

*Every time I registered to be a migrant worker to Hong Kong, the employment agency (PJTKI) asked me to change my name in my new passport. They said it would be difficult for someone who has worked in Hong Kong to leave the country without doing so.*

**An interview with Stammy Olvy Purukan, an ex-migrant worker from Manado.**

*For eight months, I never received any salary at all. After that, I began receiving only HKD 2,000 per month. At the training camp the Employment Agency asked me to state that my salary was properly paid according to the required government standard.*

**An interview with Sumiyatun, a migrant worker from Adipala, Cilacap.**

## **Abstract**

**I**ndonesia and Hong Kong have been cooperating in migrant worker placements since the 1990's. During that decade the number of Indonesian migrant workers in Hong Kong increased dramatically. By the end of the decade it was estimated that there were 80,000 Indonesian migrant workers in Hong Kong, with an average yearly increase of 16,000. Hong Kong is the premier destination for many Indonesian migrant workers because of its relatively high salaries and atmosphere of freedom.

Despite these advantages, migrant workers in Hong Kong have been mired in numerous problems caused not only by government apathy and discrimination, but also by a concerted effort by private industry to maximize profits at the migrants' expense. Some of the most common problems are poor job placement and ineffective labor standards enforcement, along with unethical treatment by brokers who coerce the migrants to forge their identities, and who distribute false or misleading information. Underpayment of workers, however, remains the single most widespread and chronic problem.

In Hong Kong, the legally mandated Minimum Allowable Wage (MAW) set by the Hong Kong government for migrant domestic workers has been HKD 3,270 since October 2003. On May 18, 2005, the Hong Kong government implemented a HKD 50 raise applicable to contracts effective from May 19, 2005. Despite the low amount, this law is commonly broken by employers, with a large proportion of Indonesian migrant workers receiving wages between HKD 1,700 and HKD 2,500 per month. Illegal reduction of salaries is often related to recruitment mechanisms as applied by the Indonesian government and Indonesian employment agencies (known as PJTKI), often in collaboration with each other.

Other abuses are numerous, and include violations in the number of daily working hours, violations in the type of work migrants are legally allowed to do, violations in the required weekly rest hours, and violations in allowing the required holiday time. Verbal and physical violence directed toward migrants remains all too common. Unfortunately, Indonesian migrant workers are subjected far

more often to these abuses than their Filipino counterparts, who more often enjoy their full benefits as stipulated by the government.

Despite the plight of Indonesian migrant workers, a great number of NGOs and trade unions believe the conditions of migrant workers in Hong Kong are considerably better than in other countries. This notion has been supported by the fact that the government has allowed trade unions such as the Indonesian Migrant Workers' Union to organize and demonstrate for migrant rights. Many activists have even left the region, believing Hong Kong to be in no need of further social justice work.

This report was compiled from two research projects (see Chapter 2 below for research methodology). (1) An in-depth project was conducted through interviews, surveys, and focus group discussions with 180 respondents in Hong Kong and Indonesia. The respondents in this project included ex-migrant workers, applicants, or their relatives; sponsors; and governmental elements from East Java, Central Java and Lampung. This portion of the project is referred to as the "**HK-I Research**" to distinguish it from (2)

A detailed baseline survey of 1,017 Indonesian domestic workers in Hong Kong, referred to as the "**HKDW Survey**".

### Primary Recommendation

*I would never change the name engraved in my passport since doing so would mean endangering myself before the Hong Kong Immigration Office. The Indonesian government should take action against any Recruitment Agencies that forge documents and routinely disseminate information to the public regarding working abroad.*

**Stammy Olvy Purukan, ex-migrant worker from Manado  
who wants to return to Hong Kong.**



Following are some of our recommendations, details of which may be found in the last chapter of the report:

1. The Indonesian and Hong Kong governments must increase bi-lateral dialogue in order to increase government and public awareness concerning the situation of Indonesian migrant workers.
2. The Indonesian government must stress protection as a key element when drafting policies aimed at migrant workers. The Hong Kong government should encourage the Indonesian government to maximize its efforts in the submission of a bilateral agreement under the International Labor Organizations' (ILO) eight main labor principles.
3. The Indonesian government and the Hong Kong government must immediately stop practices of underpayment which causes suffering to Indonesian migrant workers in Hong Kong by setting up a basic standard for recruitment and placement fees for Indonesian migrant workers in Hong Kong.
4. NGOs and Unions in Indonesia should develop programs for Indonesian migrant workers in Hong Kong in order to maximize the existing potentialities for increasing the bargaining power of migrant workers.



