022). These labour migrants work long hours for low pay and inadequate safety protection, salary deductions are frequent – reportedly to cover the costs of migration, accommodation and other costs – often resulting in spiralling debt. In other cases, migrants may have taken out upfront high-interest loans from unscrupulous lenders that they must service. Labour migrants are thus compelled to continue working in poor conditions. The exploitative nature of labour migration in this sector is possible due to the precarity and vulnerability of labour migrants themselves and the limited power they wield vis-à-vis palm oil employers and those involved in the migration process.

## Methods

Vulnerabilities to exploitation (including trafficking) that labour migrants face were unpacked at each stage of the labour migration cycle. A political economy approach was used to examine how these vulnerabilities are shaped, underlining the role of formal rules and laws, informal practices and social norms, as well as power, interests and incentives related to labour migration and trafficking in persons (TIP). Sources of protection and voice were also explored.

In April–May 2023, consultations were undertaken in Lombok Timur, Nusa Tenggara Barat Province, Flores Timur and Kupang, Nusa Tenggara Timur Province, and Sambas, Kalimantan Barat Province. These provinces are important sources of migrant labour in palm oil and transit points for migrants travelling to Malaysia. Forty interviews and 24 focus group discussions (FGDs), involving a total of 102 people, were held with a wide range of stakeholders including Indonesian government representatives, international organisations,



local civil society organisations (CSOs), trade unions, recruitment agencies, and prospective and returned migrants.

## Findings

Millions of Indonesians migrate in order to improve their livelihoods via the means available to them. The decisions to migrate for work are influenced by economic and cultural factors, and the allure of successful migration stories and cultural expectations often outweigh known dangers, pushing individuals to choose migration, even under risky circumstances.

Indonesian migrant workers, especially but not only those who are non-procedural (not following the Government of Indonesia's process for labour migration) or irregular (not having legal work status in a foreign country), experience vulnerabilities to exploitation through issues such as debt, reliance on brokers, forged documentation, informal border crossings, irregular status, contract breaches, underpayment, and hazardous working conditions.

While the Government of Indonesia and the international community have focused on making migration safe through regularisation, the fieldwork findings suggest that labour migrants are most concerned their migration is 'successful.' That is, ensuring it delivers sufficient financial benefit to allow them to return home to a more comfortable life. Efforts to improve protections for migrant workers must therefore consider the tensions and trade-offs between procedural versus non-procedural, regular versus irregular, and successful versus unsuccessful migration, in order to understand how migrant workers experience labour migration and its associated vulnerabilities.

While there are some impressive laws and government policies and procedures to protect migrant workers, the implementation challenges mean that these have not yet resulted in greater uptake of procedural migration channels (the Indonesian government's approach to making migration safe). These challenges include the difficulty of rolling out programs in a country of Indonesia's size and geography, compounded by the decentralized governance under 'Otonomi Daerah', which often leads to inconsistent application of migration laws and policies across different regions (Eilenberg, 2012; Ford, 2006). Additionally, frontline officials' often have limited understanding and capacity to deliver intended services, and there are some instances of official complicity. The situation is further exacerbated by limited protection by the Malaysian government and private sector of much-needed Indonesian labour for their palm oil sector, and insufficient cooperation with Indonesia on making migration and work experiences safer.

More broadly, the skewed power dynamics in the palm oil sector mean that labour migrants face incredible obstacles in advocating for greater protections and improved conditions. As the palm oil sector

becomes increasingly dominated by large corporations, these power differentials grow. While a smaller number of global corporations may increase the possibility of regulating the sector, confronting the economic might of these businesses – and their close political relationships in Indonesia and Malaysia – presents a formidable challenge.

Despite the range of response mechanisms for migrant workers experiencing exploitation to return home, obtain support and potentially seek justice, in reality these seldom function as intended. In practice, migrant workers tend to rely on their personal networks and local civil society organisations (CSOs) to acquire information, protect themselves and achieve the best migration outcomes. These local networks and actors should be considered the frontline support that require strengthening to make an impact on the safety and rights of labour migrants.

## **Recommendations**

The study contributes to the ongoing discourse on migrant workers in the palm oil industry and the pursuit of more humane and equitable labour practices. It makes the following summarised recommendations:

### **1 Make procedural migration successful migration.**

Procedural migration should deliver better pay and working conditions for migrants in order to compete with the perceived benefits of non-procedural migration. This is the study's overarching recommendation, with the following recommendations ways to achieve this.

### **2 Make procedural migration more accessible, efficient and appealing.**

Strengthen the many existing organisations and processes to facilitate procedural migration by making them more accessible to prospective migrant workers, more timely, less corrupt and more appealing.

### **3 Expedite the agreement of a Memorandum of Understanding between the governments of Indonesia and Malaysia in relation to labour migration in the palm oil corridor.**

### **4 Improve labour standards in the palm oil sectors in Indonesia and Malaysia.**

Given the importance of palm oil in Indonesia's foreign policy, focus on improving industry practices to align with international standards. This could improve trade potential, that may be adversely affected by human and labour rights concerns. As the world's largest producer of palm oil, Indonesia could take the lead in improving labour standards, setting a global precedent, and may motivate other producing countries, like Malaysia, to implement similar standards.

5 Strengthen organisations supporting the safety and rights of all migrant workers.

Given that labour migrants tend to turn to local networks and organisations, rather than government or justice authorities, support these organisations to better equip and protect labour migrants from exploitation.

6 Improve the response of the justice sector to trafficking in persons, recognising this as just part of a wider labour rights problem.

While criminal justice responses are unlikely to be the primary means of affording better protection to migrant workers, they are crucial for holding exploitative actors accountable. Priority should be given to law enforcement and judicial cooperation between Indonesia and Malaysia, focused on investigating and prosecuting exploitative employers, while also enhancing training for officials in the justice sector in TIP (Trafficking in Persons) and victim identification.

Equally important, is addressing the disconnection between criminal and civil procedures, ensuring that victims have access to both legal processes. This includes not only pursuing criminal charges against exploitative employers but also safeguarding labour rights violations such as unpaid salaries, annual leave, and other entitlements through civil legal mechanisms. Labour inspectors and the industrial relations system play a pivotal role in this context, and their capacity needs to be strengthened. This comprehensive approach should include a system that allows labour officers to address labour rights violations in tandem with the criminal justice process, ensuring a more holistic protection and redress mechanism for migrant workers.

# 1 Introduction

In Southeast Asia, labour migration is strongly entrenched and offers many positive outcomes for those involved – job opportunities for migrants, cross-cultural exchange between countries and valuable labour to the economies of destination countries. At the same time, labour migration also poses risks to migrants, who may fall victim to exploitation, including trafficking in persons (TIP) (UNDESA, 2019). In 2021, it was estimated that on any given day there were 50 million people in situations of modern slavery (forced labour or forced marriage) (ILO, 2022: 1). Of those, approximately 15 million were estimated to be living in forced labour conditions in the Asia Pacific (ILO, 2022: 3).

This study – one of a series of ASEAN country studies – focuses on Indonesian labour migration to Malaysia’s palm oil sector and aims to understand what shapes labour migrants’ vulnerabilities to exploitation, including trafficking. Such vulnerabilities are not simply the result of lack of knowledge, skills or capacity that can be addressed through technical solutions. Rather, they are shaped by a wider constellation of structures, institutions, power, interests and incentives. These coalesce in ways that shape why people migrate, the process of migration and associated vulnerabilities, how exploitation takes place and the response of government, the justice sector, civil society and other relevant actors. Addressing vulnerabilities to exploitation therefore requires understanding these dimensions and how they sustain vulnerabilities in ways that make exploitation of labour migrants persistent.

In 2019, there were approximately 3.5 million documented migrant workers residing in Malaysia and an additional 1.46–4.6 million undocumented migrant workers (Puder, 2022). These foreign workers come mainly from Indonesia, the Philippines, Nepal, Myanmar, India and Bangladesh. It has been estimated that there are 2.7 million Indonesians working in Malaysia (Llewellyn, 2021), mainly in domestic work, the palm oil industry, the construction sector and industrial manufacturing in low-skilled jobs (Puder, 2022). Indonesian migrant workers make up the vast majority of the workforce in the Malaysian palm oil industry, where it has been estimated that 87% of workers on the plantations are non-Malaysian (Cramb and McCarthy, 2016: 33; Puder, 2022). These labour migrants work long hours for low pay and inadequate safety protections, salary deductions are frequent – reportedly to cover migration, accommodation and other costs – often resulting in spiralling debt. Labour migrants are thus

compelled to continue working in poor conditions. The exploitative nature of labour migration in this sector is possible due to the precarity and vulnerability of labour migrants themselves and the limited power vis-à-vis palm oil employers and those involved in the migration process.

This country study aims to identify the political economy factors that shape vulnerabilities to exploitation of Indonesian labour migrants in Malaysia's palm oil sector, to provide the basis for recommendations for policy and programming on labour trafficking. The findings offer insights into why Indonesians choose to migrate to Malaysia, the processes by which they opt to do so, the working conditions on the palm plantations, and the vulnerabilities these journeys entail. Indonesian migrant workers, especially but not only those who are non-procedural or irregular, experience vulnerabilities to exploitation through issues such as debt (in part due to excessive recruitment and placement fees), reliance on brokers, fake documentation, informal border crossings, irregular status, contract breaches, underpayment, and hazardous working environments. The study also explores the influence of economic and cultural factors on the decision to migrate, showing that the allure of successful migration stories and cultural expectations often outweigh known dangers, pushing individuals to choose migration, even under risky circumstances. While the Government of Indonesia, like others in the region, and the international community, have been focused on making migration safe through regularisation, the main concern for migrants is that their migration is 'successful' – understood as providing the maximum financial benefit. The country study uses these frames of procedural versus non-procedural, regular versus irregular and successful versus unsuccessful to understand how labour migration is experienced and the vulnerabilities involved (see Box 1).

### **Box 1      Procedural versus non-procedural and regular versus irregular migration**

The distinction between 'procedural' and 'non-procedural' labour migrants is based on whether they have followed the legal and administrative procedures set by the Indonesian government to work in another country (Sulaksono, 2018). These terms are commonly used by the Indonesian government and CSOs, and reflect their view on labour migration procedures that comply with Indonesian law but may not be recognised as valid procedures in other countries (Chang, 2018; Sulaksono, 2018). While related to regular and irregular migration, procedural migration does not refer to a person's international legal status but rather to the procedures by which they have sought employment abroad. It is therefore possible to be non-procedural (having not used the Indonesian government's labour migration procedures) but still be 'regular' by using internationally recognised legal migration pathways.

By contrast, regular versus irregular migration relates to whether a migrant has immigrated by legal or illegal means and denotes their legal status in a destination country. The widespread use of both terms in the Indonesian labour migration context creates significant confusion. In part, the different terminology reflects the different perspectives and concerns of the Indonesian and Malaysian governments with regard to Indonesian labour migrants – the former focused on securing job placements and the latter on adherence to migration laws.

The study is structured as follows. Section 2 sets out the methods used to collect and analyse data. Section 3 provides context on the political economy features that shape labour migration and the vulnerabilities experienced – discussing Indonesia’s political, economic and social dynamics, as well as the nature of the palm oil sector, and the Indonesian labour migration legal and policy frameworks. Section 4 details Indonesian labour migration to Malaysia’s palm oil sector, looking at reasons for migration and the profile of labour migrants. Section 5 documents the vulnerabilities experienced by Indonesian labour migrants travelling to work in Malaysia’s palm oil sector at each stage of the labour migration cycle – refracted through the frames of procedural versus non-procedural, regular versus irregular, and successful versus unsuccessful. Section 6 considers the responses to these vulnerabilities and the protective possibilities available to migrant workers. Section 7 concludes and makes recommendations for how Indonesian labour migrants could be better protected from exploitation in Malaysia’s palm oil sector. By shedding light on these issues, the country study contributes to the ongoing discourse on migrant workers in the palm oil industry and the pursuit of more humane and equitable labour practices.

## 2 Methodology

### 2.1 Political economy

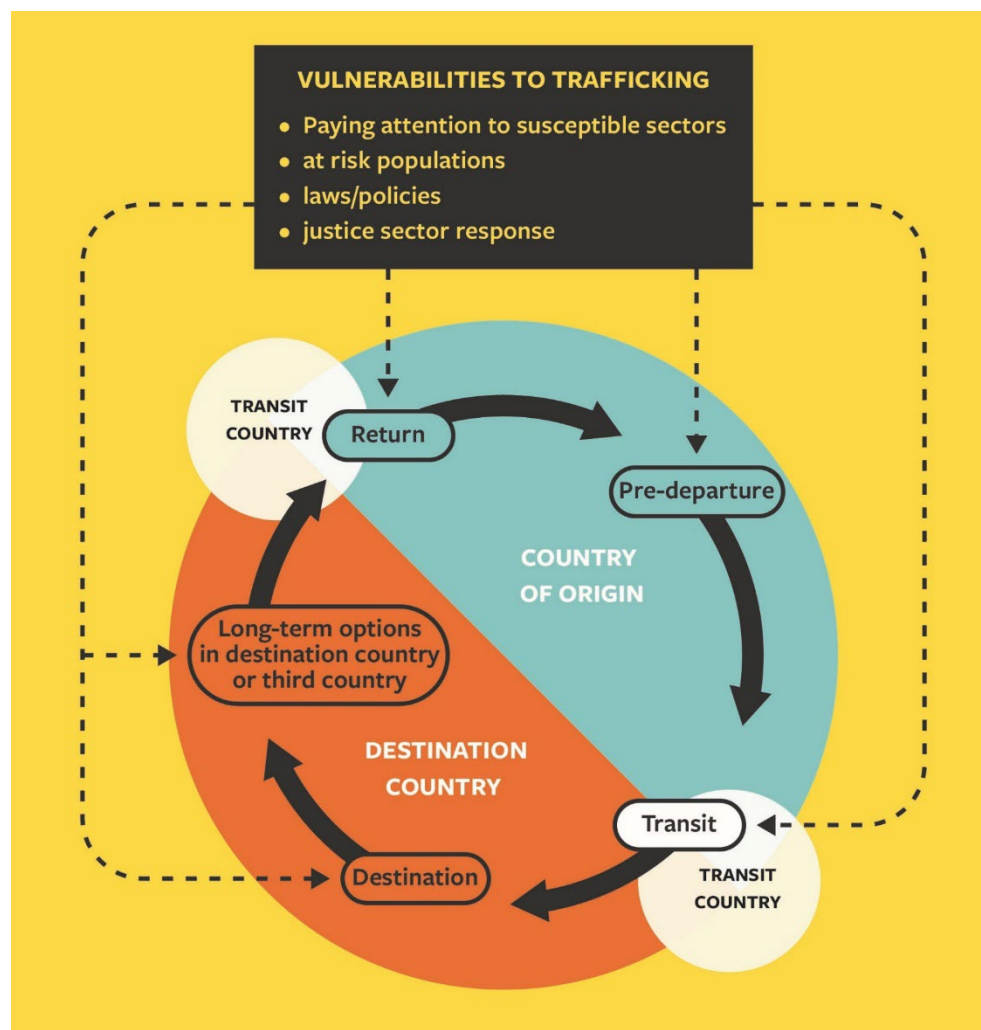
This is one of a number country studies commissioned by the ASEAN-Australia Counter-Trafficking Program (ASEAN ACT), which seek to understand the vulnerabilities of labour to trafficking in persons (TIP). The research began by developing a political economy analysis framework that sought to unpack the structural features, formal and informal rules, power relationships and interests that shape vulnerabilities of labour migrants to trafficking at each stage of the labour migration cycle. Using this framework as an organising device, a literature review and key informant interviews were undertaken in Indonesia, focused on labour migration to Malaysia's palm oil sector. In addition, workshops were held to distil and test findings with ASEAN ACT and the wider research team who were undertaking similar country studies concurrently in Malaysia, the Philippines and Myanmar. An earlier phase of the research included country studies in Cambodia, Laos, Thailand and Vietnam.

The research uses a political economy approach to examine how vulnerabilities to trafficking are shaped at each stage of the migration cycle. This brings to the fore the role and interlinkages across formal institutions, law, informal rules and practices, as well as wider social norms related to labour migration and TIP. It also engages with the incentives, interests and distribution of power among different actors, and how these factors shape behaviour. Importantly, the political economy lens also identifies opportunities to advance change that supports improved prevention and protection capabilities in addressing vulnerabilities to trafficking.

Identifying the political economy features commenced with the five stages of the labour migration cycle: pre-departure; transit; arrival in destination country; long-term options in destination or third country; and return (Bisong and Knoll, 2020). Vulnerabilities to trafficking were identified and mapped at each stage of the cycle, followed by analysis of the context-specific factors that enable or sustain the vulnerabilities identified at each stage, as well as noting potential opportunities for change (see Figure 1 for a representation of the vulnerabilities at each stage of the labour migration cycle, which are then analysed with a political economy lens).



**Figure 1 Mapping the vulnerabilities to trafficking along the labour migration cycle**



Source: ODI, 2024

Importantly, while the initial focus was on the issue of trafficking, the research has revealed that it may be more relevant to look at vulnerabilities to labour exploitation, which may not always constitute the crime of trafficking. While TIP is interpreted narrowly, based on whether cases meet key components of the legal definition, exploitation is a much broader concept. It focuses less on whether particular experiences constitute a crime but rather on the conditions that shape them. In the case of Indonesian labour migration to Malaysia's palm oil sector, research participants explained mistreatment and poor conditions through the language of labour exploitation. For this reason, the country study refers to 'exploitation', which may include trafficking in some but not necessarily all instances. A focus on exploitation allows fuller exploration, with fewer conceptual constraints, of the panoply of mistreatment, abuse and coercion that labour migrants experience. It also opens up a far greater range of response options beyond criminal justice (see also Denney et al., 2023).



## 2.2 Selection of the palm oil sector

Indonesia provides a wide range of options for analysing labour migration, given that it is a source, destination and transit country. Its own labour migrants also work in a wide range of sectors and travel to many countries both within the ASEAN region and further afield. It has been estimated that there are over 9 million Indonesian labour migrants working outside Indonesia – approximately 7% of Indonesia’s labour force (World Bank, 2017: 2). The data from the World Bank appears to be at odds with the official BP2MI records, however, which in May 2023 recorded 4.6 million Indonesian migrant workers. However, BP2MI acknowledges that its statistics include only procedural and regular migrants and also raised the possibility of an additional 4 million Indonesian migrant workers who may not have the appropriate legal documentation or procedural clearance (Sahputra, 2023). The most common destinations for Indonesian labour migrants include Malaysia (55%), the Middle East (in particular Saudi Arabia (13%)), Taiwan (10%), Hong Kong (6%), Singapore (5%), as well as Brunei, South Korea and China (United States Department of State, 2022; Darmayani, 2021; World Bank, 2017: 14).

