Protection of Indonesian Migrant Workers after Moratorium Policy on Consignment of Migrant Workers and its Impact to Indonesia Saudi Arabia Relations

Rahmat Aming Lasim*
Universitas Padjadjaran, Bandung, Indonesia.

Arry Bainus
Universitas Padjadjaran, Bandung, Indonesia.

Widya Setiabudi
Universitas Padjadjaran, Bandung, Indonesia.

Wawan Budi Darmawan
Universitas Padjadjaran, Bandung, Indonesia.

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Abstract

Indonesian government implement the moratorium on consignment of its migrant workers to Saudi Arabia after a migrant worker whose name is Ruyati was sentenced to death in Saudi Arabia in 2011. The moratorium is expected to ensure the safety of migrant workers. However, it has further impacted on migrant workers and becomes an issue of Indonesia - Saudi Arabia relations. We investigate the efforts of protecting Indonesian migrant workers from the Indonesian diplomatic representatives and its impacts on Indonesian relations with these countries. We conduct interviews with the representatives of the Indonesian Government and Indonesian migrant workers in Saudi Arabia. The findings are analysed with human security perspective, responsibility to protect (R2P) in the context of international migration. We argue that protection efforts based on human security to those migrant workers could leverage the position of Indonesia in its relations with Saudi Arabia. The problem of Indonesian migrant workers in Saudi Arabia is a complex issue, therefore we suggest further research to highlight the issue from the perspectives of the workers and cultural differences between those two nations.

Keywords

Human Security, Migrant Workers, Indonesia, Saudi Arabia.
Background

Introduction

The bilateral relationship between Indonesia and Saudi Arabia has been established since the early years of Indonesian independence. Since then, the two countries relationship developed into complex mutual relations in diverse sectors such as to Hajj pilgrimage, education, economic and so forth (Bhaskara, 2018; Al Qurtuby & Aldamer, 2018). Among different areas of Indonesia-Saudi Arabia relations, the sector of migrant workers of Indonesia in Saudi Arabia is one of the most crucial ones not only because the workers contribute a significant number of incomes, but also there is a several issue regarding their safety. There are a diverse number of Indonesian workers in Saudi Arabia especially those who work in informal sectors who are inflicted in various criminal cases, being the victim of domestic abuse, and so forth (Yuanita, 2016; Widyawati, 2018; Wardhani, & Christia, 2020; Tobing, 2020). Ultimately, the death sentence to an Indonesian worker of Ruyati in 2011 has strained the relationship between these two countries in which is proven by the moratorium policy of consignment migrant workers from Indonesia to the Middle-East countries including Saudi Arabia (Aminah, 2012; Widyawati, 2018; Platt, 2018).

However, the moratorium policy does not stop the flow of Indonesian migrant workers to Saudi Arabia that followed by other Middle East countries as well as does not secure the workers from any different problem instantly. The policy is intended to be temporary to wait for Saudi Arabia’s response to providing better protection policy to the Indonesian workers (Aminah, 2012). Furthermore, the policy also does not decrease the pull factors and push factors of Indonesian workers migration to Saudi Arabia. In this regard, Saudi Arabia is trying to pursue Indonesia to re-open the worker's consignment while the Indonesia demands clarity regarding the Saudi’s policy on protecting its workers (Wright & Clibborn, 2018).

Until the visit of King Salman bin Abdul Aziz Al-Saud of Saudi Arabia in 2017, the issue regarding Indonesia migrant workers in Saudi was not solved (ADY, 2017). The stances of the two governments are a great challenge for the Indonesian diplomatic representatives in Saudi Arabia who are responsible for protecting the safety of any Indonesian citizen in Saudi Arabia including the migrant workers. The problems in protecting the Indonesian workers in Saudi Arabia for Indonesian diplomatic representatives is not only helping the workers to deal with the Saudi’s law system in its jurisdiction but also must deal with the invalidity of number Indonesian workers in Saudi
Arabia and the cultural concussion among the workers (Jureidini & Hassan, 2019; Widyawati, 2018; Arokkiaraj & Rajan, 2021).

Despite the obstacles in protecting the safety of Indonesia workers in Saudi Arabia, the diplomatic officers should keep try to provide maximum protection efforts to workers as it is related directly with the Indonesian sovereignty according to Responsibility to Protect (R2P) paradigm. Furthermore, it is also essential to increase the bargaining power of Indonesia to force Saudi to implement direct policy to protect the workers. Therefore, this research is conducted to highlight the effort on protecting the Indonesia migrant workers in Saudi Arabia by the Indonesian diplomatic representatives especially the Consulate General of Republic of Indonesia for Saudi Arabia after the implementation of moratorium policy on consignment of migrant workers. We use the qualitative method to investigate the efforts done by the consulate officers to protect the safety of Indonesian workers in Saudi Arabia by gathering data via an interview with the officers as well as the random Indonesian migrant workers in Saudi Arabia. Furthermore, we analyse this international migration phenomenon through the perspective of responsibility to protect and human security discourse.