# Chapter 1

## Background

### 1.1 General Situation

The outward flow of Indonesian migrant workers has been growing steadily since unemployment became a critical problem in Indonesia. The unaddressed economic crisis in the country has strengthened the flow.

The Ministry of Indonesia Transmigration and Manpower (Depnakertrans) data shows that since 1999 about 400,000 Indonesian workers have migrated abroad each year. Today the total number has reached four million workers, most of whom (68% to 72%) are women working in the domestic and manufacturing sectors. Most of these women are in their most productive years, between eighteen and thirty-five years old, though a small percentage are younger than eighteen. About 30% of migrants are men working in the farming, construction, transportation, and service sectors. Some of the most common destination countries for migrant workers from Indonesia are Malaysia, Hong Kong, Taiwan, Korea, Singapore, Japan, and the Middle East, including Saudi Arabia.

Working abroad holds the promise of a much

higher salary than workers could get at home; however, the risk is equally great. Migrant workers are exploited from the time they apply to work overseas, through the application and selection process, by employment agents and employers in their destination countries, and finally, upon their return to their home countries, especially as they pass through Terminal III. Although the Indonesian government condemns brokers as the origin of the problem, the fact is that the government itself does nothing to stop illegal recruiting, deception, and even trafficking.

Violence against Indonesian migrant workers remains a serious problem. The Consortium for Indonesian Migrant Worker Advocacy (KOPBUMI), in their 1999-2003 study, found that there was substantial violence directed against Indonesian migrants working in Asia, the Pacific, and the Middle East. Most of this violence was directed against female migrants. In 2002, there were 1,308,765 cases of death, rape, physical violence, deception, or deportation. Only a few of these cases have been satis-

Tabel 1

Country	2001			2002			2003		
Placement	Male	Female	Amount	Male	Female	Amount	Male	Female	Amount
<b>Asia Pacific</b>									
<i>Malaysia</i>	33.974	40.416	74.390	87.566	65.114	152.680	57.034	32.405	89.439
<i>Singapore</i>	3.385	30.539	33.924	80	15.991	16.071	5	6.098	6.103
<i>Brunei</i>	1.568	4.168	5.736	3.088	5.414	8.502	388	758	1.146
<i>Hong Kong</i>	2	22.620	22.622	1	20.430	20.431	1	3.508	3.509
<i>Taiwan</i>	2.192	33.794	35.986	3.178	32.744	35.922	1.307	623	1.930
<i>South Korea</i>	2.673	1.419	4.092	3.585	688	4.273	6.390	1.105	7.495
<i>Japan</i>	1.382	6	1.388	441	3	444	100		100
<i>Others</i>	7	2	9	1	-	1	1	-	1
<b>Middle East</b>									
<i>Saudi Arabia</i>	9.356	89.868	99.224	18.256	195.347	213.603	14.304	154.737	169.038
<i>UAE</i>	268	10.404	10.672	332	7.447	7.779	98	1.377	1.475
<i>Kuwait</i>	124	3.065	3.189	37	16.381	16.418	109	12.159	12.268
<i>Bahrain</i>	1	1.541	1.542	-	666	666	-	88	88
<i>Qatar</i>	28	984	1.012	55	861	916	2	178	180
<i>Oman</i>	-	519	519	2	1.309	1.311	-	495	495
<i>Jordan</i>	29	334	363	89	1.144	1.233	-	226	226
<i>Cyprus</i>	-	-	-	-	23	23	-	-	-
<i>Others</i>	22	54	76	-	12	12	-	-	-
<b>Total</b>	<b>9828</b>	<b>106.769</b>	<b>116.597</b>	<b>18.771</b>	<b>223.190</b>	<b>241.961</b>	<b>16.415</b>	<b>169.257</b>	<b>183.770</b>

Source: The data of Department of Manpower and Transmigration (Depnakertrans)

factorily settled through proper legal channels.