The COVID-19 pandemic affected labour migration flows in several ways. International border closures and restrictions prevented some prospective Indonesian labour migrants from migrating (Iberahim and Abadi, 2022). In addition, a failure to extend social protections to labour migrants in destination countries, combined with their widespread dismissal and worse working conditions due to economic contraction, led to the large-scale return of labour migrants over this period (Iberahim and Abadi, 2022: 155). This is reflected in reduced numbers of labour migration and lower remittances during the pandemic (Iberahim and Abadi, 2022: 154–156).

The majority of Indonesian labour migrants are domestic workers (around 40%), followed by agricultural workers (19%), construction workers (18%) and factory workers (8%) (World Bank, 2017: 3). 2010 data from the International Organization for Migration (IOM) found that women account for most migrant workers (61%) and men for the remaining 39% (IOM, 2010). Recent statistics indicate that this gender gap expanded between 2017 and 2022, by when female migrant workers represented 66% of the total (BP2MI, 2022a; BP2MI, 2021; BP2MI, 2020a; BP2MI, 2019). Female migrant workers are largely employed in domestic work, while male workers dominate agricultural work (including palm oil), construction and factory work. Women working in the palm oil sector are often not employed by palm oil plantations but accompany their husbands and work without a contract assisting in collection of palm fruit (Sinaga, 2021: 184-5).

Given the potential scope of this study, it was deemed necessary to narrow it down to enable more granular analysis. In consultation with ASEAN ACT, it was decided to focus on Indonesian labour migration to the Malaysian palm oil sector. This was based on greater interest

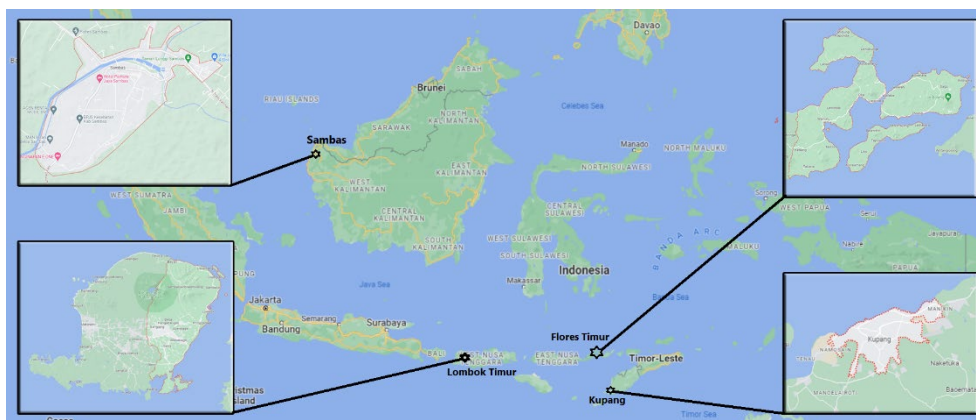
in looking at Indonesia as a source country, rather than destination country and the considerable existing analysis of industries such as construction and domestic work. It was also felt that there may be greater political appetite in looking at issues of trafficking and labour exploitation in the palm oil sector, and more opportunities for progress than in some other sectors, such as domestic work given that it is difficult to regulate the private/household sphere. This study focuses on the Indonesian context and how it shapes vulnerabilities of Indonesian labour migrants working in Malaysian palm oil plantations – a separate report looks at the political economy of vulnerabilities of labour migrants in Malaysia as a destination country (see Wahab and Domingo, forthcoming).

## 2.3 Research methods

A review of academic and grey literature was conducted, focused on issues of Indonesian cross-border labour migration to Malaysia's palm oil sector, trafficking and response efforts. This literature is vast and was thus reviewed with a focus on understanding the political economy of the sector and how this creates particular vulnerabilities for labour migrants. This review provided an initial grounding and contributed to identifying key themes, relevant stakeholders for interview, as well as areas where less is documented.

From 8 April to 5 May 2023, interviews and focus group discussions (FGDs) were undertaken in Lombok Timur, Nusa Tenggara Barat Province, Flores Timur and Kupang, Nusa Tenggara Timur Province, and Sambas, Kalimantan Barat Province (see Figure 2). These sites were selected because they are important sources of labour in the palm oil sector and transit points for migrants travelling to Malaysia (Awaludin, 2022; IOM, 2020; Lumbanrau, 2023; Maris, 2019). Interviews were also conducted in Jakarta with government officials and representatives of international organisations and CSOs.

**Figure 2** Map of research locations



Source: Author, 2024

The research team conducted interviews and FGDs with a wide range of stakeholders in these sites. These included Indonesian government representatives, international organisations, local CSOs, trade unions, recruitment agencies, and prospective and returned migrants. Prospective and returned migrants were recruited as research participants in collaboration with the branch offices of *Serikat Buruh Migran Indonesia* (SBMI) (Indonesian Migrant Workers Union). Forty interviews and 24 FGDs were conducted, and a total of 102 people were consulted (see Annex 1 for list of interviews). This included focus group discussions with 27 male migrant workers and eight female migrant workers. The consultations offered insight into labour migration experiences from Indonesia, as well as state, civil society and international responses.

Data was analysed using a political economy analysis framework mapped against the labour migration cycle (see Figure 1). This involved distilling themes related to the structures, formal and informal institutions and interests and incentives of different actors and how these come together to shape vulnerabilities to exploitation, as well as protective possibilities.

During the research, periodic workshops were held with research teams undertaking studies in Malaysia, Myanmar and the Philippines to share approaches, emerging findings and challenges that arose. In addition, a sensemaking workshop was held towards the end of the research process to enable connections and interrelationships between the country studies to be further examined. It also helped to identify cross-cutting themes that are explored in the shorter thematic briefs that distil the main findings from the country case studies.

## 2.4 Research Ethics

The research was guided by the Australian Council for International Development (ACFID) Principles and Guidelines for Ethical Research and Evaluation, as well as ODI's Research Ethics Policy. As the research focused on persons of concern from vulnerable populations, notably victims of trafficking in persons, ethical procedures were particularly important. This included sensitivity in research design, including the location of interviews and FGDs and how participation was structured. Informed consent was based on the local context, varying between written and verbal consent. Attention was also paid to data protection and ensuring the participants' anonymity. In the case of direct quotes, pseudonyms are used and any identifying features have been removed. The methodology and ethics assessments for country fieldwork were approved by the ODI Ethics Review Committee.

## 3 Political economy context

Indonesia is the world's fourth most populous country, with approximately 270 million people unevenly spread across an archipelago of thousands of islands (BPS, 2020b). Almost half of the population remains rural, of whom 38% work in the agricultural sector, although with rapid agrarian transition, agriculture accounts for a decreasing portion of Indonesia's Gross Domestic Product (GDP). Ensuring that national economic growth contributes to better rural livelihoods has been a persistent challenge in the wake of Indonesia's economic transformation since the late 1990s (Cramb and McCarthy, 2016: 10). According to BPS, outer provinces such as Papua, East Nusa Tenggara, and West Nusa Tenggara, remain significantly poorer than other parts of the country (Dzulfaroh and Nugroho, 2023). With a population outstripping labour demand, and higher salaries available in other countries, many Indonesians migrate for work.

While the Government of Indonesia has increasingly sought to establish protections for its sizeable labour migrant population, gaps remain: complicity among officials has been documented (Susilo, 2022) and government efforts to make migration safe have often been at odds with migrants' experiences of what makes migration economically successful. As a result, many Indonesian labour migrants continue to experience extreme vulnerability to exploitation, including trafficking.

### 3.1 Political factors

Indonesia's political history has shaped labour migration and the vulnerabilities it creates in important ways. Highly centralised political control during Dutch colonial rule focused on densely populated Java as the centre of government power and left other islands underdeveloped and comparatively neglected (English, 2021). This persisted under Sukarno's post-independence leadership and Soeharto's 'New Order' rule from 1965 to 1998. Aspinall and Fealy (2010) stress that Soeharto's centralised power in Java resulted in the exploitation of both natural and human resources from the country's outer islands. Although Java continues to be the principal source of Indonesian labour migrants given its large population, a disproportionately large number of labour migrants also come from the provinces of East Nusa Tenggara and West Nusa Tenggara, particularly to work in Malaysian palm oil plantations, reflecting generational political neglect and underdevelopment (World Bank, 2017).

The historically close relationship between government, the military and the private sector in Indonesia also shapes labour migration and the vulnerabilities it entails. Soeharto's regime was characterised by authoritarian government accompanied by predatory capitalism, in which 'private wealth was accumulated through systematic and privileged access to, or control over, public resources and institutions' (Hadiz, 2011: 73). This saw the rise of a small number of family-based conglomerates with close ties to political elites, which gained privileged access to timber licenses and came to dominate palm oil development, with ties between companies and financiers across Indonesia and Malaysia (Cramb and McCarthy, 2016: 13). While democratisation since 1998 has seen the dismantling of some of this cronyism, the interdependencies of political elites, business tycoons and the military continue. This is reflected in Indonesian electoral processes, in which weak governance of political parties and campaign financing results in exorbitantly high costs of running for election – leading individuals to build relationships with business elites who 'sponsor' their electoral campaigns in return for favourable treatment once elected (Berenschot, 2018: 1570). This contributes to a kind of oligarchy whereby business elites are able to translate their economic power into political power (Berenschot, 2018: 1570). While political decentralisation has been underway since the late 1990s, clientelism has remained but the levels of government actors involved have changed, with a new mix of provincial and district authorities and business elites now involved in the process (Cramb and McCarthy, 2016: 15). These relationships create fertile ground for complicities and corruption, including in labour migration processes.

Finally, Indonesia's Dutch-derived legal system of civil law is based on judicial interpretation of statutes – which are many and often inconsistent or even conflicting (Bedner and Huis, 2008: 190; Cramb and McCarthy, 2016: 14). Combined with the crippling of the legal system under Soeharto's rule, the judiciary has largely been unable or unwilling to hold powerful elites to account. This has been changing more recently, with a stronger, more independent judiciary and high-profile legal cases and convictions of government and business elites in 2022 and 2023, due to labour exploitation and corruption in Indonesia's palm oil sector (Sinaga, 2022). Indonesia's Anti-Corruption Commission has also had some success in prosecuting high-level politicians, judges and government officials on corruption charges. More often, however, there has been legal impunity for those who benefit most from Indonesia's political settlement and the access to lucrative natural and human resources (including palm oil and labour migrants) that it enables (Susilo, 2022). As Susilo (2022) notes, those engaged in labour exploitation and human trafficking 'are often able to get away with their crimes by bribing or influencing government officials, practices often referred to in Indonesia by the broad term "judicial mafia"'. Such complicities within the political and judicial system creates significant potential for



vulnerability for labour migrants, who have very limited political and economic power.

### 3.2 Economic factors

Indonesia is the largest economy in Southeast Asia and the tenth largest in the world, with an annual GDP of approximately US \$1.19 trillion in 2021 (World Bank, n.d.). Economic growth has been steady since the late 1990s, when Indonesia underwent democratisation and economic liberalisation and has recovered from a downturn during the COVID-19 pandemic to around 5% per annum (World Bank, 2022). The country still faces economic disparity, however, which by March 2023, was the worst in the last five years (Theodora and Primantoro, 2023). There is significant economic diversity across the country's different provinces – and broadly between the wealthier Western region and poorer Eastern region (Kurniawan et al., 2019: 98), as well as within provinces. The Gini co-efficient, measuring wealth inequality, in East Nusa Tenggara and West Nusa Tenggara is 0.340 and 0.374, respectively (BPS, 2023), higher than provinces in Sumatra such as West Sumatra, Aceh and Bangka Belitung. Although, the inequality in West and East Nusa are smaller than some provinces in Java. DKI Jakarta, West Java, and DI Yogyakarta are even more unequal, with a Gini co-efficient of more than 0.4 (BPS, 2023).

Although economic growth has led to significant reductions in poverty, progress has been slowing and inequality remains particularly pronounced between wealthier urban centres and poorer rural areas. Indeed, poverty is overwhelmingly rural (Cramb and McCarthy, 2016: 9) and is a particular problem in some of Indonesia's Eastern provinces, from where many labour migrants working on Malaysian palm plantations come (Johann and Ali, 2023). The impact of increasing inflation is likely to make livelihoods more precarious in the immediate future.

Indonesia's large and relatively young population make its labour force an important economic asset, although recent trends in the domestic labour market have given rise to concern. A key challenge for Indonesia is to convert economic growth and investment into increased employment. An unemployment rate of 5.45% means that millions of working-age individuals have limited job prospects (CNN Indonesia, 2023a, 2023b). New employment opportunities in Indonesia have largely been seen to have delivered increases in technology sectors, with fewer new jobs in manufacturing, for instance. The job creation that does occur, therefore, does not benefit low-skilled workers, who are the largest category of unemployed and the most likely to migrate for work (IOM, 2010). This has a widespread impact, as over 60% of Indonesian workers have not completed high school and thus cannot compete for limited high-productivity positions (Darmayani, 2021). Since 2015 there has been some expansion of the labour market, but the low-skilled jobs created

are often low-paid, part-time and informal. This was exacerbated by the COVID-19 pandemic, during which formal employment shrank, and vulnerable population sectors such as informal workers, internal migrants and women were disproportionately affected (OECD in Darmayani, 2021).

Without enough domestic employment to absorb the large labour force, labour migration has become a key part of the Indonesian economy. According to Bank Indonesia, Indonesian migrant workers (PMI) contributed US \$9.71 billion to the foreign exchange reserves in 2022, up by 6% over 2021 (Mustajab, 2023), although there was a significant drop in remittances in 2020 and 2021 due to the COVID-19 pandemic (Mustajab, 2023). Remittances from Indonesian migrant workers have fluctuated between 2015 and 2022, with the highest recorded at US \$11.44 billion in 2019. Given this economic contribution, migrant workers are often dubbed foreign exchange heroes.

### 3.3 Social factors

While birth rates have fallen significantly since the 1970s, Indonesia's population growth continues and is expected to reach 321 million by 2050 (Kohler et al., n.d.). Around 70% of the population is of working age, which means there is a large, and growing, labour force. Yet educational disparities between urban and rural populations mean that while completion of secondary education is common in cities, completion only of primary education is more common in rural areas. Thus 94.21% of rural citizens aged 15 and over are literate, compared with 97.91% in urban areas (BPS, 2022). School dropout rates across all levels of education are also higher in rural areas than in urban areas, due to greater difficulties accessing school and associated costs (BPS, 2022). In addition, among urban populations 13.51% have a university degree compared with 5.57% of rural populations (BPS, 2022). These educational inequalities mean that rural populations are less competitive in local job markets and less able to access lucrative employment opportunities. As a result, they are more likely to pursue labour migration as a livelihood strategy.

Strong socio-cultural ties and linguistic and religious familiarity between Malaysia and Indonesia mean that Malaysia is the primary destination for labour migrants. It is possible that employees from specific regions, such as NTB, may be better able to integrate into the local culture and also be more cost-effective. At the same time, socio-cultural and religious proximity may result in choices that are based on stereotypes.

Moreover, in some Indonesian communities – especially in NTB and NTT – historical patterns of labour migration to Malaysia are entrenched and working in palm oil plantations is normalised as a livelihood strategy, and to a certain extent as a 'rite of passage' for young men. The pattern was similar to an old migration culture called

'Bedol Desa' in the New Order regime,<sup>1</sup> which means that if someone is considered a success in the destination country, this attracts others to follow the same path (Tirtosudarmo, 2018). The risks are felt to be largely known and understood and since there is a large Indonesian population in Malaysia, the destination feels less foreign than many alternatives.

Labour migration in Indonesia is also influenced to a certain extent by Indonesia's robust and relatively strong civil society compared with the wider Southeast Asian region. Civil society organisations (CSOs) have played a role in demanding government transparency and accountability more broadly, calling for action on corruption and injustice, and a developed sub-group within civil society works specifically on issues of human rights, environmental protection and labour rights. In the post-Soeharto era, civil society has blossomed and is regularly involved in coalitions and work with parts of government to influence policy. CSOs are also actively involved in delivering health, community outreach, education and legal aid services. This offers an important counterweight to vested interests in labour migration and the international palm oil trade (Auethavornpipat and Palmer, 2022).

### 3.4 Palm oil sector

The nature of the palm oil sector also influences the vulnerabilities that Indonesian labour migrants experience working on Malaysian plantations – as well as the opportunities for change to improve labour conditions and protections. While the sector has proved responsive to international pressure in some instances, its economic power in both Malaysia and Indonesia means it also has significant latitude in avoiding regulatory prescriptions from government.

Indonesia is the world's largest producer of crude palm oil (58% of the world's global supply in 2016) (Choiruzzad, 2019: 14; Sinaga, 2021: 175). Malaysia, the second largest producer, produced 29% in 2016 (Choiruzzad, 2019: 14). Growing demand for vegetable oil and growth in biofuels has seen a huge increase in palm oil production from 5 million tons in 1980 to 55 million tons in 2013, with growth expected to continue (Budidarsono et al., 2013: 173; Cramb and McCarthy, 2016: 28).

Given the challenge of addressing rural poverty in Indonesia, and the importance of the palm oil sector to the economy, expansion of palm oil has been an important national economic strategy (Sinaga, 2021: 175). Although Indonesia's palm oil sector is larger than Malaysia's, it is reported that labourers' wages are lower than in Malaysia and

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<sup>1</sup> The Soeharto government's optimism grew due to the successful Bedol Desa transmigration, which involved relocating entire populations for significant construction projects, such as dams. The 1976 Wonogiri-Sitiung project in the Bedol Desa programme, which moved people from Central Java to West Sumatra, particularly boosted this confidence, showcasing the nation's ability to implement similar resettlement initiatives. The fact that Wonogiri was the childhood home of President Soeharto played a role in its prioritisation, garnering substantial support and collaboration from various government departments (Tirtosudarmo, 2018).



working and living conditions are worse.<sup>2</sup> This means that although there are employment opportunities in Indonesia's palm oil sector, many workers prefer to travel to Malaysia, where they believe they can earn more.

### 3.4.1 Palm oil controversy and pressure for change

Palm oil is controversial and has been the target of significant international pressure, mostly related to environmental concerns. This is despite the sector's efforts to adopt standards to allay such concerns, such as the Roundtable on Sustainable Palm Oil (RSPO), established in 2004, which aims to establish norms of good practice and a means of benchmarking a country's regulatory framework, particularly related to environmental and, to a lesser extent, labour standards. Despite some improvements, however, the RSPO has not brought about significant changes in distributional and environmental outcomes (Cramb and McCarthy, 2016).