In May 2005, 23-year-old Suprihatin, a domestic worker from Indonesia, died after falling from the nineteenth floor of an apartment building in Hong Kong. While the police

and her employer were eager to dismiss Suprihatin's death as a suicide, dissenting voices questioned this conclusion. The motive for Suprihatin's suicide, according to her employer, was that she was distressed over being unable

to provide more financial support to her family in Indonesia after the Boxing Day tsunami of 2004. Investigation by concerned parties in Hong Kong, however, revealed that Suprihatin did not have any family living in areas of Indonesia that were affected by the tsunami. Furthermore, witnesses, including other domestic helpers and neighbors in the apartment building, saw evidence of physical abuse against Suprihatin. In the period of time

Singapore in 2004. Between January and September, the Federation of Indonesian Migrant Workers' Organizations (FOBMI) observed that there were seventy-four cases of Indonesian migrant worker deaths from a variety of causes in a number of countries. However, since employees at Sukarno Hatta airport and Juanda airport have stated that almost every week corpses arrived, it is likely the actual number is higher. Apart from this,

**Table 1.1**  
**Number of Indonesian migrant workers traveling abroad from 1969 to 2003, by gender.**

Term	Women	Men	Quantity
Pelita I (1969-1974)			5,624
Pelita II (1974-1979)	3,817	12,235	16,052
Pelita III (1979-1984)	55,000	41,410	96,410
Pelita IV (1984-1989)	198,735	93,527	922,262
Pelita V (1989-1994)	442,310	209,962	652,272
Pelita VI (1994-1998)	1,203,936	660,043	1,856,967
Pelita VII (1999-2003)	1,018,458	516,103	1,534,516

Source: Analyzed from the data of the Indonesia Department of Manpower and Transmigration (Depnakertrans)

between her fall in late April and her death in early May, concerned friends visited Suprihatin in hospital. "Did you jump?" They asked her; she shook her head. "Were you pushed?" They asked; she nodded (South China Morning Post, 9 May 2005). As of press time the investigation and the rallies for justice are continuing.

Not all Indonesian migrant workers' deaths are due to intentional violence. In 2003, KOP-BUMI noted that in less than two years, there were 90 Indonesian deaths recorded in Singapore, many of which were the result of falling from high construction sites. In 2005, one NGO based in Jakarta known as ECOSOC reported that at least 114 Indonesians died in

the NGO Yayasan Panca Karsa Mataram in the province of West Nusa Tenggara also reported that many dead bodies were delivered to the aforementioned province.

Illness has also plagued Indonesians who work abroad. Data from Depnakertrans shows that of 350,000 migrant workers who returned through Terminal III, Sukarno Hatta airport, 37,000 (12%) were sick. Press reports revealed that some of them were forced to work as prostitutes.

**1.2. Feminization of Migration**

The majority of Indonesian migrant workers are women. Over the past five years, women working overseas increased between 68% and

76%. Of this increase, 71% was in the informal sector, primarily in domestic work. The seven destinations absorbing the largest number of Indonesians have been Malaysia, Taiwan, Hong Kong, Kuwait, Singapore, the UAE and Brunei Darussalam. Saudi Arabia in particular has been the largest recipient of Indonesian informal labor.

The feminization of migration has been largely due to women holding less land and their inability to secure long-term employment in the agricultural sector. The resulting escalation in poverty has necessitated overseas employment. Table 1.1 indicates the rise in female migrant laborers from 1969 to 2003.

Migration feminization has resulted in the polarization of labor, with men primarily taking part in formal work sectors and women participating more actively in informal domains.

This polarization has resulted in women's weaker societal and employment situation, a fact all too evident in their exploitation by the private sectors. Indeed, employment agencies promote Indonesian women workers as being obedient, docile and willing to undergo even the most degrading tasks. Unfortunately, the government of Indonesia does not take this fact into consideration in its labor policies

### **1.3. Domestic Workers**

Domestic work has shown the strongest presence in the legal history of Indonesian migrant workers. Domestic work, primarily in the Middle East, has often been the only choice for female migrant workers from Indonesia.

According to Depnakertrans, in 2002, 76% of 480,393 Indonesian migrant workers were women. Of these, 94% were domestic workers in the Middle East, Asia and the Pacific. In particular, in Asia and the Pacific, the growth in numbers of female migrant workers was a consequence of increasing growth and employment in

the public sector.

Domestic work does not require higher education and skill levels. The primary tasks involve housekeeping and caring for young children and the elderly. Because domestic work is largely done in private homes, environments hidden from public scrutiny, violence and abuse are rampant. Regulations regarding work time allocation, task type, holidays, and worker's compensation, where they exist, are easily ignored by employers.

### **1.4. Overview of Indonesian Migrant Workers in Hong Kong**

Mr. Ferry Susantio, Director of T.K.I. Employment Services, told AMC in an interview that migrant workers from Indonesia first began to arrive in Hong Kong around 1985. Because Hong Kong people were unfamiliar with Indonesians at that point, they were not in demand as domestic helpers, and T.K.I. reports that on average, only six workers a month would come from Indonesia to Hong Kong. At this point, workers were mostly men who were employed in grocery stores or as drivers or gardeners, and were underpaid at HKD 1,000 a month.

In the 1990s, the government of Indonesia began cooperating with the government of Hong Kong in migrant placements. This resulted in a significant increase in migration to Hong Kong. While Indonesian domestic workers in Hong Kong numbered 10,000 in 1990, that number had swelled to 80,000 by 2004. The increase currently averages between 10,000 and 15,000 per year.

However, comparing data on migrant worker populations in Hong Kong from both the Indonesian and Hong Kong governments highlights a great discrepancy. The Hong Kong government data is based on the number of employment contracts registered with the

Immigration Department and is therefore more likely to be accurate. The large inconsistency in numbers between the two governments' data shows that the Indonesian government may not be effectively monitoring the labor migration process to Hong Kong, and most likely to other countries as well.

Below is data that was analyzed from Depnakertrans. It is meant to give a picture of Indonesian migrant worker placement in Hong Kong during a six-year period.

**Table 1.2**  
**Indonesian Migrant Workers in Hong Kong**

Year	1998	1999	2000	2001	2002	2003
Men	505	42	6	2	1	1
Women	15,104	12,720	21,703	23,927	20,430	3,508
<b>Total</b>	<b>15,809</b>	<b>12,762</b>	<b>21,709</b>	<b>23,929</b>	<b>20,431</b>	<b>3,509</b>

Source: Analyzed from data of Depnakertrans RI

Compare data from the table above with data of the Hong Kong Immigration Department,

**Table 1.3**  
**Numbers of Indonesian Domestic Workers in Hong Kong, 1998 - 2003 (in thousands)**

Year	12/98	12/99	12/00	12/01	12/02	12/03
Number	31.8	41.4	55.2	68.8	77.1	81.0

Source: Hong Kong Immigration Department, 2003

below. The discrepancies between the two governments' figures are severe:

According to the data from Hong Kong Immigration Department, during the ten-year period from 1992 to 2002, Indonesian migrant workers to Hong Kong increased on average 37.9% per year. On the other hand, during the same time period, Filipino migrant workers, though their total number was greater, decreased as much as 14.8% per year (see table 1.4).

According to the government of Indonesia, migrant workers from that country in Hong Kong represent only 4.3% of the total