The European Union (EU) and United States Environmental Protection Agency (EPA) concluded in 2009 and 2012 respectively that palm oil did not meet sustainability criteria (in contrast to their own domestic vegetable oils) (Choiruzzad, 2019: 15). Palm oil production has also been the focus of CSO campaigns mainly because of its environmental impacts. Greenpeace, WALHI (*Wahana Lingkungan Hidup Indonesia*, Indonesia Environmental Forum), Telapak, World Resources, Sawit Watch, and others have published reports documenting the disastrous environmental impacts of palm oil, as well as naming and shaming global corporations involved through their supply chains (including Nestlé, Unilever and Proctor & Gamble). In response, some global corporations have cancelled contracts with certain palm oil producers in Malaysia and Indonesia (Choiruzzad, 2019: 16).

The palm oil industry in both Indonesia and Malaysia has responded to the pressure by becoming more proactive in organising, lobbying and making commitments to environmental and labour standards. While international pressure has been effective to some extent, the economic importance of palm oil means that the sector has considerable room for manoeuvre, with implications for environmental and labour standards.

### 3.4.2 Palm oil production and labour

The changing nature of palm oil production and labour also influences the vulnerabilities of labour migrants to exploitation. With economic liberalisation since the 1980s, private-sector development took over the state-led development model but is still characterised by close government–private-sector relationships in Indonesia and Malaysia, and government-linked private companies funded by state corporations are common (Cramb and McCarthy 2016: 47). There

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<sup>2</sup> FGD with three migrant workers, Lombok Timur, 9 April 2023.

has been a rapid growth of corporate-owned plantations in Indonesia and Malaysia, with more concentrated ownership of agribusiness corporations across supply chains (Cramb and McCarthy, 2016: 6). In essence, this means a smaller group of corporations has increasing control of palm oil production processes.

Labour dynamics have changed as a result. The traditional approach – in keeping with the idea of palm oil expansion as a rural development strategy – enabled smallholders to maintain their own palm production and sell the fruit to companies. As palm oil expanded, especially since 2000, production processes shifted from smallholder farming to companies leasing land from smallholders in return for payment. Companies saw the possibility for efficiencies in production if they could standardise and run the process themselves. Increasingly, companies have purchased land outright. In Malaysia, in 2016 around 61% of palm oil plantations were managed by private estates, 16% by independent smallholders and 22.5% by government and state schemes (Puder, 2021). This has changed who works in palm oil production and how livelihoods are made. As land was leased or sold to plantation corporations, smallholders were forced from a subsistence to cash economy (Cramb and McCarthy, 2016: 45). This reduced the local smallholder workforce and led to an increase in migrant labour to work directly for palm plantation companies. These changes in the processes of production and labour have also led to far more inequitable power dynamics between the migrant workers undertaking production and the large corporations that benefit from their labour.

### **3.5 Institutional context on labour migration and TIP**

#### **3.5.1 Formal rules : policy and legal framework on labour migration**

Indonesia's legal and policy framework relating to labour migration stems from the country's 1945 Constitution, Article 27, which states the right of every Indonesian citizen to be employed, as well as their freedom to choose jobs. Palmer (2016), however, notes that Indonesia's legal and policy framework on labour migration was distinct in the Soeharto and post-Soeharto periods. Continuing on from colonial rule and Sukarno's post-independence leadership, migration during the New Order period focused on resettlement from Java. Transmigration, championed by President Soeharto, became a strategic tool for national integration and economic development (Tirtosudarmo, 1999).

Following the end of Soeharto's dictatorship in 1998, the trends and priorities in Indonesia's legal and policy frameworks started to change. In 2003, the government issued Law No. 13/2003 on Manpower, Article 34 of which highlights the rights and legal recognition of Indonesians working abroad. In 2004 it passed Law No. 39/2004 on the Placement and Protection of Migrant Workers (applying to Indonesian migrant workers, not migrant workers of other

nationalities in Indonesia), which mandates the establishment of the National Agency for the Placement and Protection of Indonesian Workers (BNP2TKI) (which has now become BP2MI under Law 18/2017). While this law lays out the rules for the placement of Indonesian migrant workers, the fact that only eight out of 109 articles in the law discussed migrant workers' protection was criticised (IOM, 2010). This highlights the disparity between the government's interest in placing/sending migrant workers abroad and its interest in creating protection mechanisms for migrant workers. This law was replaced in 2017 by Law No. 18/2017 on the Placement and Protection of Migrant Workers, which places more emphasis on the socio-economic and legal protections of Indonesian migrant workers before, during, and after their recruitment and placement overseas (English, 2021).

The 2017 law also stipulates that the role of the private sector is limited to the placement of Indonesian migrant workers, and that the government will undertake their recruitment (Hartono and Samsuria, 2021). Prior to the enactment of the 2017 law, private agencies could recruit migrant workers with few restrictions. In 1981, for instance, the private but influential Indonesian Manpower Supply Association (APJATI) was established to regulate the flow of labour migrants to the Middle East,<sup>3</sup> working as a consortium of labour recruitment agencies licensed by the Ministry of Manpower (Tirtosudarmo, 1999, 2018). (See Box 2 for the evolving role of private recruitment companies.) The freedom to recruit workers often led to a disregard for their protection, resulting in protests owing to high levels of human trafficking and exploitation caused by unethical recruitment practices (Palmer, 2012).

## **Box 2      The role of private recruitment agencies in Indonesian labour migration**

Private Recruitment Agencies (PRAs), have played a significant role in worker placement in Indonesia. In 1994, the Indonesian government established a semi-government agency, PT BIJAK, in response to issues encountered by Indonesian Migrant Workers (PMI) in Malaysia and Saudi Arabia (Azmy, 2012; Tirtosudarmo, 2021). This company operated as a monopoly, compelling all firms to partner with it for the placement of PMI. Up to this period, PJTKI was responsible for recruitment and placement, as Indonesia had not yet enacted legislation for the protection of its migrant workers (Azmy, 2012).

During the early reformation era, in 1999 the Minister of Manpower Decree No. 204 was issued, tightening the establishment of PJTKI by requiring permits, minimum capital and bank deposit guarantees.

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<sup>3</sup> APJATI has expanded its recruitment to include Hong Kong, Taiwan, and other regions. The company has established a special division for the Middle East and East Asia (Palmer, 2016; Xiang & Lindquist, 2014). APJATI is still in operation.

Despite this, PJTKI continued to predominate in recruitment and placement, including marketing job vacancies. Sponsors also became increasingly prominent, ensuring a supply of workers for PJTKI and acting as guarantors for PJTKI in case of issues concerning the registered workers. Some sponsors operated independently, with most of their revenue derived from fees received from PJTKI and deductions from prospective workers (Azmy, 2012).

In 2004, Law No. 39 of 2004 was enacted concerning the Placement and Protection of Indonesian Workers Abroad (PPTKILN). Under this law, PJTKI became the Private Agency for the Placement of Indonesian Migrant Workers (PPTKIS), with more stringent requirements intended to afford greater protection to labour migrants. PPTKIS continued to have prime responsibility in recruitment and selection, implementation of education and job training, health examinations, and competency tests. This role led to numerous document forgeries, undermining the original functions and objectives of tightening recruitment and placement regulations (Azmy, 2012).

It was not until 2017 that the role of PRAs fundamentally changed.

In 2017, due to the prevalence of exploitation cases, the Indonesian government amended Law No. 39 of 2004 to Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers. This amendment was also passed as a consequence of Indonesia's ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Auethavornpipat and Palmer, 2022). Consequently, PPTKIS was rebranded as Perusahaan Penempatan Pekerja Migran Indonesia (P3MI), with the Indonesian government taking on recruitment responsibilities and private sector limited to placement. Under this law, P3MI seeking placement permits must meet more stringent criteria, including having capital of IDR 5,000,000,000 (US \$320,000) and a deposit of IDR 1,500,000,000 (US \$96,000).

Law No. 18 of 2017 also led to the establishment in 2020 of the Agency for the Protection of Migrant Workers (BP2MI), replacing the previous Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) which was established under Law No. 39 of 2004. BP2MI oversees implementation of the 2017 law and directly reports to the President and Vice President. The measures included in the 2017 law include (ILO, 2019):

- 1 Socio-economic and legal protection for Indonesian migrant workers, including before, during and after recruitment.
- 2 Social security systems for Indonesian migrant workers.
- 3 Integrated services for Indonesian migrant workers at any level of governance, from local to central government.
- 4 A skills improvement programme for Indonesian migrant workers.

- 5 Strengthening the public agency for Indonesian migrant worker recruitment under BP2MI. Private-sector roles are limited to placement, not recruitment, of Indonesian migrant workers.

The Indonesian government supports labour migration and has repeatedly asserted the importance of protection for migrant workers. Apart from the changes in trends and priorities in the legal and policy frameworks, and the revamping of the agency responsible for migrant worker protection (BP2MI), the Indonesian government has been cooperating with destination countries with regard to the placement of Indonesian workers abroad. This includes signing Memorandums of Understanding (MoUs) with South Korea (Sitorus, 2019) and Malaysia (Kementerian Luar Negeri, 2022), and developing bilateral cooperation with Brunei Darussalam, Taiwan, Japan, Saudi Arabia, Australia, and Kuwait for the placement and protection of migrant workers (Biro Humas Kemnaker, 2022)

In 2020, the 'Omnibus Law' on job creation was enacted, with the aim of stimulating the economy by generating new jobs and attracting investment (UNCTAD, 2020). In part, this law aimed to address the fact that Indonesia was seen as increasingly uncompetitive in the wider region because of the higher protections and benefits afforded to workers. As a result, while the Omnibus Law might improve investment in the Indonesian economy and stimulate more jobs, these are less likely to improve workers' rights and protections.

The Omnibus Law further modifies regulations pertaining to Indonesian Migrant Worker Placement Companies. For a company to obtain the necessary Permit for an Indonesian Migrant Worker Placement Company/Business License (SIP3MI) from the Minister of Manpower, they must meet the same requirements as the 2017 Law No. 18, but also have a Placement Work Plan and protection plan for Indonesian migrant workers for a minimum of three years, as well as providing proof of ownership of facilities and other requirements. This permit functions as a business license.

Recent amendments to the Omnibus Law have resulted in changes to the validity period of the Indonesian Migrant Worker Placement Company Permit (SIP3MI). Previously, based on the 2017 Law, the SIP3MI was valid for five years, with companies seeking renewal based on recommendations from BP2MI. BP2MI played a crucial role in supervising the performance of these companies, but its involvement was removed under the new law. This change may weaken the supervision mechanism for placement companies, creating potential vulnerabilities for labour migrants. The SIP3MI is now valid for an indefinite period unless the Minister of Manpower revokes the permit due to any violation of the law.

Companies placing Indonesian migrant workers also must obtain a Permit for Recruiting Indonesian Migrant Workers (SIP2MI) issued by BP2MI based on Regulation 3/2020 (despite the word 'recruitment' this pertains only to placements). This permit functions as a license

to operate. To obtain it, companies must fulfil several prerequisites, including:

- An employment placement cooperation agreement;
- A request letter for Indonesian Migrant Workers from an employer/corporate partner; and
- Draft placement and employment agreements.

The SIP2MI is valid for six months and can be further extended for three months. Business operators often protest against these stringent licensing processes, particularly the requirement of a deposit to ensure the financing of protection for migrant workers. This provision was challenged but upheld in the Constitutional Court (Mazrieva, 2020).

The Omnibus Law and its corresponding regulation, Government Regulation 5/2021, has also resulted in uncertainty and potential challenges with regard to law enforcement. While this regulation is designed to oversee the licensing process for all business sectors, it also includes administrative penalties for Indonesian Migrant Worker Placement Companies (P3MI) – although these penalties are already addressed under Law 18/2017 on the Placement and Protection of Migrant Workers and the Minister of Manpower’s regulations for imposing sanctions on P3MI. The inclusion of administrative penalties for P3MI in Government Regulation 5/2021 appears to be in contradiction with the criminal penalties outlined in Law 18/2017 (SBMI, 2021).

Recruitment and placement procedures are regulated by Minister of Manpower Regulation No. 10/2019 and Indonesian Migrant Worker Protection Agency Regulation No. 7/2022. The process involves several stages, including registration, selection, health and psychological exams, signing of agreements, social security registration, work visa processing, pre-departure orientation, and departure.

Although these pre-departure processes meet safe migration standards, they do not address the issue of non-procedural departures. According to interviewees, many Indonesian migrant workers employed in Malaysian palm oil plantations still prefer non-procedural routes rather than the procedural ones.<sup>4</sup> The main obstacle to procedural pathways was seen to be the time involved.

The LTSA – also known as the One-Roof Integrated Service – was developed to streamline the procedural migration process and make it more efficient. The LTSA builds on the pilot Mataram One-Stop

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<sup>4</sup> Interview, Foreign Ministry, Jakarta, 17 May 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia Flores Timur), East Flores, 11 April 2023.



Integrated Service (LTSP), initiated by the BNP2TKI (now BP2MI) in collaboration with the Provincial Government of West Nusa Tenggara in 2008. Law No. 18/2017 further consolidates the concept of the LTSA (Azis et al., 2021: 1). The LTSA is expected to improve safe migration by increasing access to procedural migration pathways, eliminating the role of brokers (known locally as *calo*), who are widely seen as having contributed to unethical and exploitative practices in labour migration. LTSA operations are primarily to be carried out by regional governments, with involvement of the central government. To date, the Manpower Ministry has established 45 LTSAs throughout Indonesia at the provincial and district/city levels, 39 of which are operational (Azis et al., 2021: 2). Their effectiveness has, however, been hampered by the continued reliance of many workers on placement agents or intermediaries to obtain information about available jobs (Azis et al., 2021: 64–65), as well as operational issues that mean they do not yet always fulfil their intended duties. For example, although residents from Sambas, Indonesia may meet the minimum pre-departure requirements that would allow them to seek work procedurally on Malaysia's palm oil plantations, they may still depart non-procedurally if the local LTSA does not provide any employment opportunities.

Moreover, there is no definite timeframe for the departure of Indonesian Migrant Worker candidates, as the Ministry of Manpower Regulation No. 9/2019 on the Procedure for Placing Indonesian Migrant Workers only stipulates in the annex of the draft placement agreement that candidates must depart within a maximum of three months. Unfortunately, this provision has no legal force, and no penalties are imposed on companies that fail to deploy Indonesian Migrant Worker candidates within the specified period.

Furthermore, the exemption of placement fees is regulated by BP2MI regulation No. 09/2020 on the Exemption of Indonesian Migrant Workers Placement Fees. This regulation asserts that migrant workers, including plantation workers, are exempted from having to pay placement fees, including departure and return tickets; work visas; legalisation of employment contracts; job training; work competency certificates; company services; passport replacement; police record certificates; social security for Indonesian migrant workers; domestic health and psychological examinations; additional health examinations if required by certain destination countries; transport from the region of origin to the departure location in Indonesia; and accommodation.

This regulation was operationalised through BP2MI Head Decree 323/2020, which provides technical guidance to implement the exemption of placement fees. The decree splits the responsibility between two main entities: Employers (or Companies) and the Provincial/District/City Government. However, the distribution of funds by employers and government entities in Indonesia remains unclear, creating uncertainty for private placement agents operating

in the country. These agents are required to comply with regulations established by (BP2MI) and rely on fees collected from migrant workers for their income. While it would be ideal for employers to cover these costs, PRAs in destination countries, such as Malaysia, often refuse to redistribute funds received from employers to PRAs in Indonesia, despite collecting fees for these expenses. This financial ambiguity poses a significant challenge for Indonesian agents. Furthermore, the allocation of regional budgets in provinces and districts/cities for financing job training and work competency certification remains sub-optimal due regional government's failure to establish local level regulations that comply with the Migrant Worker Protection Law (Hardiyatna and Subagyo, 2023).

Thus, while Indonesia has established a reasonably robust legal and policy framework to regulate labour migration and ensure some protections for labour migrants, these face significant implementation challenges. Protections have also been somewhat eroded by a growing focus on attracting investment, rather than protecting labour. Moreover, the regulatory framework does not apply to non-procedural labour migrants, who constitute most Indonesian labour migrants working in Malaysian palm oil plantations.

### 3.5.2 Formal rules: policy and legal framework on human trafficking

Alongside formal legal and policy frameworks on labour migration, Indonesia has developed laws and policies to address the challenge of human trafficking. There are three main policies at the national level to combat human trafficking, namely:

- Law No. 21/2007 on the Eradication of Human Trafficking Crimes (TPPO);
- Presidential Regulation No. 69/2008 on the Establishment of the Anti-Trafficking Task Force (Gugus Tugas TPPO or TPPO Task Force) (amended under Law No. 22/2021) (Legal Centric in Darmayani, 2021); and
- The National Action Plan on the Eradication of TPPO, renewed every five-years (2009 – 2014; 2015 – 2019; and 2020 – 2024) (Kartini & Kosandi, 2020).

These frameworks have derivative policies at the regional level, including the establishment of TPPO Task Forces at Provincial and District levels.<sup>5</sup> The National TPPO Task Forces are responsible for coordinating efforts to prevent and handle cases of human trafficking, carrying out advocacy, familiarisation, and national and international cooperation on eliminating human trafficking; overseeing the development of victim-protection programmes, which include rehabilitation, repatriation, and social reintegration; monitoring the

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<sup>5</sup> Under the Presidential Regulation No. 69/2008 comprises relevant agencies including the Regional Police, Social Affairs, Women's Empowerment and Child Protection Agency, and the BP2MI.



implementation of law enforcement; and reporting and evaluation. Seven government ministries and agencies also cooperate under an MoU on the Prevention and Handling of Indonesian Citizens Indicated as Victims or Victims of Trafficking in Persons Abroad (IOM, 2022).<sup>6</sup>

There is thus a wide range of ministries, government institutions, and agencies involved in Indonesia's anti-trafficking legal and policy framework, which is followed by a complicated and overlapping web of jurisdictions, interests, and influence. This often results in weak law enforcement. For instance, the IOM observed that law enforcers in Indonesia did not fully understand the issue of human trafficking, having seen that many perpetrators are charged under the Criminal Code rather than the special law on human trafficking (The Jakarta Post, 2015). In addition, an analysis of over 400 TIP decisions by Indonesian courts found that some trafficking-related charges are dropped in court and end up being prosecuted under other laws related to migration and child protection (ASEAN-ACT, 2023).