**Table 1.5**  
**Indonesian Migrant Worker's Remittances (US\$)**

Country	1999	2000	2001	2002
Saudi Arabia	492,368,517	356,754,738	1,555,378,775	140,840,872
Malaysia	298,719,836	325,162,878	61,348,362	57,491,288
Singapore	133,346,335	85,695,193	48,577,819	11,755,440
Taiwan	97,073,777	208,175,101	144,568,795	761,861,048
Hong Kong	94,525,859	157,413,506	77,702,806	25,761,936
Brunei	31,934,993	17,740,807	10,602,291	7,587,144
UAE	22,406,557	18,230,578	14,446,757	4,484,264
Kuwait	3,737,743	12,610,545	4,358,093	10,791,680
Qatar	1,645,328	2,974,121	1,614,801	669,456
Oman	1,982,541	2,152,974	869,493	855,472
Other	117,704,571	126,754,022	4,521,373	6,784,284
<b>Total</b>	<b>1,295,446,057</b>	<b>1,313,664,463</b>	<b>1,923,989,365</b>	<b>1,028,882,224</b>

Source: Analyzed from Depnakertrans RI

**Table 1.4**  
**Numbers of Filipino Domestic Workers in Hong Kong, 1998-2003 (in thousands)**

Year	12/98	12/99	12/00	12/01	12/02	12/03
Number	140.5	143.2	151.5	155.4	148.4	126.5

Source: Hong Kong Immigration Department, 2003

number of Indonesian migrant workers abroad and contribute, on average, proportionately to the Indonesian economy through remittances. The information (see table 1.5) reflects Indonesian government statistics on the annual remittances from countries with large populations of Indonesian migrant workers for the years 1999-2002:

The table below shows the percentage of total remittances that may be attributed to those remittances sent from Hong Kong during the same period of time:

**Table 1.6**  
**Indonesian Migrant Workers' Remittance from Hong Kong (US \$)**

Year	Number	Total Remittance	Percentage
1999	94.525.859	1,295.446.057	7.3
2000	157.413.506	1,313.664.463	12
2001	77.702.806	1,923.989.365	4
2002	25.761.936	1,028.882.224	2.5
Through Sept 2003	7.234.984	245.035.447	3

Source: Analyzed from data of Depnakertrans RI

From a regulatory point of view, Hong Kong is the only destination country that recognizes domestic work as work, and has established thorough regulations aimed at protecting migrant domestic workers and establishing equity in the workplace. Furthermore, unlike many other destination countries, the Hong Kong government tolerates migrant worker trade unions, and thus there is a degree of

autonomy in collective organizations with bargaining power.

Unfortunately, however, regulations protecting Indonesian migrants' welfare often are not followed in practice. A prior baseline research conducted by Asian Migrant Centre (AMC) in 2001 found that in Hong Kong, 48% of Indonesian migrant workers were underpaid. Most of the salary that they do receive is paid directly to the employment agency for the first seven months, thereby leaving very little spending money for the migrant worker. Filipino migrants are relatively better off, with fewer subject to underpayment. In addition to underpayment, 47% worked for more than eight hours per day, while 25% performed duties not outlined in their employment contract and 16% did not get proper housing or accommodation. Another survey found that sixty-seven Indonesian migrant workers who worked as

housekeepers (6% of total respondents) experienced physical attacks, while thirty-two Indonesian workers (3% of total respondents) were victims of sexual abuse.

In April 2003, KOPBUMI collected information and data available from newspapers and the mass media. It shows that of thirty-nine Indonesian workers who were infected with SARS globally, most were migrant workers in

Hong Kong. A month before, Koran Tempo (February 3, 2003) indicated that twenty-four Indonesian migrant workers were infected with HIV/AIDS in Banyuwangi. It was also presumed that they were Indonesian migrant workers in Hong Kong.

### 1.6 Hong Kong Migration Regulations

Hong Kong is a party to various core human rights conventions of the United Nations, including the International Covenant for Civil and Political Rights (ICCPR), the International Covenant for the Elimination of All Forms of

workers. As such, they are supposed to enjoy the same rights and freedoms as local workers. In addition, the conditions of work of FDWs are regulated through a standard employment contract. This contract stipulates employers must provide their workers benefits such as paid holidays and rest days, adequate food, home leave and return airfare.