Indonesia is also active in several regional and international forums on anti-trafficking efforts, participating in the United Nations Convention against Transnational Organized Crime (UNTOC) Conference of State Parties and UNTOC's other Working Groups, the Global Forum on Migration and Development, the ASEAN Ministerial and Senior Officials Meetings on Transnational Crime (AMMTC) in relation to the ASEAN Convention Against Trafficking in Persons, the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crimes (which it co-chairs with Australia) (Kartini and Kosandi, 2020).

### 3.5.3 Informal rules

While Indonesia has made impressive strides in establishing a range of laws and policies to protect labour migrants and curb human trafficking, in practice, these are undermined by various informal norms. Most notably, complicity between government officials, placement agencies, brokers and prospective migrants, means that the formal rules are frequently not followed in practice. Bribes and Indonesia's patronage politics that involve the exchange of favours mean that companies can avoid meeting the high standards set out in legislation (Lelliott and Miller, 2023: 204; Li, 2018: 249).

In addition, the weakness, and in some cases, lack of interest and complicity, of the justice sector in enforcing the laws means that non-compliant behaviour frequently goes unaddressed. Although there have recently been some high-profile prosecutions and convictions of government officials and private-sector actors complicit in labour exploitation and human trafficking, these are rare (Llewellyn, 2023;

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<sup>6</sup> These include the Ministry of Foreign Affairs; Ministry of Women's Empowerment and Child Protection; Ministry of Law and Human Rights; Ministry of Social Affairs; Indonesian National Police; Attorney Office of the Republic of Indonesia; and the National Agency for Placement and Protection of Indonesian Migrant Workers.

Simangunsong, 2022; Susilo, 2022). The complex legal framework, with some competing articles as explained above, also complicates enforcement of the formal rules.

More broadly, the economic incentives for Indonesia to send labour migrants abroad can mean that the good intentions to ensure their protection as set out in the legislation are not applied in practice. This is compounded by the fact that non-procedural migration emerged in the consultations undertaken for this study as the most common form of labour migration from Indonesia to Malaysia's palm oil plantations, making it difficult for even well-intentioned government policies to be able to document and cater to the needs of this large cohort of labour migrants.

While successive legislation has focused on regulating labour migration to make it visible, known and safer, it has also made migration more cumbersome. For labour migrants often living in extreme economic precarity and requiring immediate livelihood options, making migration safer is balanced against the imperative to make it quick and financially successful, as will be discussed in section 5. As a result, there is a disconnect between the formal rules and the realities of labour migration from Indonesia.

## 3.6 Key actors

### 3.6.1 Government and state agencies

The management of labour migration and counter-trafficking efforts in Indonesia involves a wide number of ministries and government agencies and institutions at both the national and sub-national level. Under Law No. 39/2004, at least 13 government bodies in Indonesia are involved in addressing human trafficking.<sup>7</sup> The TPPO Task Force is the main coordinating body, convening 27 government departments.<sup>8</sup> Under the National TPPO Task Force, there are provincial and city/district task forces throughout the country, but these have not been established everywhere and many are not operational.

According to the latest changes mandated in Presidential Regulation No. 49/2023, the Coordinating Minister of Political, Legal, and

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<sup>7</sup> This includes: the Ministry of Manpower; BP2MI; Ministry of Foreign Affairs; Ministry of Social Affairs; Coordinating Ministry of Economic Affairs; Ministry of Health; Ministry of Communication and Information; Ministry of Home Affairs; Directorate General of Immigration; Indonesian National Police; Ministry of Finance; Ministry of State-Owned Enterprises; and Ministry of Women's Empowerment and Child Protection.

<sup>8</sup> According to the changes mandated in Presidential Regulation No. 49/2023 this includes Coordinating Minister of Political, Legal, and Security Affairs and Coordinating Minister of Human Development and Culture (who co-chaired the Task Force), Chief of National Police (who serves as daily chair), as well as Minister of Women's Empowerment and Child Protection; Minister of Home Affairs; Minister of Foreign Affairs; Minister of Finance; Minister of Religious Affairs; Minister of Law and Human Rights; Minister of Transportation; Minister of Manpower; Minister of Social Affairs; Minister of Health; Minister of Education, Culture, Research and Technology; Minister of Tourism and Creative Economy; Minister of Communication and Information; Minister of National Development Planning; Minister of Youth and Sports; Minister of Maritime Affairs and Fisheries; Minister of Villages, Disadvantaged Regions and Transmigration; General of Indonesian Military General; Chief of State Intelligence Agency; Attorney General; Chief of Witness and Victim Protection Agency (LPSK); Chief of Financial Transaction Reports and Analysis Center (PPATK); Chief of BP2MI; and Chief of Maritime and Security Agency (Bakamla).

Security Affairs now co-chairs the Task Force along with the Coordinating Minister of Human Development and Culture. The Minister of Women's Empowerment and Child Protection no longer serves as the daily chair of the Task Force and is replaced by the Indonesian Police Chief, indicating a more securitised approach.

The police coordinate with the Foreign Affairs Ministry regarding the repatriation of Indonesian migrant workers who are indicated as trafficking victims and investigate reports of human trafficking. Upon their return, police forces coordinate with the Ministry of Social Affairs (MOSA) to provide shelters for repatriated victims of human trafficking. They also work with the Witness and Victim Protection Agency (LPSK) to ensure victim's rights are protected and collaborate with prosecutors to support prosecution and sentencing of traffickers. The support for victims includes assistance with return and reintegration into society and may involve financial support.

This complex web of government actors, their competing interests and influence, as well as the overlapping roles set out in the relevant legal and policy frameworks, have resulted in the division of jurisdiction between these government agencies being somewhat vague (IOM, 2010). The Coordinating Political Legal and Security Affairs Ministry itself has stated the main impediments to Indonesia's efforts to curb human trafficking are the lacklustre functioning of the TPPO Task Force, the alleged complicity of government officials in human trafficking, the presence of trafficking in remote areas, the perception that non-procedural and irregular migration is easier, and the increasingly varied way that human traffickers operate, as well as BP2MI's limited authority in terms of prosecution and law enforcement (Pristiwanto, 2023).

### 3.6.2 International organisations

Several international organisations work in Indonesia on issues related to labour migration and human trafficking, including the United Nations Office for Drugs and Crime (UNODC), the International Labour Organization (ILO), the International Organization for Migration (IOM) and UN Women. Bilateral donors including USAID and DFAT fund programmes dealing with issues of labour migration and TIP.

### 3.6.3 Civil society (International non-governmental organisations, CSOs and others)

There are several prominent CSOs in Indonesia whose work and advocacy centre on the rights, protection and legal aid for migrant workers, as well as women and children. Some of the main CSOs include Migrant Care, Migrant Workers Network (Jaringan Buruh Migran), Independent Migrant Workers Coalition (Koalisi Buruh Migran Bedaulat), Indonesia Migrant Workers Advocacy (Advokasi Buruh Migran Indonesia), Indonesia Migrant Labour Union (Serikat Buruh Migran Indonesia), Confederation of All Indonesian Trade

Unions (Konfederasi Serikat Buruh Seluruh Indonesia), Indonesian Muslim Workers Union (Serikat Buruh Muslimin Indonesia), UnboundNow Indonesia, Rumah Faye, ECPAT Indonesia, Indonesian Prosperity Trade Union (Serikat Buruh Sejahtera Indonesia). Many of these organisations are supported in part by international non-governmental organisations, including International Justice Mission (IJM), TIFA Foundation, Plan International, Open Society Foundation, among others. Key legal aid organisations include Legal Aid Foundation (LBH) and the Witness and Victim Protection Agency (LPSK). The environmental group Sawit Watch is specifically concerned with workers in the palm oil sector.

### 3.6.4 Recruitment actors

#### **Indonesian migrant worker placement companies (P3MI)**

As of December 2022, BP2MI (2023) reported that there are 354 active Indonesian migrant worker placement companies (P3MI), which generally have branch offices throughout the country. According to Government Regulation No. 59/2021, the P3MI is responsible for looking for job opportunities, placing Indonesian migrant workers, and resolving problems encountered by Indonesian migrant workers placed by the company.

#### **Brokers**

Brokers (*calo*) play a pivotal role in shaping the channels of migrant mobility, particularly in the context of Indonesian labour migration to Malaysia. These cultural, legal and logistical professionals facilitate labour migration by assisting with paperwork and documentation, transport and acculturation. Although Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers formally abolishes the role of brokers in placement, their function remains significant in facilitating non-procedural placement routes. Their extensive networks in countries of origin and destination facilitate migration. The brokers' functions give information on migration channels and migrant mobility.

Brokers also contribute to the development of migration infrastructure, which facilitates cross-border travel. Transportation systems, border crossings, immigration legislation and visa processing systems are all part of this infrastructure. Brokers assist migrants in navigating these infrastructures and identifying and correcting infrastructural problems to make the process more efficient. Brokers also facilitate the connection of local communities in the origin country to jobs or services in the destination country. By facilitating these contacts, brokers have an impact on migration management and legislation, as well as migrants' experiences – not least by increasing the costs of migration (Lindquist, 2012, 2017).

### 3.6.5 Private Sector

As more than half of the palm oil plantations in Malaysia are run by private estates (Puder, 2022; Rizaty, 2022), the private sector exerts

major influence in the sector and, by extension, on labour migration schemes. Other key private-sector actors are major companies and plantations, including PT Cargill (Sambas), PT MAS (Sambas), PT Parna Agromas (West Kalimantan), and Sime Darby (Malaysia).

## 4 Labour migration patterns

Understanding the migration dynamics requires an analysis of the relevant macro-level economic forces and individual decisions at the micro level. In Indonesia, labour migration is predominantly from the rural heartlands, intertwined with socio-economic aspirations and socio-cultural narratives. Focusing on the Malaysian palm oil sector as a destination, this section seeks to unpack the reasons for labour flows, both structural and individual.

### 4.1 Labour migrant profiles

The World Bank estimates that 72% of Indonesia's labour migrants come from rural areas (World Bank, 2017: 21). Most regular migrant workers placed through recruitment agencies or BP2MI in March 2023 come from East Java (6,237 placements), Central Java (5,320), and West Java (4,401). These three provinces collectively accounted for 67% of the total placements of regular Indonesian labour migrants in that month (BP2MI, 2023a).

It is important to recognise, however, that the data on Indonesian migrant workers provides only a limited picture of the current, post-COVID-19, situation, as there is no official government record of individuals departing through non-procedural channels.

World Bank data, which captures regular and irregular migration, suggested in 2017 that migrant workers coming from the Java and Nusa Tenggara islands accounted for over 86% of migrant workers (World Bank, 2017: 21), and that these regions are consistently poorer than the national average (World Bank, 2017: 22). It was also found that the per capita expenditure among migrant-sending households was 15% lower than non-migrant-sending households (World Bank, 2017: 22).

Many individuals, especially women, see labour migration abroad as the only way out of poverty for them and their families. Most workers intend to work abroad for only a limited period of time, in order to save enough money to purchase a house, start a business or send their children or relatives to school (IOM, 2010). According to official figures from BP2MI that capture regular migration through procedural channels, 42% of migrant workers who have been placed have completed high school but few have university-level education (BP2MI, 2023a). In practice, taking into account migration (both regular and irregular) that happens outside of Indonesia's procedural channels, in 2017 78% of migrant workers had only graduated from

middle school or below, with half of those only having completed primary school (World Bank, 2017: 2).

Currently, there is no data available on the exact number of migrant workers employed specifically in the palm oil sector. While various organisations offer labour statistics, these figures are estimated. According to the Migrant Workers Coalition (KBMB), there are some 900,000 Indonesian migrant workers employed in the Malaysian palm oil industry, most of whom are from Sulawesi and NTT (Sahputra, 2021). While the overwhelming majority of these labour migrants are men, it is especially difficult to obtain accurate data on the number of female workers because of their role in supporting their spouse and their status as daily casual labourers (Buruh Harian Lepas or BHL) (Hidayah, n.d.).

## 4.2 Key factors explaining migration from Indonesia to Malaysian palm oil sector

Indonesian migrant workers working in Malaysia's palm oil plantations come mainly from rural, impoverished parts of the country, for whom poverty and limited access to the domestic labour market are important push factors (Darmayani, 2021). Migrant workers seek to improve their own economic status along with their family's. High levels of unemployment and underemployment in Indonesia push many people to look for jobs elsewhere, and many decide to go abroad after hearing about the availability of jobs from recruitment agents and social networks and the better salaries for similar work in Indonesia. This has been exacerbated by the impacts of climate change and natural disasters in Indonesia, which have worsened agricultural productivity in some locations making existing livelihood strategies unviable.<sup>9</sup>

Besides the lack of employment and lower-paying jobs at home, perceived better wages abroad also contribute to Indonesian labour migration. Jarvis et al. (2019) report that Indonesians working abroad earn on average four times their most recent wages, and receiving remittances from overseas workers reduces the probability of households being poor by 27%. Similarly, English (2021) makes the point that low-skilled Indonesian migrant workers earn the equivalent of a tertiary graduate salary in Indonesia. This was disputed by the Indonesian Palm Oil Association, however, who stated that salaries on Indonesian and Malaysian plantations are in fact commensurate but that the perception differed.<sup>10</sup> It was not possible to verify either claim – although migrant workers certainly recounted the perception of higher wages in Malaysia.

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<sup>9</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia Flores Timur), East Flores, 11 April 2023.

<sup>10</sup> Interview, Indonesian Palm Oil Association, 9 May 2023.



The unwillingness of the local Malaysian population to work in palm oil plantations has resulted in a persistent labour shortage. Coupled with a surplus of low-skilled Indonesian workers, as well as the higher wages, Malaysia is thus an attractive destination for Indonesian workers, on whom the sector largely relies (Puder, 2022; Asia Monitor Resource Centre, 2019; Cramb and McCarthy 2016: 33). As a result, labour migrants 'continue to make the costly and risky journey to Malaysia' (Cramb and McCarthy, 2016: 44).

Socio-cultural factors also contribute to the high number of Indonesian migrant workers specifically travelling to Malaysia's palm oil sector. In West Nusa Tenggara (NTB), for instance, the decision to migrate to work is now an accepted livelihood pattern. Most male migrant workers from NTB have worked in palm oil plantations in Malaysia and this has become the norm for young men in those communities (Rustam et al., 2022).

Economic pressure and the socio-cultural norm of labour migration combine to create strong narratives in sending communities about the possibilities of successful migration. The possibility of building their own home, improving the family home, providing better economic opportunities for children and so on, act as a kind of peer pressure, encouraging people to engage in short-term migration. Successful migration also enhances their status in their community.<sup>11</sup>

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<sup>11</sup> FGD with three migrant workers, Lombok Timur, 9 April 2023; Interview, Villages Government of Motongbaan, East Lombok (Desa Motongbaan, Lombok Timur), East Lombok, 10 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023.



# 5 Vulnerabilities experienced by labour migrants

This section details the empirical findings from fieldwork on Indonesian migrant workers travelling to or returning from Malaysia's palm oil industry. It uncovers the vulnerabilities these workers face, particularly those who opt for non-procedural and/or irregular migration routes (noting again the difference between these two terms). These routes, while quicker and less bureaucratic, often expose the workers to myriad risks and uncertainties. From the recruitment phase, during transit and at destination, the workers are subjected to conditions that can be exploitative and detrimental to their well-being. But they may also be perceived as leading to more 'successful' migration – that is, resulting in earning more money with which to return home to establish a more comfortable life. As a result, migrant workers continue to prefer these riskier pathways, and have developed ways of attempting to make them safer.

Indonesian migrant workers face a range of vulnerabilities in seeking work in Malaysia's palm oil sector. These are set out below across the stages of recruitment and pre-departure, transit, on-site and return. Layered overtop of these stages, however, is variability in experiences of migration, shaped by whether migrants are categorised as procedural or non-procedural, regular or irregular and successful or unsuccessful. These categories shape how migrants pursue labour migration, the nature of some of the vulnerabilities they face and the risks they take. The different perceptions of migrants' legal status – conferred by Indonesia by procedural or non-procedural recruitment processes and by Malaysia by regular or irregular migration pathways – creates space for confusion with migrant workers sometimes using this to their advantage to seek work in Malaysia; but also getting caught in uncertainties about entitlements related to the interpretation of these differing categories.

## 5.1 Procedural vs Non-procedural Migrants

As noted earlier, the distinction between 'procedural' and 'non-procedural' labour migrants is based on whether they have followed the legal and administrative procedures set by the Indonesian government to work in another country (Sulaksono, 2018). While related to regular and irregular migration, procedural migration does

not refer to a person's international legal status but rather to the procedures by which they have sought employment abroad.

A focus on procedural migration in Indonesia is part of a larger trend of 'infrastructuralisation', in which the emphasis is on enabling migration rather than producing substantial development outcomes, making (perhaps unintentionally) adherence to procedures more important than measuring the real outcomes (Palmer, 2012; Xiang and Lindquist, 2018). This can be seen, for instance, in the growing importance of training and certification in the migration process, with the goal of regulating the behaviour of potential migrants. Aspiring migrants must undergo training and certification, and low-skilled workers are supposed to prioritise personal growth. These programmes often fail to address concerns about actual working conditions and pay, leaving individuals with limited bargaining power to resolve such issues on their own. Biometrics and e-governance technologies have also been integrated into the process in some cases, and are being used to regulate migrants' participation in training, license labour recruiters, and gather and organise data (Lindquist, 2018; Xiang and Lindquist, 2018).

### 5.1.1 Vulnerabilities during pre-departure and recruitment

In Indonesia, according to the 2017 Indonesian Migrant Workers' Protection Law, procedural migration entails several crucial steps, which begins with prospective workers seeking information about available job opportunities and requirements they must fulfil. The prospective labour migrants then proceed with the registration process at the local LTSA office, if there is one in their region, or otherwise the local Manpower Agency. Migrant workers are required to complete competency certification courses covering both language and skills training. To do this, they first need to enrol in courses offered by LPK (private institutions) or BLK (government-run institutions). The enrolment in BLK is free of charge as per Law No.18/2017 but not all districts have BLK due to differences in local staffing capacity and skills and a reluctance on the part of some sub-national governments to allocate necessary funding. After passing the competency assessment (*uji kompetensi*), individuals must register through the online application called 'Aplikasi Siap Kerja'.

The registration process involves providing personal details and documentation such as ID cards, family cards, and letters of approval from the candidate's spouse/parents, as well as the Village Head. The documents are uploaded and verified by DISNAKER (the Labour Department). Prospective workers must undergo medical check-ups to ensure workers are fit for employment abroad. Aspiring migrant workers then select their P3MI (Placement and Protection Management Institution) to help them find suitable employers and arrange for their deployment. Once an employer has been identified, the aspiring migrant worker will participate in an interview and sign a joint 'work agreement' with the P3MI and the employer. This is

followed by the visa application process, and another verification step with DISNAKER. When they have obtained a visa, aspiring workers are required to attend what was previously referred to as a 'pre-departure orientation' and is now known as OPP (Orientasi Pra Penempatan), conducted by BP3MI (Indonesian Agency for Placement and Protection of Indonesian Migrant Workers).

This procedural migration process is the Indonesian government's attempt to regulate and ensure safe labour migration, but it is also lengthy and complex, which requires more complete documentation than many low-skilled prospective migrants may have.<sup>12</sup> The time (and cost) involved in using the procedural route, and obtaining the necessary documentation, is a challenge for aspiring workers who are already pressured by the need to find employment, meaning that many opt for non-procedural routes that are faster and perceived as offering better financial returns.<sup>13</sup> Workers explain this is because migrating non-procedurally means they can commence work faster and work for various employers, allowing them to earn more money.<sup>14</sup> Collecting and verifying personal data and supporting documents can also pose difficulties for applicants, as the process is time-consuming and costly.<sup>15</sup> One interviewee mentioned that this is also due to the lack of professionalism among civil servants whose services are meant to be free, but in fact charge informal fees to process documents.<sup>16</sup> Prospective workers also often have to bear the costs for certification and training. These costs and lengthy procedures can deter prospective labour migrants from using procedural routes.

Usually, the procedural route takes at least three months, mainly due to the time required for document processing and data matching.<sup>17</sup> In some cases prospective migrant workers endure waiting periods of up to 12 months before they depart, often resulting from manipulations by placement agencies.<sup>18</sup> These agencies are incentivised to recruit more workers than the incoming job offers, so that they can quickly fill orders, leading to prolonged waiting times and frustration for workers.<sup>19</sup>

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<sup>12</sup> Interview, Commission for Migrant Workers and Sojourners (Komisi untuk Buruh Migran dan Merantau Keuskupan Lantuka), Lantuka, 12 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Flores Timur, SBMI Flores Timur), East Flores, 11 April 2023; Interview, Permata Bunda Belas Kasih Foundation (Yayasan Permata Bunda Belas Kasih Flores Timur), East Flores, 11 April 2023

<sup>13</sup> Interview, Indonesia Migrant Workers Advocacy Foundation (Yayasan Advokasi Buruh Migran Indonesia), East Lombok, 12 April 2023.

<sup>14</sup> Ibid.

<sup>15</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023.

<sup>16</sup> Interview, IOM Indonesia, Jakarta, 19 May 2023.

<sup>17</sup> Interview, Indonesia Migrant Workers Advocacy Foundation (Yayasan Advokasi Buruh Migran Indonesia), East Lombok, 12 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023.

<sup>18</sup> Interview, Villages Government of Motongbaan, East Lombok (Desa Motongbaan, Lombok Timur), East Lombok, 10 April 2023

<sup>19</sup> Interview, PT Defita Bersaudara, 12 April 2023.

Another disincentive is that procedural workers at least perceive that they will receive lower wages at destination than their non-procedural counterparts. This is because the latter have the advantage of being able to work for several employers, particularly in the palm fruit industry, where they are compensated based on a pay-per-ton system.<sup>20</sup> As a result, FGD participants suggested that non-procedural workers can earn significantly higher wages, with some earning up to MYR 2800 a month, while procedural workers earn an average of MYR 1300 a month.<sup>21</sup> Therefore, despite procedural processes in place to support labour migration, many Indonesian migrant workers prefer to depart through non-procedural routes.<sup>22</sup>

When seeking employment through the non-procedural route, the recruitment process involves several steps. To begin with, individuals often rely on their network of family and friends to gather information. These trusted connections provide details about brokers or sponsors who specialise in facilitating departures to Malaysia.<sup>23</sup> The brokers' presence is closely related to the role of family, relatives, and neighbours in the process of recruiting migrant workers, especially those who have already worked in Malaysia, as they often are the main source of information for job seekers (Lindquist, 2012). Many brokers are highly trusted, having often been labour migrants and facilitated the journeys of many other migrant workers (Asia Monitor Resource Centre, 2019: 29). The fact that a community knows the broker is critical, providing some degree of reassurance about non-procedural migration. One interviewee explained that people tend to trust relatives or respected individuals and their networks in the village for job-related information.<sup>24</sup> Those people are considered more capable and knowledgeable about which companies or plantations offer higher wages.

Prospective labour migrants then pay a fee to the sponsor, which varies in amount and covers various expenses, such as document fees, travel tickets, and related costs. In Lombok, there is almost no fee for procedural routes since workers only need to cover their passport fee, ranging from IDR 350,000 to IDR 650,000 (US \$22–\$41). However, for the non-procedural routes it can reach up to IDR15 million per person or even higher.<sup>25</sup> In Sambas, the most basic cost is between IDR 900,000 and IDR 1.2 million (US \$57–\$76 per person, excluding document-handling fees), but the price can

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<sup>20</sup> Interview, Independent Migrant Workers Coalition (Koalisi Buruh Migran Bedaulat, KBMB), Jakarta, 10 April 2023.

<sup>21</sup> FGD, East Lombok Migrant Worker 1 (three workers), East Lombok, 9 April 2023.

<sup>22</sup> FGD, Sambas Migrant Worker 3 (two women and one man), Sambas, 15 April 2023; FGD, East Lombok Migrant Worker 1 (three workers), East Lombok, 9 April 2023; FGD, East Lombok Migrant Worker 2 (three workers), East Lombok, 9 April 2023; FGD, East Lombok Migrant Worker 3 (three workers), East Lombok, 10 April 2023.

<sup>23</sup> FGD, East Lombok Migrant Worker 1 (three workers), East Lombok, 9 April 2023; FGD, East Flores Migrant Worker 2 (three workers), East Flores, 15 April 2023.

<sup>24</sup> Interview, IOM, Jakarta, 19 May 2023.

<sup>25</sup> FGD, East Lombok Migrant Worker 2 (three workers), East Lombok, 9 April 2023; Interview, Villages Government of Motongbaan, East Lombok (Desa Motongbaan, Lombok Timur), East Lombok, 10 April 2023.

increase if documents such as ID cards and passports need processing. Sources in Sambas report that this can cost between IDR 10 and IDR14 million (US \$636–\$891) and take up to two weeks.<sup>26</sup> On completing the necessary documentation, the alternative route typically allows for departures within a timeframe of 3–5 days, thus expediting the process for migrants. Non-procedural workers are well aware of the risks they face,<sup>27</sup> but have developed ways to minimise these through informal networks and support systems (see section 6). While acknowledging the inherent dangers, they opt for the non-procedural route because of the potential financial advantages, even though it exposes them to vulnerabilities and uncertainties. Interestingly, non-procedural migration costs labour migrants more, but these costs are often incurred not upfront but as a debt to brokers or sponsors. Moreover, nonprocedural migration is much faster and is perceived to offer greater financial returns in terms of salaries in Malaysia.

Vulnerabilities that both procedural and non-procedural labour migrants face at the pre-departure stage relate to confusion over procedural/non-procedural migration pathways, exploitation by brokers and high levels of debt. First, the very terminology of procedural and non-procedural has been a source of confusion – with Indonesia and Malaysia having different legislation that interprets labour migrants’ status differently. One interviewee, for instance, stated that in Indonesia, as explained above, document processing, including obtaining a work visa, needs to be completed in Indonesia, before the worker departs to the destination country.<sup>28</sup> In Malaysia, however, it is legally permitted for migrant workers to arrange their work visas on arrival, making them non-procedural according to Indonesian law, but procedural according to Malaysian law.<sup>29</sup> This difference in classification can create vulnerabilities for migrant workers who are considered procedural workers in the destination country but non-procedural in their own country, as this would make them ineligible for the rights afforded to procedural migrant workers.

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<sup>26</sup> Interview, *Ca/o* or Sponsor, Sambas, 16 April 2023; FGD, Sambas Migrant Worker (three male workers), Sambas, 15 April 2023.

<sup>27</sup> FGD, Sambas Migrant Worker 3 (two women and one man), Sambas, 15 April 2023; FGD, East Lombok Migrant Worker 1 (three workers), East Lombok, 9 April 2023; FGD, East Lombok Migrant Worker 2 (three workers), East Lombok, 9 April 2023; FGD, East Lombok Migrant Worker 3 (three workers), East Lombok, 10 April 2023; FGD, Regional Committee of Indonesia Migrant Labour Union in Sambas (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Sambas, SBMI Sambas), Sambas Representative Village Consultative Body Association (Perkumpulan Badan Permusyawaratan Desa Perwakilan Sambas), and Lidik Sambas NGO Sambas, 16 April 2023; Interview, Social Services Offices of East Lombok (Dinas Sosial Lombok Timur), East Lombok, 12 April 2023; Interview, Commission for Migrant Workers and Sojourners (Komisi untuk Buruh Migran dan Merantau Keuskupan Larantuka), Larantuka, 12 April 2023; Interview, Department of Women Empowerment and Child Protection, as well as Population Control and Family Planning of East Flores Regency (Dinas Pemberdayaan Perempuan dan Anak Flores Timur), East Flores, 13 April 2021; Interview, Department of Community and Village Empowerment of East Flores Regency (Dinas Pemberdayaan Masyarakat dan Desa Flores Timur), East Flores, 12 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Flores Timur, SBMI Flores Timur), East Flores, 11 April 2023; Interview, Manpower and Transmigration Offices of Sambas Regency (Dinas Tenaga Kerja dan Transmigrasi Sambas), Sambas, 14 April 2023.

<sup>28</sup> Interview, IOM Indonesia, Jakarta, 19 May 2023.

<sup>29</sup> Interview, Independent Migrant Workers Coalition (Koalisi Buruh Migran Bedaulat, KBMB), Jakarta, 10 April 2023.



Workers classified as ‘non-procedural’ in Indonesia but considered ‘regular’ in destination countries may find themselves in a legal grey area. Without clear legal protection from their home country, these migrant workers are vulnerable to abuse, with limited recourse to seek help or justice if their rights are violated due to fears of authorities related to their non-procedural status in Indonesia.

Patterns such as Legal Entry, Illegal Stay (LEIS) and Illegal Entry, Illegal Stay (IEIS) have been observed in the context of Indonesian labour migrants in Malaysia (Asia Monitor Resource Centre, 2019; Sulaksono, 2018). In the worst cases, the LEIS-IEIS pattern can result in the exploitation of migrant workers, with torture, enslavement, forced labour, and a lack of remuneration being prevalent (IOM, 2023; Mason and McDowell, 2020). Interviewees indicated that criminal groups are actively engaged in the smuggling of irregular migrant workers to Malaysia. It is suspected that such activities are being facilitated with the help of corrupt government officials.<sup>30</sup> According to Wiyoga (2022) criminal groups in Batam use two main ways to transport undocumented migrant workers, either by direct boat transfers to Malaysia, or taken via other ships mid-sea. Furthermore, certain port officials will collaborate to organise the migrants to cross into Malaysia using tourist visas by sending them through official ports. Unfortunately, both the origin and destination nations often lack adequate policies to prevent these migration patterns (Sulaksono, 2018).

Second, both procedural and non-procedural labour migrants are vulnerable during pre-departure because of debts incurred by excessive recruitment and placement fees, or due to the presence of brokers and sponsors, locally known as *calo* or *tekong*. Through the procedural route, which is meant to be accessible and inclusive, prospective workers are expected to be more empowered and proactive in personally registering at the LTSA or local Manpower Agency. However, those offices are often far from where they live and going in person can be costly. As a result, prospective workers who choose the procedural route often seek help from brokers to facilitate their registration, or from sponsors to provide the necessary capital through loans ranging from IDR 3 to 5 million (US \$200–\$335). This reliance on loans and the presence of brokers poses a financial burden even on procedural workers. Aspiring migrants opting for the non-procedural route often engage brokers for document processing, arranging transport and connecting with other

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<sup>30</sup>FGD, Regional Committee of Indonesia Migrant Labour Union in Sambas (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Sambas, SBMI Sambas), Sambas Representative Village Consultative Body Association (Perkumpulan Badan Permusyawaratan Desa Perwakilan Sambas), and Lidik Sambas NGO, Sambas, 16 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023; Interview, Attorney General's Office (Kejaksaan Agung), Jakarta, 23 April 2023.

brokers in Malaysia.<sup>31</sup> In some places, brokers also extend loans to potential workers and their families at times of need.

Migration debt, as Lindquist (2010) points out, significantly exacerbates migrants' vulnerabilities, frequently resulting in control, abuse, financial difficulty, and restricted freedom of movement. The debt incurred during the recruitment process, which is often disguised as 'shopping money' or placement fees, is used to exert control over migrants, discouraging them from withdrawing from the migration process or leaving their jobs. With the obligation to repay, this debt also exposes migrants to exploitation because they may have to work for long periods of time for little or no pay.

Third, in some cases brokers play an exploitative role in the recruitment process. One interviewee explained that brokers often claim to be company field workers,<sup>32</sup> and find ways to manipulate people into working non-procedurally as they are promised a commission for each person they recruit, typically IDR10 to IDR15 million (US \$670–\$1,000). These brokers seldom accompany the workers in transit to avoid authorities. They often promise free departure processes, but once the migrants start working, the company then deducts alleged travel and migration costs from their salaries.<sup>33</sup> Furthermore, brokers often charge departure fees.<sup>34</sup> Families may need to pawn their land deeds to cover these costs, thinking that default is unlikely – particularly as brokers are often trusted individuals in community networks. If the migration-related debt is not repaid, the broker takes the pawned assets. It has been reported that some brokers engage in fraudulent activities whereby they may have already received an upfront payment from the company to cover the migrants' travel expenses. Despite this, these unscrupulous brokers still demand funds from departing workers, supposedly to cover travel expenses. Some interviewees reported that brokers have been known to neglect non-procedural workers who have paid for their services once they arrive at the transit area.<sup>35</sup> Usually, people are reluctant to report these issues and feel grateful to brokers for arranging their work.<sup>36</sup>

Fourth, labour migrants are also vulnerable to government officials' corruption and abuse of authority, particularly at the village or sub-district levels, at various stages of the labour migration process (including pre-departure), which can result in exploitation (Ariadne et

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<sup>31</sup> Interview, Department of Social Services of East Flores Regency (Dinas Sosial Flores Timur), East Flores, 12 April 2023; Interview, Permata Bunda Belas Kasih Foundation (Yayasan Permata Bunda Belas Kasih Flores Timur), East Flores, 11 April 2023.

<sup>32</sup> Interview, Manpower and Transmigration Offices of NTT (Dinas Ketenagakerjaan dan Transmigrasi Provinsi NTT), Kupang, 14 April 2023.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Interview, Department of Social Services of East Flores Regency (Dinas Sosial Flores Timur), East Flores, 12 April 2023; Interview, Permata Bunda Belas Kasih Foundation (Yayasan Permata Bunda Belas Kasih Flores Timur), East Flores, 11 April 2023.

<sup>36</sup> Interview, Manpower and Transmigration Offices of NTT (Dinas Ketenagakerjaan dan Transmigrasi Provinsi NTT), Kupang, 14 April 2023.



al., 2021). These officials, for instance, might help forge documents for minors applying to work abroad in exchange for informal payments (Ariadne et al., 2021). A similar occurrence was reported by the director of the labour rights advocacy group Migrant Care in 2018 (Susilo, 2018), who reported that government officials in East Nusa Tenggara were involved in a human trafficking syndicate that reportedly involved creating fake travel documents for children to be sent as migrant workers. Palmer (2012) notes that the Indonesian government more broadly also tolerates such practices in order to 'meet the formal objectives of documenting migrant workers and maximizing deployments.'

### 5.1.2 Vulnerabilities during transit for non-procedural migrant workers

There are four main migration routes for non-procedural migrant workers from Indonesia travelling to Malaysia's palm oil plantations. First, labour migrants from NTB, specifically East Lombok Regency, usually fly to the transit point in Batam, Riau Islands, where they are met by a 'coordinator' broker to pick them up and take them to the port to board the ferry straight to Peninsular Malaysia or through Singapore.<sup>37</sup> The second and third routes are for labour migrants from NTT, specifically from East Flores Regency and Kupang, departing through the transit point in Nunukan Island in North Kalimantan, which borders with Malaysia's Sabah, the destination point. Workers typically reach their destination by taking a combination of land and sea routes, using a ferry service from Larantuka in East Flores and arriving at Nunukan Island, from where they take the boat to Tawau.<sup>38</sup> Labour migrants from NTT may also go via the transit point in Batam and Singapore if their final destination is in the Peninsular Malaysia, specifically Johor Bahru.<sup>39</sup> The fourth and final main route is overland for workers from Sambas Regency in West Kalimantan, who depart for Sarawak in northwest Borneo Island through the transit point in Entikong (West Kalimantan), which shares a land border with Sarawak. From Entikong, migrant workers are usually picked up in cars owned by palm oil plantations.<sup>40</sup>

Indonesian labour migrants' departure through non-procedural channels and brokers does not always guarantee success, despite former migrant workers' and brokers' assurances of attractive prospects. Once labour migrants travel to the transit area, in this case Nunukan, Batam or Entikong, 'document completion' is carried

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<sup>37</sup> FGD, East Lombok Migrant Worker 1 (three workers), East Lombok, 9 April 2023.

<sup>38</sup> Interview, Police Precinct of East Flores Regency (Kepolisian Resort Flores Timur), 14 April 2023; Interview, Department of Community and Village Empowerment of East Flores Regency (Dinas Pemberdayaan Masyarakat dan Desa Flores Timur), 12 April 2023.

<sup>39</sup> FGD, East Flores Migrant Worker 2 (three workers), East Flores, 15 April 2023; Interview, Permata Bunda Belas Kasih Foundation (Yayasan Permata Bunda Belas Kasih Flores Timur), East Flores, 11 April 2023.

<sup>40</sup> FGD, Sambas Migrant Worker 1 (three male workers), Sambas, 15 April 2023.

out.<sup>41</sup> Migrant workers usually have their passports and ID cards made at this point. Brokers and illegal recruiters often resort to forging documents to facilitate transporting workers into Malaysia. This occurs at transit points such as Surabaya, Jakarta, Batam and Kalimantan and may involve underage workers. Depending on the brokers' recruitment scheme, obtaining documents can also incur costs, which are often not made clear to workers prior to departure. One interviewee said that a prospective worker had to wait a month in Nunukan and paid MYR 1300 (US \$278) to have his passport delivered. Other returned workers said they paid around MYR 750 to MYR 1,000 (US \$160–\$214).<sup>42</sup> Transit is thus an opportunity for brokers and officials to exploit labour migrants, who are outside their home environment and safety networks and feel compelled to pay additional fees to reach their destination.