The standard employment contract also includes the Minimum Allowable Wage, or MAW, as mentioned above. The MAW was first implemented in 1987, set at HKD 2,900 per month. Between 1987 and 1998, the MAW consistently rose due as Hong Kong's economy prospered, and the voices of migrant and local workers' advocacy groups grew louder. Unfortunately, the MAW is often the first to be targeted by the government during periods of economic slump. The government first attempted to cut the MAW in 1998, following the 1997 financial crisis that plunged Hong Kong and several Asian countries into economic recession. In 1999, the government succeeded in imposing the first-ever cut (5%) on the MAW, bringing it down to HKD 3,670 per month. In February 2003, the government succeeded in impos-



*AMC and IMWU representatives meeting the Hong Kong Labour Department to discuss the underpayment and excessive agency fees problems, Hong Kong, May 2004*

Racial Discrimination (CERD), and the International Convention for Economic, Social and Cultural Rights (CESR). In addition, key ILO conventions on migrant labor, namely ILO Conventions Nos. 97 and 98, have been applicable to Hong Kong since 1990 and 1975 respectively.

According to Hong Kong law, foreign domestic workers (FDWs) receive the same protections under Hong Kong's Labour Ordinance as local

ing a second wage cut, bringing wages down by 11% (HKD 400) to the current HKD 3,270.

In addition to attacking the MAW, the Hong Kong government has imposed a HKD 9,600 levy on the employers of FDWs for each two-year contract. This was implemented concomitant with the 2003 wage cut as a round-about way to pass on the burden of the levy to FDWs, as the HKD 9,600 levy breaks down to HKD 400 per month - the same amount as the HKD 400

wage cut on FDWs' wages. The move violates the Hong Kong government's obligations as a signatory of the ILO Convention No. 97 on Migration for Employment, which prohibits the discriminatory imposition of levies or taxes on migrant workers.

The Coalition for Migrants' Rights and its migrant union-members, as well as trade unions in the Philippines and Hong Kong, filed a complaint to the ILO in April 2002. In June 2004, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that the Governing Body "believe that the imposition of the same levy . . . would not be equitable," and requested the Hong Kong government to provide information on the issue. In a separate move, a group of migrants and advocates filed a case in Hong Kong in mid-2003 against the levy and wage cut. Despite the ILO's comment, the High Court decided in December 2004 that the wage cut and the levy were legal and were two separate policies.

Further, Hong Kong's New Conditions of Stay (NCS), enacted in 1987, imposes a host of discriminatory policies on FDWs in Hong Kong. The NCS denies FDWs the right to change to other (non-FDW) job categories, to right to obtain residency after seven years, the right to be joined by their families, and also severely restricts the conditions upon which they can change employers. The "Two-Week Rule", a specific provision within the NCS, requires FDWs to leave Hong Kong within two weeks of the termination date of their contract. Although the UN CERD Committee and the UN Committee on the Convention for Economic and Social Rights have issued repeated reports calling on the Hong Kong government to modify or repeal the Two-Week Rule, this policy remains in place. Another discriminatory policy is the live-in requirement, which forces FDWs to live in their

employers' homes.

### **1.7 Indonesian Migration Regulations**

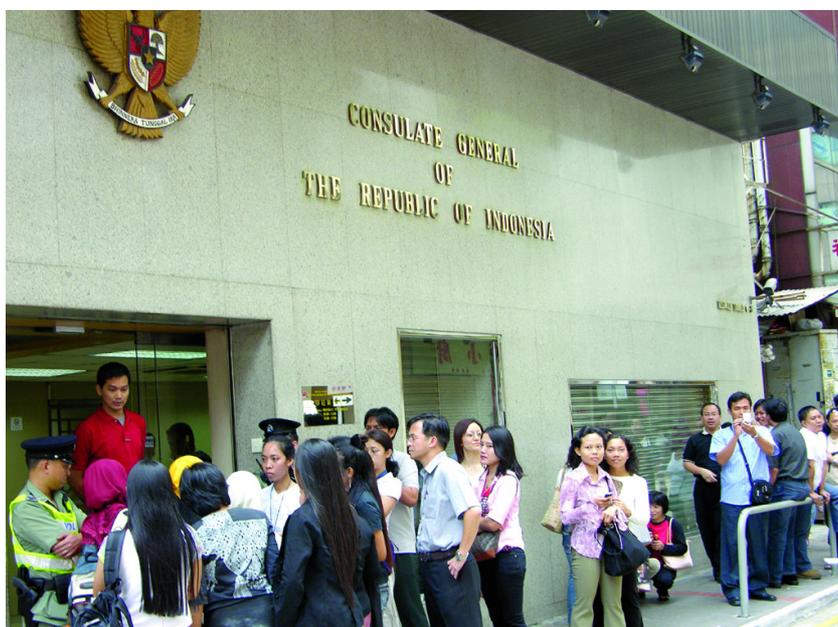
At the end of September 2004 the Indonesian House of Representatives released Bill No. 39, on the Protection of Indonesian Overseas Migrant Workers (PPTKLN). Although passed and signed by the president of the Republic of Indonesia, the bill is hotly disputed by employment agencies who are currently at loggerheads with NGOs, trade unions, and migrant workers regarding its implementation.