Migration to Malaysia also poses vulnerabilities to workers as they go via informal border crossings and hidden tracks known as 'rat trails', typically through dense plantations and forested areas. These routes, which range from rudimentary tracks to roads that can accommodate heavily loaded trucks, are frequently used for the illegal transport of commodities such as timber, wildlife, gasoline and produce, as well as for human smuggling. Sanderson (2018) argues that the prevalence of these rat trails has increased to the point of becoming 'elephant trails', a reflection of the rising number of irregular migrants and smuggling. Limited border controls also contribute to the frequent use of these rat trails (Sanderson, 2018). It is also not uncommon for prospective workers to be taken to a holding facility for a couple of days, or worse, abandoned by their brokers in transit areas. Finally, the migration journey often involves travel by boat and there have been numerous fatal accidents involving undocumented migrants departing for Malaysia (Wiyoga, 2022).

### 5.1.3 Vulnerabilities at destination

Indonesian labour migrants are highly vulnerable at the point of destination in Malaysia's palm oil plantations owing to their procedural/non-procedural status (which can deter them from complaining or seeking assistance due to fear of authorities if they have not migrated procedurally), the working conditions and the impact of their remote locations.<sup>43</sup>

First, several interviewees highlighted that Malaysian employers and companies are aware of their workers' non-procedural status and use

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<sup>41</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Flores Timur, SBMI Flores Timur), East Flores, 11 April 2023; FGD, East Flores Migrant Worker 1 (3 Workers), East Flores, 14 April 2023; FGD, East Flores Migrant Worker 2 (three workers), East Flores, 15 April 2023; Interview, Hanaf Community (Komunitas Hanaf), Kupang, 14 April 2023.

<sup>42</sup> FGD, Migrant Workers 1, East Flores, 14 April 2023.

<sup>43</sup> Interview, Department of Social Services of East Flores Regency (Dinas Sosial Flores Timur), East Flores, 12 April 2023; Interview, IOM Jakarta Jakarta, Jakarta, 19 May 2023; FGD, East Lombok Migrant Worker 3 (three workers), East Lombok, 10 April 2023; Interview, Indonesian Migrant Workers Protection Agency (Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Jakarta, BP2MI), Jakarta, 11 April 2023; Interview, Sawit Watch, Jakarta, 11 May 2023.

it to their advantage.<sup>44</sup> They do so by paying lower wages and avoiding responsibility for resolving workers' complaints and recognising workers' rights – assuming that they are less likely to take matters further. This places non-procedural Indonesian migrant workers in a vulnerable position, with lower earnings, being targeted by Malaysian authorities, and sometimes having to endure deplorable working conditions.

Second, both procedural and non-procedural migrant workers are vulnerable to issues such as breach of contracts, underpayment or withheld payment and unsafe working conditions. Non-procedural workers often struggle with wage deductions and deviations from initial job descriptions.<sup>45</sup> Their status also limits monitoring by the Indonesian Embassy in Malaysia, further exacerbating their vulnerability.<sup>46</sup> Procedural migrant workers are not allowed to change jobs once they have a permit, which makes them highly dependent on their assigned employer (Puder, 2022). While labour rights on oil palm plantations have received less international attention than environmental concerns, labour unions and CSOs claim widespread violations of labour norms in Malaysia – including labour trafficking, child labour, long-term abuse of temporary contracts and unprotected work with hazardous chemicals (Cramb and McCarthy 2016: 44).

Third, the remote location of plantations prevents workers from accessing community services. This makes it difficult for them to obtain health care, daily needs and entertainment. Workers become isolated, their lives revolving around the plantation compound. This leads them to be highly dependent on plantation owners or leaders, such as foremen. Usually, companies manage shops that sell daily essentials. Since these are monopolies, the goods may cost two or three times over the average market price.<sup>47</sup> The high costs mean that the workers incur debts (to cooperatives or shops), which are deducted from their wages, thus affecting their income and ability to remit money home, including to pay off debts to brokers who facilitated their labour migration.<sup>48</sup> Some plantations provide health clinics but many do not. Workers are also highly dependent on the plantation management for electricity and water, which in some plantations is restricted and only available at certain times.<sup>49</sup> These vulnerabilities are experienced by procedural workers with work visas and employment contracts and non-procedural workers. But the situation can be much worse for the latter as they have no contract or

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<sup>44</sup> Interview, Attorney General's Office (Kejaksaan Agung), Jakarta, 23 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (*Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Flores Timur, SBMI Flores Timur*), East Flores, 11 April 2023.

<sup>45</sup> FGD, East Flores Migrant Worker 1 (three workers), East Flores, 14 April 2023; FGD, East Flores Migrant Worker 2 (three workers), East Flores, 15 April 2023.

<sup>46</sup> Interview, Foreign Ministry, Jakarta, 17 May 2023; Interview, Indonesian Migrant Workers Protection Agency (Badan Pelayanan Pelindungan Pekerja Migran Indonesia Lombok Timur, BP3MI Lombok Timur), East Lombok, 11 April 2023.

<sup>47</sup> Interview, IOM Indonesia, Jakarta, 19 May 2023.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

employment agreement.<sup>50</sup> Individuals with undocumented status are unable to access certain facilities, including health care and insurance, and are not monitored by the Indonesian Embassy and the BP2MI because of their status. They are highly likely to be arrested and detained during raids. The conditions of detention facilities in Malaysia are dire, one source stated.<sup>51</sup>

#### 5.1.4 Vulnerabilities during return

There are several differences in the return phase between procedural and non-procedural workers. For the former, their return is accommodated by the Indonesian Embassy or Consulate General in Malaysia. Procedural migrant workers who return in poor health can receive care at shelters managed by MOSA or BP2MI (if available).<sup>52</sup> It is worth noting that MOSA's program supports victims beyond shelter, aiding their return and reintegration into society and sometimes providing financial support to facilitate their recovery. However, a CSO interview in Kupang revealed that many workers and CSOs were not aware of MOSA's role in assisting returnees.

Non-procedural workers typically take the rat trails home, relying on largely the same network of brokers as when they first set out. Returnees are often found abandoned because they lack the means to return to their villages. Non-procedural workers deceived by brokers, whose earnings are confiscated, may lack the resources to return to their home regions.<sup>53</sup>

Interviews conducted for this study found that returning migrant workers from Malaysia's palm oil plantations are often in poor physical and mental health. One interviewee in East Lombok said that many migrant workers 'went crazy' or became depressed after returning home because they had not been paid.<sup>54</sup> Another said that one migrant worker had developed mental problems because they had been working from a very young age, having migrated as a child.<sup>55</sup> Migrant workers in the palm oil sector sometimes contract pneumonia, with one interviewee claiming it is the most common cause of death for those in the sector, due to poor living conditions and health care on the plantations. In addition, the lack of protective equipment and occupational hazards was said to contribute to many fatalities in the oil palm sector.<sup>56</sup>

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<sup>50</sup> FGD, Kupang Migrant Worker 1 (two workers), Kupang, 11 April 2023; Interview, NTT Migrant Worker, Kupang, 14 April 2023; FGD, Kupang Migrant Worker 1 (two workers), Kupang, 15 April 2023.

<sup>51</sup> Interview, Foreign Ministry, Jakarta, 17 May 2023; Interview, Hanaf Community (Komunitas Hanaf), Kupang, 14 April 2023; Interview, Manpower and Transmigration Offices of NTT (Dinas Ketenagakerjaan dan Transmigrasi Provinsi NTT), Kupang, 14 April 2023.

<sup>52</sup> Interview, Rumah Harapan GMT (Church Activity), Kupang, 13 April 2023.

<sup>53</sup> Interview, Social Services Offices of NTT Provinces (Dinas Sosial Provinsi NTT), Kupang, 12 April 2023

<sup>54</sup> Interview, Social Services Offices of East Lombok (Dinas Sosial Lombok Timur), East Lombok, 12 April 2023.

<sup>55</sup> Interview, Villages Government of Motongbaan, East Lombok (Desa Motongbaan, Lombok Timur), East Lombok, 10 April 2023.

<sup>56</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in Kupang (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di NTT, SBMI NTT), Kupang, 15 April 2023.

## 5.2 Regular vs Irregular Migrants

In addition to Indonesia's distinction between procedural and non-procedural migration, labour migrants may also be regular or irregular, referring to their migration status, rather than their employment pathway. Even the confusion created by these terminologies can make migrant workers vulnerable. It is crucial to distinguish between procedural and non-procedural migrants, as well as regular and irregular migrants because, in certain cases, Malaysia may consider irregular migration as procedural; or individuals categorised as non-procedural migrant workers in Indonesia may be viewed as regular in Malaysia. It is imperative that labour migrants understand these nuances so that they can navigate migration policies and regulations and the support and protection agencies that can assist them.

The IOM (2018) defines regular migration as taking place through authorised and recognised channels. This is not limited to the means used to cross a country's border, as migrants may enter a country through legal channels but still end up in an irregular situation if their permit or visa expires. In this case, the status of migrant workers can be regularised by the Malaysian government once they obtain a work visa and register with the Foreign Workers Management (JTK).

### 5.2.1 Vulnerabilities at pre-departure

For Malaysia, the high demand for palm oil labour means that documented and undocumented workers are valued. Thus, employers are willing to hire workers regardless of their immigration status (Asia Monitor Resource Centre, 2019). In addition, the Malaysian government routinely permits the regularisation or 'PEMUTIHAN' of irregular workers (Asia Monitor Resource Centre, 2019). This means that companies can hire irregular workers locally without needing to go through the usual channels with the Indonesian government (PRA in Malaysia and Indonesia). Periodically, the government allows for a system where irregular workers can be regularised or legalised, making it easier for companies to employ them in the country.

Getting a job in a Malaysian palm oil plantation is relatively easy and attracts large numbers of Indonesian workers. Migrant workers can easily arrive in Malaysia on a tourist visa, and then apply for a work visa and register with the Foreign Workers Management (JTK), which does not require them to submit documentation to the government, once they have reached their destination. This means that labour migrants who are initially irregular can become regular once in Malaysia. Obtaining a temporary work visa can cost up to MYR 6,000 (US \$1,290), which is borne by the workers, posing an additional difficulty for those seeking to regularise their status once in Malaysia. In other cases, migrant workers in remote plantation areas believe they can work irregularly for the duration of their stay and return safely without facing police or immigration inspections. However, this



exposes them to various risks, as they remain vulnerable to exploitation by employers who know they will not report to authorities and face potential legal consequences if apprehended.

Palm oil companies are also often aware that their workers are irregular.<sup>57</sup> There are also instances where Malaysian palm oil companies use brokers to find workers. One interviewee explained that companies could not directly offer jobs and had to go through their 'colleagues', or *tekong*.<sup>58</sup> The same source added that companies in Malaysia pay from IDR 500,000 to IDR 1,000,000 (US \$34–67) to these brokers. If the company opts for the procedural route for Indonesian workers bound for Malaysia, it would cost about IDR 11,000,000 (US \$733). The incentives to use irregular migration pathways thus apply both to labour migrants and to Malaysian palm oil companies looking for a cheap way to obtain workers.

Based on the pattern of cases handled by one of our interviewees in the justice sector, some companies are known to deliberately employ irregular labour because they can exploit their vulnerability by paying them less and providing worse working and living conditions.<sup>59</sup> These employers thus already have the intention to exploit at the recruitment stage, and they commonly deceive prospective workers about pay and conditions. One interviewee, for instance, gave an example of the difference between the salary promised and what they were paid.<sup>60</sup> Another interviewee added that palm oil companies accept and employ migrant workers who enter through irregular means because it is beneficial for them in terms of wages and rights, given that when workers encounter problems, they would find it difficult to report them, and the companies may even report them to the police.<sup>61</sup>

The phenomenon of irregular migration is also made possible by the complicity of officials at border areas. One interviewee explained that often border controls are not strictly enforced, border crossings may not be patrolled, and even if they are, officials commonly accept bribes.<sup>62</sup> Another said that when they were in transit in Batam, there were people who helped them to avoid being caught by the police. Although they eventually encountered the police, it was not a problem because they had been 'paid'.<sup>63</sup> Another interviewee

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<sup>57</sup> Interview, Attorney General's Office (Kejaksaan Agung), Jakarta, 23 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Flores Timur, SBMI Flores Timur), East Flores, 11 April 2023.

<sup>58</sup> Interview, Indonesia Migrant Workers Advocacy Foundation (Yayasan Advokasi Buruh Migran Indonesia), East Lombok, 12 April 2023.

<sup>59</sup> Interview, Attorney General's Office (Kejaksaan Agung), Jakarta, 23 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Flores Timur, SBMI Flores Timur), East Flores, 11 April 2023.

<sup>60</sup> Interview, Attorney General's Office (Kejaksaan Agung), Jakarta, 23 April 2023.

<sup>61</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Flores Timur, SBMI Flores Timur), East Flores, 11 April 2023

<sup>62</sup> Interview, Border Crossing Post Aruk (Pos Pemeriksaan Perbatasan Aruk, Kabupaten Sambas), Sambas, 17 April 2023.

<sup>63</sup> Interview, Manpower and Transmigration Offices of NTT (Dinas Ketenagakerjaan dan Transmigrasi Provinsi NTT), Kupang, 14 April 2023.

explained that in the border areas, most Indonesian migrant workers are irregular, giving an example that at the Nunukan port, the main transit port to Malaysia's Sebatik and Sabah, port data recorded approximately 150,000 people transiting in a year, with 80% moving to Sabah. When the interviewee asked the Makassar Labour Agency, only 1,000 Indonesian migrant workers had been recorded in five years (through the procedural route), indicating that the border area has much higher rates of irregular than regular migration.<sup>64</sup>

### 5.2.2 Vulnerabilities at destination

While both regular and irregular labour migrants are vulnerable to the experiencing the same difficult workplace and living conditions, as described above, irregular migrants may face more challenges and vulnerabilities. Owing to their lack of proper documentation, they may find it hard to obtain formal employment on large plantations and are more susceptible to exploitation by unscrupulous employers, who are less concerned about labour standards. Irregular migrants may be forced to work in more hazardous conditions, endure longer working hours, and be paid less.<sup>65</sup> They are also at greater risk of being subjected to abuse, trafficking, or other exploitation, because employers know that they fear authorities and so are unlikely to report. Furthermore, irregular migrants' fear of being discovered by immigration authorities leads to a constant state of uncertainty and insecurity and can deter them from complaining, seeking assistance or accessing grievance mechanisms.<sup>66</sup> Irregular workers are not likely to report employer abuses to the Malaysian Labour Office due to their undocumented status.

At the same time, unlike regular migrants who have used procedural channels, irregular Indonesian workers have the option to leave and find work in private plantations through informal channels, such as social media and word of mouth.<sup>67</sup> This allows them to bypass formal employment and visa procedures and documentation requirements. In these private plantations, workers do not need any official documents to secure employment, making it an attractive alternative for those who want to avoid the complexities and costs associated with the official migration process (Asia Monitor Resource Centre, 2019). These informal channels of finding work date back to a practice in Indonesian regions of East Lombok and East Flores from the 1970s (Asia Monitor Resource Centre, 2019; Razak, 2014), when migration for palm oil work was common, and resulted in the establishment of a strong network that is said to have prioritised workers' safety and well-being (Asia Monitor Resource Centre,

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<sup>64</sup> Interview, Independent Migrant Workers Coalition (Koalisi Buruh Migran Bedaulat, KBMB), Jakarta, 10 April 2023.

<sup>65</sup> Interview, Attorney General's Office (Kejaksaan Agung), Jakarta, 23 April 2023; Interview, Indonesia Migrant Workers Advocacy Foundation (Yayasan Advokasi Buruh Migran Indonesia), East Lombok, 12 April 2023.

<sup>66</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Flores Timur, SBMI Flores Timur), East Flores, 11 April 2023.

<sup>67</sup> Interview, Indonesia Migrant Workers Advocacy Foundation (Yayasan Advokasi Buruh Migran Indonesia), East Lombok, 12 April 2023.



2019). This network can provide support and guidance to workers, helping them navigate the challenges and risks associated with irregular migration, although it cannot negotiate better workplace conditions and is not fool-proof.

The issue of regular and irregular migration, on top of procedural and non-procedural migration, further complicates labour migration between Indonesia and Malaysia. It creates confusion among labour migrants and makes them more vulnerable, but also creates possibilities for them to use different categories strategically to make their migration 'successful'.

### 5.3 Successful vs Unsuccessful Migration

For migrant workers, the allure of working abroad is often strongly influenced by tales of success from those who have ventured overseas before them. This influence, however, is also a source of vulnerability, to which there are two main contributory factors – economic and cultural. Economically, the influence of migrant workers returning home with an ability to afford luxury goods and establish stable homes is highly motivating for prospective migrant workers. They see what labour migration can bring and are predisposed to take chances to secure this for themselves and their families. As noted by Spaan and Naersen (2018), families are also influential in the decision to engage in labour migration since it is not solely up to the individual but also influenced by the family's needs and strategies. This could include the need for additional income, the desire to diversify sources of income, or to enhance their standard of living. The wish to secure stability motivates potential workers to follow a similar path, particularly when success stories come from their own extended family. In addition, people are more likely to view migration positively when there are family ties in the destination country from relatives working there previously.

Many workers interviewed for this study reported preferring to work in Malaysian palm oil plantations rather than in Indonesian ones because of the stigma surrounding unsuccessful migration.<sup>68</sup> Interviews reveal that there is a high demand for skilled labour in both countries.<sup>69</sup> But migrant workers voiced reluctance to work in Indonesian plantations because of the perception that success and wealth is more rapidly attainable in Malaysia (it was not possible to verify the difference in wages between Malaysian and Indonesian palm plantations). Several workers corroborated this perception.<sup>70</sup>

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<sup>68</sup> Interview, Villages Government of Setalik, Sambas (Desa Setalik, Sambas), Sambas, 18 April 2023; Group Interview, Department of Manpower and Transmigration of East Flores Regency (Dinas Ketenagakerjaan Flores Timur), East Flores, 12 April 2023.

<sup>69</sup> Interview, Manpower and Transmigration Offices of Sambas Regency (Dinas Tenaga Kerja secdan Transmigrasi Sambas), Sambas, 14 April 2023; Interview, Social Services Offices of East Lombok (Dinas Sosial Lombok Timur), East Lombok, 12 April 2023.

<sup>70</sup> FGD, East Lombok Migrant Worker 1 (3 workers), East Lombok, 9 April 2023.

From a cultural perspective, moreover, the obligation to work overseas has deep roots. This is shaped by historical migration stories of ancestors who ventured overseas to establish better lives for their descendants. These stories instil the belief that becoming a migrant worker is a necessary journey, leading people to overlook risks, legal considerations and social security in the destination country.<sup>71</sup> This willingness to take risks despite the dangers, as well as naïvety regarding the gravity of risk, creates opportunities for exploitation by brokers, recruiters (legal and illegal) and palm oil companies. Brokers, in particular, have sometimes offered parents money in exchange for allowing their children to work abroad. Relatives' migration success stories, combined with the scarcity of local employment, make such offers appealing and seem low risk.<sup>72</sup>

Cultural obligations to migrate and the lure of success stories also favours non-procedural, rather than procedural, migration, because the latter is slow and perceived not to provide as attractive financial benefits. There is also an underlying belief that procedural workers are less successful, exacerbated by the fact that failures of non-procedural workers (unsuccessful migration) are often hidden due to shame, thus perpetuating the idea that non-procedural migration is more successful. Thus, the decision to work abroad, influenced by compelling success stories and economic and cultural factors, may lead to considerable difficulties and risks for migrant workers.<sup>73</sup>

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<sup>71</sup> Interview, Regional Secretary of East Lombok Regency, East Lombok, 13 April 2023.

<sup>72</sup> Ibid.

<sup>73</sup> FGD, East Flores Migrant Worker 1 (three workers), East Flores, 14 April 2023; FGD, East Flores Migrant Worker 2 (three workers), East Flores, 15 April 2023; FGD, East Lombok Migrant Worker 3 (three workers), East Lombok, 10 April 2023.

## 6 Response measures and protective possibilities

The protection of Indonesian migrant workers has been a priority for the Government of Indonesia, which has enacted a range of laws, as well as policies and processes. Other actors across the private sector, justice sector and civil society groups have also sought to respond. Importantly, the labour migrants' own response capacities are often overlooked, and are detailed in this section. Overall, these response efforts provide important sources of prevention and protection for vulnerable migrant workers, although the exploitation of Indonesian labour migrants in Malaysia's palm oil sector continues, highlighting the need for additional or new ways to address these issues.

### 6.1 Government response

The Indonesian government's legal and policy framework on labour migration and human trafficking were set out in section 3. This framework is intended to be operationalised from the national down to the village level, in line with Indonesia's decentralised system of government. The focus is overwhelmingly on making procedural and regular migration more accessible and used, in an effort to reduce non-procedural or irregular migration.

Village authorities are meant to collaborate with the Agency for the Protection of Indonesian Migration Workers (BP2MI), focused on implementing the 2017 Migrant Worker's Protection Law by integrating it into Village Regulations, enabling village funds to be used for protecting Indonesian migrant workers. Village funds can be used only for migration-related issues for procedural workers, such as benefits for the families of migrants and the empowerment programme for retired migrant workers.<sup>74</sup> Consultations with civil society groups and the Indonesian Migrant Workers Union (SBMI) were undertaken at the village level to discuss how best to implement the law and use the budget to facilitate safe migration.<sup>75</sup> In addition, there is meant to be training for prospective migrant workers. Since

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<sup>74</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023.

<sup>75</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023; Interview, Indonesia Migrant Workers Advocacy Foundation (Yayasan Advokasi Buruh Migran Indonesia), East Lombok, 12 April 2023.

some villages hesitate to align their regulations with the law, as village heads are focused on other priorities, the funds for labour protection remain under-allocated. In addition, some regions are not yet conducting training for potential migrant workers.<sup>76</sup>

To promote procedural and regular migration channels the government conducts public awareness campaigns through decentralised BP2MI offices. It also aims to make procedural migration more accessible through the One-Roof Integrated Services (LTSA) to simplify the process of obtaining necessary documents, improve access and reduce cost.<sup>77</sup> The LTSAs use digital technology to facilitate digital data collection and document management. However, there are still challenges in relation to data management and high transport costs if the LTSA is nowhere near to where the prospective labour migrant lives.<sup>78</sup> In addition, there have been reports of informal fees for what is meant to be a free service, acting as another barrier to access. Finally, the continued trust that many prospective migrant workers have in brokers as being best placed to navigate even the LTSAs is striking, along with believing the information provided by close relatives rather than trusting official channels. In some cases, the LTSAs have simply made it easier for brokers to arrange documentation, rather than cutting them out of the migration process.<sup>79</sup>

Training and certification of workers are included in the government's capacity-development programmes for all procedural migrant workers. Twenty hours of instruction are followed by an examination, and re-sits for those who fail.<sup>80</sup> According to the 2017 law, such training is meant to take place when prospective labour migrants are first recruited and before job placement. In practice, the training takes place after job placements, with costs then borne by placement agencies who later deduct them from workers' wages.<sup>81</sup> This also means that the training occurs after labour migrants have already waited some months for a job placement and are anxious to leave. At this stage, training is regarded as an impediment to departure and a box-ticking exercise. If workers were required to obtain training and certification before applying for employment, as stipulated in the 2017 law, the training may be taken more seriously.

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<sup>76</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023.

<sup>77</sup> Interview, Rumah Harapan GMIT (Church Activity), Kupang, 13 April 2023; Interview, Institute of Resource Governance and Social Change, Kupang, 11 April 2023.

<sup>78</sup> Interview, Rumah Harapan GMIT (Church Activity), Kupang, 13 April 2023; Interview, Institute of Resource Governance and Social Change, Kupang, 11 April 2023.

<sup>79</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023.

<sup>80</sup> Interview, Overseas Job Training Center (BalaiMofa Latihan Kerja Luar Negeri NTT, BLKLN NTT), Kupang, 14 April 2023.

<sup>81</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023.

The government has also introduced a new scheme, the People's Business Credit (PMI KUR) programme, which provides working capital for procedural labour migrants who need funds prior to their departure. In 2022, the government allocated a budget of IDR 390 billion (US \$25,903,527) and increased the individual loan ceiling from the previous IDR 25 million (US \$1,660) to IDR 100 million (US \$6,641).<sup>82</sup> This initiative aims to alleviate the need for migrant workers to resort to selling their belongings or taking out loans on unfavourable terms. The loan amount is set at a manageable level for migrant workers to repay, ensuring their financial stability and reducing their vulnerability during the migration process (Limanseto, 2022). In practice, however, none of our interviewees knew about this loan scheme and its use depends on the LTSA and local Manpower Agency directing migrants to this service.

In addition to efforts to encourage procedural labour migration, the Indonesian government has attempted to improve domestic livelihoods to deter non-procedural migration. For instance, village governments, through the Transmigration and Manpower Agency, also strive to empower communities through programmes such as self-help business assistance, Creative Migrant Village, and Village-Owned Enterprises. These are intended to provide a source of income for the community and deter people from migrating non-procedurally. Since 2018, the Provincial Minimum Wage (UMP) has been increased in NTB by 23% and in NTT and West Kalimantan by 21%, all key labour migrant-sending regions for Malaysia's palm oil sector (BPS, 2020a). These three provinces have experienced annual increases of over 7%, lifting the monthly minimum wage to IDR 2,123,994 (US \$141) in NTT, IDR 2,371,407 (US \$158) in NTB and IDR 2,608,601 (US \$174) in West Kalimantan (Annur, 2023a; 2023b; 2023c). Notably, these increases are higher than the national average for 2023. Even so, the minimum wage remains higher in Malaysia at roughly IDR 4.6 million per month (US \$307) (Jarvis et al., 2019; Medina, 2023).

To support Indonesian labour migrants in destination countries, the government has established a monitoring system to oversee working conditions and compliance with labour norms. This includes coordinating with embassies, consulates, and other relevant institutions to ensure the welfare and protection of Indonesian migrant workers. The Ministry of Foreign Affairs has an online portal and mobile application available through Indonesian embassies for the reporting of labour exploitation and accessing support services (United States Department of State, 2022: 286). The Indonesian embassy in Malaysia also has a labour attaché, who can assist victims of trafficking to access shelters, support and repatriation. Efforts are being made to strengthen coordination, information sharing and collaboration among ministries, agencies, and regional

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<sup>82</sup> Interview, Manpower and Transmigration Offices of NTT (Dinas Ketenagakerjaan dan Transmigrasi Provinsi NTT), Kupang, 14 April 2023.

governments to improve law enforcement and protection for migrant workers.

There are also processes to support the return of labour migrants suspected to have experienced exploitation or trafficking. The Ministry of Foreign Affairs conducts screening for victims of Trafficking in Persons and People Smuggling (TPPO), using a mechanism to identify individuals meeting TIP victim indicators.<sup>83</sup> On confirmation, a diplomatic notice is sent to the Criminal Investigation Agency (Bareskrim). This notice is also received by the Ministry of Social Affairs, which coordinates with the victim's local government for repatriation and access to shelters.<sup>84</sup> BP2MI also receives a copy, ensuring a collaborative approach in managing and resolving TIP cases.

However, challenges persist in enforcing the laws that aim to protect Indonesian labour migrants, especially in destination countries where the government's influence is limited. In addition, there is a limit to the government repatriation budget for exploited labour migrants. There is a need to maximise the existing budget for emergency cases and cases of extreme exploitation. In 2021, during the COVID-19 pandemic, the government facilitated the repatriation of over 75,000 Indonesian workers from various destinations (United States Department of State, 2022: 286).

Once returned, government-run shelters provide support to victims of exploitation, including trafficking. These include medical care, legal aid and reintegration support. In practice, however, they are often tailored mainly to women and children, and are of highly variable quality (United States Department of State, 2022: 286). This is exacerbated by limited state budget to support the operation of the shelters.

The *United States 2022 Trafficking in Persons (TIP) Report* notes the Indonesian government's efforts, but downgraded Indonesia to the Tier 2 watch list (not fully meeting the minimum standards for the elimination of trafficking). This was due mostly to its limited progress on prosecuting trafficking cases, failure to address government complicity in facilitating trafficking and insufficient translation of national policies to local implementation (United States Department of State, 2022: 285).

In 2023, the United States 2023 TIP report upgraded Indonesia back to Tier 2, as it had demonstrated significant efforts to meet the minimum standards for eliminating trafficking, albeit not fully achieving them. The government was more proactive, even during the COVID-19 pandemic, than in the previous reporting period. Efforts included more investigations, prosecutions, and convictions

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<sup>83</sup> Interview, Head of Sub-Directorate for Southeast Asia, Directorate of Protection of Indonesian Citizens (PWNI), Jakarta, 17 May 2023.

<sup>84</sup> Interview, IOM Indonesia, Jakarta, 19 May 2023.



for trafficking crimes, such as forced labour in palm oil plantations and foreign cyber scam operations. There was also a notable increase in restitution secured for trafficking victims. Furthermore, the government identified and repatriated several hundred forced labour victims from Cambodia, reflecting its commitment to multinational coordination to address issues of forced labour.

## **6.2 Justice sector response**

Despite some improvements, the justice sector response to trafficking and labour exploitation in the palm oil sector has been far more limited. Based on the United States 2023 TIP report (2023), the government has demonstrated a commitment to addressing trafficking by actively investigating cases, as evidenced by the Indonesian National Police's Criminal Investigative Division (CID) examining 133 trafficking cases during the one-year reporting period. This marks a significant increase compared to previous years, with prosecutions also rising, resulting in the conviction of 217 defendants in 178 cases under the 2007 law.

Prosecutions still face substantial challenges, including low awareness among law enforcement and judicial officials regarding trafficking and relevant legislation, which impedes detection and successful prosecution of cases. This is compounded by limited resources and a complicated archipelago geography, making monitoring difficult – the Indonesian National Police had a budget of only IDR 298 million (US \$20,990) for anti-trafficking investigations in 2021 (United States Department of State, 2022: 286). Prosecution is often more likely to charge trafficking crimes under the 2017 Migrant Worker Law owing to its lower evidentiary threshold, highlighting a reliance on laws other than the main anti-trafficking legislation. Furthermore, corruption and official complicity remain pervasive, obstructing law enforcement actions and shielding perpetrators from accountability. This is especially the case for foreign companies that routinely avoid prosecution.

The government's approach to addressing labour violations, including suspected labour trafficking, often leans towards administrative mediation rather than criminal investigation. This approach can be useful in some circumstances, but it does not provide for criminal liability or adequately deter those who benefit from exploiting migrant workers. The absence of a national Standard Operating Procedure (SOP) for victim identification and the lack of a centralised database for comprehensive data collection on trafficking cases further complicate the handling and resolution of complaints, hindering the effectiveness of Indonesia's anti-trafficking efforts.

## **6.3 Private-sector response**

The Indonesian Palm Oil Association (GAPKI) acknowledges the reality of competition between Malaysian and Indonesian companies for Indonesian employees due to the size of the respective industries.



Indonesian companies are therefore striving to be more attractive, some having established a living wage system, such as paying three times the minimum wage for high-skilled positions such as fruit harvesting.<sup>85</sup>

Placement agencies are also taking steps to ensure safe and legal channels for sending employees to Malaysia. One agent stated they actively meet with Malaysian companies to obtain job orders and guarantee a three-month maximum waiting period for employees following the filing process. The longer the waiting period, the more likely it is that employees will seek non-procedural alternatives.<sup>86</sup> There are also suggestions, however, that private-sector efforts to improve labour protections within the palm oil sector are window-dressing and have limited impact (Cramb and McCarthy, 2016: 17; Gottwald, 2018).

#### 6.4 Voice and agency: Response capacity of CSOs and labour migrants

From the perspective of labour migrants, both in destination and placement countries, the greatest source of protection came from local organisations working in communities, as well as from migrants' own personal networks. CSOs, indigenous leaders, and church-based associations play a crucial role in socialising procedural pathways and providing training but they do not discriminate in provision of their services to migrants, regardless of procedural/nonprocedural or regular/irregular status.<sup>87</sup>

CSOs also provide financial training for migrant workers. For instance, training provided by the Indonesian Migrant Workers Advocacy (ADBMI) aims to prevent families' mismanagement of remittances.<sup>88</sup> The Indonesian Migrant Workers Union (SBMI) offers various services to support migrant workers, including information about safe migration and assisting with cases. It also collaborates with local governments to enhance safe migration governance by promoting proactive efforts from all stakeholders.<sup>89</sup> In East Lombok, SBMI has established a consumption cooperative to support Indonesian migrant workers, including those employed in the palm oil industry.<sup>90</sup> A range of CSO-run shelters support returned migrants who are victims of exploitation and trafficking, although these cater

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<sup>85</sup> Interview, Indonesian Palm Oil Entrepreneurs Association (Gabungan Pengusaha Kelapa Sawit Indonesia (GAPKI)), Jakarta, 9 May 2023. In contrast to Malaysia, GAPKI considers fruit harvesting a highly skilled position that requires specific skills and equipment.

<sup>86</sup> Interview, Defita Bersaudara Company (PT. Defita Bersaudara), East Lombok, 12 April 2023.

<sup>87</sup> Interview, Police Precinct of East Flores Regency (Kepolisian Resort Flores Timur), 14 April 2023.

<sup>88</sup> Interview, Indonesia Migrant Workers Advocacy Foundation (Yayasan Advokasi Buruh Migran Indonesia), East Lombok, 12 April 2023.

<sup>89</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in Kupang (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di NTT, SBMI NTT), Kupang, 15 April 2023; Interview, Regional Committee of Indonesia Migrant Labour Union in Sambas (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Sambas, SBMI Sambas), Sambas, 16 April 2023.

<sup>90</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023.

overwhelmingly to women. Very few returnees from Malaysia's palm oil sector use the shelters.<sup>91</sup>

Perhaps the most important source of protection comes, however, was seen to come from labour migrants' networks themselves. Through fellow labour migrants, returned migrants and brokers, labour migrants used these networks to obtain information about migration requirements, travel routes, employers, safety, logistics and other matters.<sup>92</sup> Brokers, for instance, were seen to play an important role in 'looking after' families while labour migrants were overseas, even if this was often via exploitative loans to support them.<sup>93</sup> Histories of labour migration between Indonesia and Malaysia mean that migration networks are well-established, with communities in Malaysia familiar with receiving non-procedural and/or irregular workers.<sup>94</sup> Among these communities are individuals who have married and lived in Malaysia for 20 years or more.<sup>95</sup> These networks will not simply disappear with the advent of procedural migration pathways.

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<sup>91</sup> Interview, Rumah Harapan GMIT (Church Activity), Kupang, 13 April 2023.

<sup>92</sup> FGD, Migrant Workers (three workers), Lombok Timur, 9 April 2023; FGD, East Flores Migrant Worker 2 (three workers), East Flores, 15 April 2023.

<sup>93</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023; Interview, East Lombok Regional Government (Pemerintah Daerah Lombok Timur), East Lombok, 14 April 2023.

<sup>94</sup> Interview, Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur), East Lombok, 9 April 2023; Interview, East Lombok Regional Government (Pemerintah Daerah Lombok Timur), East Lombok, 14 April 2023.

<sup>95</sup> Interview, Independent Migrant Workers Coalition (Koalisi Buruh Migran Bedaulat, KBMB), Jakarta, 10 April 2023.

# 7 Conclusion and Recommendations

## 7.1 Conclusion

This country study has documented the vulnerabilities of Indonesian labour migrants travelling to work in Malaysia's palm oil sector. It sets out the context in which that migration takes place, pathways and associated vulnerabilities, and the response and protective capacities of various actors involved. The picture that emerges is one of millions of vulnerable Indonesians seeking to improve their livelihoods through the means available to them. Very often, this is irregular, non-procedural labour migration that puts them at risk – although there are also risks in procedural and regular migration. While the Indonesian government, regional governments and the international community have been concerned principally to make migration safe through making it regular and procedural, for the migrants this overlooks the priority of making it successful. That is, ensuring it offers sufficient financial benefit to allow them to return home to a more comfortable life and to support their families.

While there are some impressive government laws, policies and procedures in place, implementation challenges mean that these are not yet resulting in greater uptake of procedural migration channels. These challenges include the difficulty of introducing programmes in a country of Indonesia's size and geography, the limited understanding and capacity of frontline officials to provide the intended services, and some official complicity. There is also limited protection on the part of the Malaysian government and private sector of much-needed Indonesian labour for their palm oil sector and insufficient cooperation with Indonesia on making journeys and work experiences safer.

More broadly, the skewed power dynamics in the palm oil sector mean that labour migrants face major obstacles in advocating for greater protections and improved conditions. As the sector becomes increasingly dominated by large corporations, these power differentials grow. While a smaller number of global corporations may increase the possibilities of regulating the sector, confronting the economic might of these businesses – and their close political relationships in Indonesia and Malaysia – presents a formidable challenge.