Bill No. 39 regulates the deployment of Indonesian workers overseas. It provides definitions of migrant workers, employment agencies, and other players in the migration process. In addition, it lists the government's duties and obligations as well as migrant workers' rights. It details the implementation procedures for deployment, as well as dispute settlement and administrative sanctions. Finally, it establishes a new independent body which will oversee the placement and protection of Indonesian migrant workers.

NGOs and trade unions believe that Bill No. 39 is too technical in regulating workers' recruitment and placement. While the law bills itself as a protective regulation, its provisions detail only procedures for recruitment and deployment; actual measures to protect the migrant workers are not there. Therefore, it was argued that Bill No. 39/2004 does not provide significant change as compared with the Labor Ministerial Decree (Kepmenakertrans) 104.A/2002. For their part, the PJTKI (Recruitment Agencies) believe that this bill overburdens them, and makes it difficult to carry on the business of recruitment and placement. An additional concern of PJTKI is that the legislation created a body to monitor the agencies, which body includes the participation of migrants' rights advocates and support groups.

The PJTKI agencies are most likely averse to legislation which would effect close monitoring of their activities. Due to these factors, both migrants' advocates and recruitment agencies sought revisions to the bill. Moreover, the majority of migrants' advocates and support groups rallied not only for revisions to, but for the abolishment of Bill No. 39.

In any event, the accepted revisions will not come into effect for at least one year. Thus, any policy regulating migrant workers in the near future will continue to be based on Kepmenakertrans No. 104.A/2002.



*The IMWU submits the petition to the Indonesian Consulate demanding action against underpayment, Hong kong 2004*

In fact, the lack of legal instruments providing protection during the recruitment process, employment period, and repatriation is one of the main causes of migrant workers' problems. Kepmenakertrans 104.A/2002 does not address practices of human trafficking in employment placement, violence, inhuman treatment, and other human rights violations. It also fails to provide any protection in terms of guarantee of salary or accident and life insurance. Perhaps

most importantly, it is not legally binding on other departments. It is binding only on the Manpower and Transmigration Department, and does not impact or regulate other government agencies whose activities impact migration, such as the Department of Women Empowerment, the Department of Foreign Affairs, the Social Welfare Department, and others.

Public laws are meant, in part, to enforce ministerial policy. Unfortunately, the law has failed Indonesians in this case. Little to no justice has been meted out to those who refuse to follow the policy. Therefore, punishment for

those who breached the law was approached from a purely administrative point of view and included fines or suspension of licenses. Kepmenkertrans 104.A/2002 also functions as a labor law, but does not provide a vehicle for conflict resolution. Thus legal certainty was left open to interpretation, allowing for collusion among bureaucrats, which worsened the situation. As a result many cases went unresolved.

Bilateral agreements are a primary requirement in guaranteeing consistency on issues such as medical care and labor conditions. Laws regulating migrant work must be synchronized in order to

guarantee equitable treatment during all stages of the recruitment and placement process. Unfortunately, Indonesia has not produced such bilateral agreements with 20 destination countries of placement. Indonesia has negotiated agreements with only Malaysia, Saudi Arabia, Qatar and Jordan. However, even these agreements are superficial as they only regulate placement, failing to address the vital issue of protecting migrant workers.