Despite the range of response mechanisms in place for migrant workers experiencing exploitation to return home, access support and potentially seek justice, only rarely does this happen. In practice, migrant workers tend to rely on their personal networks and local CSOs to acquire information, protect themselves and achieve the best migration outcomes. These local networks and actors should be considered the frontline support that needs to be strengthened to make an impact on the safety and rights of labour migrants.

## 7.2 Recommendations

### 1 Make procedural migration successful migration

Procedural migration should be faster, more accessible, less corrupt but crucially must also guarantee better pay and working conditions for migrants so that it competes with the perceived benefits of non-procedural migration. This is the overarching recommendation, with the following recommendations ways of delivering on this.

### 2 Make procedural migration more accessible, efficient and appealing

To reduce waiting times for placements, the Government of Indonesia should be proactive in mapping labour market opportunities abroad. It should also strengthen the capacity of Indonesian embassies and consulates to support the mapping and acquisition of job orders in the overseas labour market.

Labour Training and Socialisation Agencies (LTSAs) should be reviewed with a view to identifying ways to speed up the process and address corruption that leads to migrant workers having to pay informal fees.

Given Indonesia's large rural population, consider how to address access challenges, including:

- A priority focus on opening LTSAs in migrant-sending communities and expanding access to LTSAs through simple, user-friendly online platforms.
- Introducing and building on CSOs' existing efforts to monitor LTSAs to ensure they are run effectively.
- Better integrating the recruitment and placement stages of the labour migration journey, requiring collaboration among LTSAs, local Manpower Agencies, BP2MI, and placement agencies.

Enhancing Vocational Training Centres (BLK) including by:

- Ensuring that BLKs are accessible to potential migrants, possibly by offering online courses or creating satellite centres in areas with high numbers of migrants.
- Collaborating with employers and recruitment agencies to understand the specific needs and requirements of the job

market, tailoring the training programmes accordingly, such as training to harvest the palm fruit.

- Engaging with employers in Malaysia to explore possibilities of sharing the costs associated with training. This could be part of the employing companies' corporate social responsibility (CSR). Offer incentives to employers that invest in training their prospective employees, such as tax breaks or recognition programmes.

Given the central role that brokers play in labour migration, consider ways to engage and incentivise them to guide workers towards procedural migration, possibly building on projects that aim to license brokers.

Expand awareness of and improve efficiencies within the government's loan scheme for procedural labour migrants by training LTSAs, local Manpower Agencies, and placement agencies, along with public awareness initiatives.

Support financial management training for migrant workers, akin to that offered by the Indonesian Migrant Workers Advocacy (ADBMI). This should inform migrant workers of their rights (who should pay for what and how repayments should be managed), remittance management, avoidance of unscrupulous lenders and information on responsible lenders.

Undertake research to ensure that the government loan scheme is in the best interests of labour migrants and does not result in another debt trap.

Roll out awareness-raising campaigns on labour migration that highlight the risks of non-procedural and irregular migration being not just unsafe but also unsuccessful, given that this is a driving motivation for migrant workers.

### **3 Expedite the Memorandum of Understanding between the governments of Indonesia and Malaysia for labour migration in the palm oil corridor**

The MoU should clarify the different terminologies used by Indonesian and Malaysian governments of procedural and regular migration to reduce confusion for labour migrants. It should reinforce that the sending of workers should only be done through approved (procedural) channels and set out joint commitments to labour standards, oversight and enforcement of those standards, and protections, supports and redress mechanisms available to migrant workers. The Malaysian government should commit to undertaking comprehensive outreach and dialogue with large, medium and small palm oil companies. In addition, the MoU should include a social dialogue scheme that encourages workers to seek collective representation or association to help improve labour standards.

#### **4 Improve labour standards in the palm oil sectors in Indonesia and Malaysia**

Given the importance of palm oil in Indonesia's foreign policy, focus on improving industry practices to align with international standards. This could improve trade potential, that may be adversely affected by human and labour rights concerns. As the world's largest producer of palm oil, Indonesia could take the lead in improving labour standards, setting a global precedent, and may motivate other producing countries, like Malaysia, to implement similar standards. This includes:

- Developing and implementing plans to increase minimum wages in the palm-oil industry;
- Providing government support and incentives to companies adhering to increased wage standards, with special attention to SMEs. Offer financial assistance and capacity-building programmes to SMEs to help them navigate increased labour costs and standards while maintaining competitiveness.
- Implementing stringent penalties for non-compliance with labour standards; and
- Fostering collaboration with the private sector, civil society, and unions to establish better sector wages and conditions.

Such efforts would render Indonesian palm plantations more attractive to labour migrants, thereby encouraging Malaysia to improve standards.

In addition, bilateral collaboration between Indonesia and Malaysia through a MoU on workers in the palm oil sector that offers improved protection for their rights could help achieve considerable progress.

#### **5 Strengthen organisations supporting the safety and rights of all migrant workers**

Provide support to CSOs and labour migrant networks that are the greatest source of protection for labour migrants.

Support CSOs in Malaysia to advocate for migrant workers' rights and unionisation.

Convene policy dialogue between CSOs and the Malaysian government on labour issues to facilitate more effective policy influence.

Promote awareness of what labour migrants – regardless of status – can do if they find themselves in exploitative situations.

#### **6 Improve the criminal and civil justice response to trafficking in persons, recognising this is only a small part of a wider labour rights problem**

Increase efforts to investigate, prosecute, and convict traffickers under the 2007 law, including complicit officials who ignore, facilitate, or engage in trafficking crimes.

Improve law enforcement and judicial cooperation between Indonesia and Malaysia, with a focus on investigating and prosecuting employers in Malaysia who have exploited migrant labourers.

Develop, finalise, disseminate, and train all relevant officials, including law enforcement, foreign affairs, marine, and labour ministry staff, on comprehensive SOPs for proactive victim identification and protection.

Increase efforts to effectively monitor labour recruitment agencies and take action against those guilty of illegal conduct that contributes to the forced labour of migrant workers, including charging placement fees, deceptive recruitment practices and document forgery.

Institutionalise and provide regular anti-trafficking training for judges, prosecutors, police, and social workers.

Address the disconnection between criminal and civil procedures, so that victims have access to both legal processes in tandem. This includes safeguarding labour rights violations such as unpaid salaries, annual leave, and other entitlements through civil legal mechanisms, alongside criminal justice responses.

The role and capacities of labour inspectors in Malaysia should be strengthened to enable greater civil law action on labour abuses.



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# Annex 1 List of interviews

No.	Date	Institution	Position	Type	Location
1	14 April 2023	Attorney General's Office (Kejaksaan Agung)	Head of Section, Subdirector of Prosecution, Directorate of Terrorism and Transnational Crime	Government	Jakarta
2	11 April 2023	Indonesian Migrant Workers Protection Agency (Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia (BP2MI))	Director of Non-Government Placement for Asia and Africa Region	Government	Jakarta
3	4 April 2023	Migrant Care	Policy Advocacy Coordinator	CSO	Jakarta
4	10 April 2023	Independent Migrant Workers Coalition (Koalisi Buruh Migran Bedaulat, KBMB)	Member	CSO	Jakarta
5	12 May 2023	International Labour Organization (ILO)		IO	Jakarta
6	17 May 2023	Ministry of Foreign Affairs	Head of Sub-Directorate for Southeast Asia, Directorate of Protection of Indonesian Citizens (PwNI)	Government	Jakarta
7	19 May 2023	International Organization for Migration (IOM)		IO	Jakarta
8	11 May 2023	Sawit Watch	Director	CSO	Jakarta
9	11 May 2023	Sawit Watch	Labour Division	CSO	Jakarta
10	5 September 2023	Indonesian Palm Oil Entrepreneurs Association (Gabungan Pengusaha Kelapa Sawit Indonesia (GAPKI))	Head of Employment Department	Private sector	Jakarta
11	11 April 2023	Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh	Head	Union	Flores Timur

No.	Date	Institution	Position	Type	Location
		Migran Indonesia Flores Timur)			
12	11 April 2023	Regional Committee of Indonesia Migrant Labour Union in East Flores (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia Flores Timur)	Coordinator of Adonara Island	Union	Flores Timur
13	11 April 2023	Department of Manpower and Transmigration of East Flores Regency (Dinas Ketenagakerjaan Flores Timur)	Head of Department	Government	Flores Timur
14	11 April 2023	Department of Manpower and Transmigration of East Flores Regency (Dinas Ketenagakerjaan Flores Timur)	Job Orientation (Functional Position)	Government	Flores Timur
15	11 April 2023	Permata Bunda Belas Kasih Foundation (Yayasan Permata Bunda Belas Kasih Flores Timur)	Leader	CSO	Flores Timur
16	12 April 2023	Department of Social Services of East Flores Regency (Dinas Sosial Flores Timur)	Head of Department	Government	Flores Timur
17	12 April 2023	Department of Community and Village Empowerment of East Flores Regency (Dinas Pemberdayaan Masyarakat dan Desa Flores Timur)	Head of Department	Government	Flores Timur
18	12 April 2023	Department of Community and Village Empowerment of East Flores Regency (Dinas Pemberdayaan Masyarakat dan Desa Flores Timur)	Head of Village Empowerment Division	Government	Flores Timur
19	12 April 2023	Commission for Migrant Workers and Sojourners (Komisi untuk Buruh Migran dan Merantau Keuskupan Larantuka)	Pastor	Religious organisation	Flores Timur
20	13 April 2023	Department of Women Empowerment and Child Protection and Population Control and Family Planning of East Flores Regency (Dinas Pemberdayaan	Head of Department	Government	Flores Timur

No.	Date	Institution	Position	Type	Location
		Perempuan dan Anak Flores Timur)			
21	13 April 2023	Department of Women Empowerment and Child Protection and Population Control and Family Planning of East Flores Regency (Dinas Pemberdayaan Perempuan dan Anak Flores Timur)	Head of Child Protection Division	Government	Flores Timur
22	13 April 2023	Department of Women Empowerment and Child Protection and Population Control and Family Planning of East Flores Regency (Dinas Pemberdayaan Perempuan dan Anak Flores Timur)	Head of Social, Political, and Legal Section	Government	Flores Timur
23	13 April 2023	District Attorney's of East Flores regency (Jaksa Wllayah Flores Timur)	Head of Intelligence Section	Government	Flores Timur
24	14 April 2023	Police Precinct of East Flores Regency (Kepolisian Resort Flores Timur)	Head of Criminal Investigation Unit	Government	Flores Timur
25	14 April 2023	Police Precinct of East Flores Regency (Kepolisian Resort Flores Timur)	Head of Forensic Investigation Unit	Government	Flores Timur
26	14 April 2023	Lewoloba Village	Village Chief	Government	Flores Timur
27	14 April 2023	Konga Village	Village Chief	Government	Flores Timur
28	14 April 2023	Riangkemie Village	Village Chief	Government	Flores Timur
29	14 April 2023			Migrant Workers (three males)	Flores Timur
30	15 April 2023			Migrant Workers (Two females and one male)	Flores Timur
31	15 April 2023			Migrant Workers (three Males)	Flores Timur

No.	Date	Institution	Position	Type	Location
32	9 April 2023	Regional Committee of Indonesia Migrant Labour Union in East Lombok (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Lombok Timur, SBMI Lombok Timur)	Leader	Union	Lombok Timur
33	12 April 2023	Indonesia Migrant Workers Advocacy Foundation (Yayasan Advokasi Buruh Migran Indonesia)	Head of Gender and Child Division	CSO	Lombok Timur
34	9 April 2023			Migrant Workers (three males)	Lombok Timur
35	9 April 2023			Migrant Workers (three males)	Lombok Timur
36	10 April 2023			Migrant Workers (three males)	Lombok Timur
37	13 April 2023	East Lombok Regional Government (Pemerintah Daerah Lombok Timur)	Regional Secretary of East Lombok Regency	Government	Lombok Timur
38	11 April 2023	Office of Cooperatives and Small and Medium Enterprises (SMEs) of East Lombok (Dinas Koperasi dan UMKM Lombok Timur)	Head of Department	Government	Lombok Timur
39	10 April 2023	Manpower and Transmigration Offices of East Lombok Regency (Dinas Ketenagakerjaan dan Transmigrasi Lombok Timur)	Head of Department	Government	Lombok Timur
40	10 April 2023	Villages Government of Motongbaan, East Lombok (Desa Motongbaan, Lombok Timur)	Village Chief	Government	Lombok Timur
41	12 April 2023	Social Services Offices of East Lombok (Dinas Sosial Lombok Timur)	Head of Department	Government	Lombok Timur
42	11 April 2023	Indonesian Migrant Workers Protection Agency (Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia, BP2MI)	Head of Department	Government	Lombok Timur

No.	Date	Institution	Position	Type	Location
43	12 April 2023	Defita Bersaudara Company (PT. Defita Bersaudara)	Head of East Lombok Branch	Private sector	Lombok Timur
44	13 April 2023	Indonesian Agency for the Placement and Protection of Indonesian Migrant Workers in West Kalimantan Provinces (Badan Pelayanan Pelindungan Pekerja Migran Indonesia Kalimantan Barat, BP3MI Kalimantan Barat)	Head of BP3MI	Government	Sambas
45	13 April 2023	Indonesian Agency for the Placement and Protection of Indonesian Migrant Workers in West Kalimantan Provinces (Badan Pelayanan Pelindungan Pekerja Migran Indonesia Kalimantan Barat, BP3MI Kalimantan Barat)	Rehabilitation and Reintegration Division	Government	Sambas
46	14 April 2023		Head of Traffic and Residence Permit	Government	Sambas
47	14 April 2023	Manpower and Transmigration Offices of Sambas Regency (Dinas Tenaga Kerja dan Transmigrasi Sambas)	Head of training and manpower placement	Government	Sambas
48	14 April 2023	Manpower and Transmigration Offices of Sambas Regency (Dinas Tenaga Kerja dan Transmigrasi Sambas)	Manpower placement	Government	Sambas
49	14 April 2023	Services for the Protection of Indonesian Migrant Workers Sambas (Pos Pelayanan Perlindungan Pekerja Migrain Indonesia di Sambas, P4MI Sambas)	Coordinator	Government	Sambas
50	15 April 2023			Migrant workers (two females and one male)	Sambas
51	15 April 2023			Migrant workers (three males)	Sambas
52	15 April 2023			Migrant workers (three males)	Sambas



No.	Date	Institution	Position	Type	Location
53	16 April 2023	Regional Committee of Indonesia Migrant Labor Union in Sambas (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di Sambas, SBMI Sambas)	Head	Union	Sambas
54	16 April 2023	Sambas Representative Village Consultative Body Association (Perkumpulan Badan Permusyawaratan Desa Perwakilan Sambas)	Secretary	Union	Sambas
55	16 April 2023	Lidik Sambas	Head	CSO	Sambas
56	16 April 2023		Calo / Broker	Others	Sambas
57	16 April 2023	Sambas People's Labour Union (Serikat Buruh Kerakyatan Sambas)	Head	Union	Sambas
58	16 April 2023	Indonesia Carpentry Council in Sambas (Dewan Pertukangan Indonesia, PPTKI Kab. Sambas)	Head	CSO	Sambas
59	16 April 2023	The Agency for Government Oversight and Policy (Lembaga Pengawasan dan Kebijakan Pemerintah Kabupaten Sambas)	Secretary	CSO	Sambas
60	17 April 2023	Office of Agriculture and Food Security (Dinas Pertanian dan Ketahanan Pangan Kabupaten Sambas)	Head of office	Government	Sambas
61	17 April 2023	Office of Agriculture and Food Security (Dinas Pertanian dan Ketahanan Pangan Kabupaten Sambas)	Head of division	Government	Sambas
62	17 April 2023	Sambas District Police Resort (Kepolisian Resort Kabupaten Sambas)	Head of division	Government	Sambas
63	17 April 2023	Office of Women's Empowerment, Child Protection, and Population Control of Sambas Regency (Dinas Pemberdayaan Perempuan, Anak dan KB Kabupaten Sambas)	Kepala Bidang Perempuan dan Pelindungan Anak	Government	Sambas

No.	Date	Institution	Position	Type	Location
64	18 April 2023	Villages Government of Setalik, Sambas (Desa Setalik, Sambas)	Village Chief	Government	Sambas
65	18 April 2023	Villages Government of Sebunga, Sambas (Desa Sebunga, Sambas)	Village Chief	Government	Sambas
66	17 April 2023	Border Crossing Post Aruk (Pos Pemeriksaan Perbatasan Aruk, Kabupaten Sambas)	Head of Sub Directorate	Government	Sambas
67	11 April 2023	Indonesian Agency for the Placement and Protection of Indonesian Migrant Workers in NTT Provinces (Badan Pelayanan Pelindungan Pekerja Migran Indonesia NTT, BP3MI NTT)	Head of Administration Subdivision of the BP3MI NTT	Government	Kupang
68	11 April 2023	Institute of Resource Governance and Social Change (IRGSC)	Member	Think Tank	Kupang
69	11 April 2023			Migrant Workers (two females)	Kupang
70	12 April 2023	Integrated One-Stop Service Centre for Indonesian Manpower Agency (Lembaga Terpadu Satu Atap NTT, LTSA NTT)	Head of Placement, Development and Construction Section	Government	Kupang
71	12 April 2023	Social Services Offices of NTT Provinces (Dinas Sosial Provinsi NTT)	Division for the prevention of human trafficking and protection of migrant workers	Government	Kupang
72	12 April 2023			Migrant Worker (one male)	Kupang
73	13 April 2023	NTT Regional Police (Polisi Daerah NTT)	Criminal investigator officer	Government	Kupang
74	13 April 2023	Rumah Harapan GMIT (Church Activity)	Social Workers	Religious organisation	Kupang
75	14 April 2023	Manpower and Transmigration Offices of NTT (Dinas Ketenagakerjaan dan Transmigrasi Provinsi NTT)	Government Worker Investigator	Government	Kupang
76	14 April 2023	Overseas Job Training Centre (Balai Latihan Kerja Luar Negeri NTT, BLKLN NTT)	Head of Department	Private sector	Kupang

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No.	Date	Institution	Position	Type	Location
77	14 April 2023	Hanaf Community (Komunitas Hanaf)	Founder	CSO	Kupang
78	14 April 2023			Migrant Workers (Two Males and one female)	Kupang
79	15 April 2023			Migrant Workers (three males)	Kupang
80	15 April 2023	Regional Committee of Indonesia Migrant Labour Union in Kupang (Dewan Perwakilan Cabang Serikat Buruh Migran Indonesia di NTT, SBMI NTT)	Leader	CSO	Kupang

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