**Significance on Research**

The case of Indonesia's moratorium on migrant workers consignment to Saudi Arabia is essential be discussed as it reflected the intersection between the needs of human security perspective on international migration and how the state should exercise diplomatic power to ensure the security of its people. However, this issue cannot be solved solely by the moratorium since the aspect of the pull and push factors on international migration should also become consideration for the stakeholders. Therefore, the deeper discussion regarding how the people, which in this regard are the Indonesian migrant workers perceive the government efforts and protecting them and how then the government not only ensure their security abroad, but also facilitate their economic interests by re-open the consignment with the better terms and conditions.

**Research Problem**

This is essential since we perceive that there is existing gap on the discussion on the protection of migrant workers between the issues happens in the grassroots and the interaction in the governmental level. Therefore, by this paper we try to bridge the gap by providing analysis of how the migrant workers (grassroots) perceives the protection efforts from the government that ultimately determine how the bargaining position of those governments since we believe the most essential source of a government’s power is
the support from its people. Most of the discussions regarding the migrant workers are separated to which what happens in the grassroots and the governmental interactions. In this regard, we try to provide the relations between the needs of the people and the governmental interaction between those two countries by providing data of how the migrant workers of Indonesia in Saudi Arabia reception towards their governments efforts on protecting them.

Research Objective

The aim of this study is to provides essential explanation regarding the importance of Indonesian migrant workers reception towards then Indonesian government's efforts to efforts to protect them on Indonesia bargaining power with Saudi Arabia to provide better agreements on the migrant workers consignment. Therefore, we propose a research question of how the protection efforts done by the Indonesian Government’s representatives in Saudi Arabia impacts the bilateral relations between those two countries. Specifically, in the context of Indonesian migrant workers re-consignment on Saudi Arabia through renegotiation process between the two countries.

Literature Review

International migration is one of the most challenging discussions in the discipline of International Relations which do not only highlight the dynamics between sovereign states but also the flows of people across different jurisdiction due to diverse reasons. In general, the migration is generated by the not conducive condition in origin area (push factor) and better condition offered by the destination area (pull factors) (Castle & Miller, 1993; Lucas, 1981). Furthermore, the international migration trend in the contemporary global situation is strengthened by transportation technology advancement and multilevel interaction dynamics (Sugandi & Heryadi., 2017; Wright & Clibborn, 2019; Rahman, 2017; and Afriansyah, 2018). Therefore, the issue of Indonesian migrant workers in Saudi Arabia is not solely the determined by the bilateral cooperation agreements between two governments but also the including the pull and push factors especially in economic, as well as socio-cultural sectors (Arokkiaraj & Rajan, 2021; Widyawati, 2018).

International migration is related to the concept of human security in which the safety of the migrant workers become the central discussion in both international migration and human security. The concept of human security, in brief, is the security paradigm that focuses on the people as referent objects and to some extent as securing actors (Gómez & Gasper, 2013) The presence of the government to securitise human security both as individual or community is one the most central debate in the human security discourse.
(Watson, 2011). The securitisation process done by governments to the issue of human security is perceived differently by scholars of security studies. Some scholars believe that the securitisation process by the government more becomes a further threat to human security if not being viewed as ineffective. However, other scholars think the opposite that the security of the people is one of the government’s responsibilities.

In this regard, we believe that protecting human security of the people is the government’s responsibility which is in line with Responsibility to Protect (R2P) paradigm declared by the UN in 2005. R2P is a paradigm that state is responsible for protecting their people from atrocity crimes and human rights violations in which the traditional measures such as mediation, sanction, and the use of force according to the Chapter VII of UN Charter (Glennon, 1991; United Nations, 2014). However, we argue that the use of traditional measures is not adequate to be applied in most cases in which as the law enforcement will require political agreements among states such as the case of Syria and Libya (Akbarzadeh & Saba, 2018; Norooz, 2015; Platt, 2018; Widyawati, 2018). Furthermore, in many cases of crimes against humanity which covers the diverse type of crimes, the states-based securitisation cannot be done effectively as the result of different jurisdiction between states as well as complicated prosecution process. In this regard, protection effort based on the people’s experiences is more important rather than focus solely on achieving agreements between governments which takes longer time. However, securitisation of human security also requires government involvement as it provides political support to increase the effectiveness of the efforts.

**Research Method**

This research is conducted using a qualitative method in order to investigate details regarding the efforts in protecting Indonesia workers in Saudi Arabia by the Indonesian government and the perception of the workers to the government’ effort. We interviewed with Consulate of Republic Indonesia for Saudi Arabia representatives to gather in-depth information regarding the protection effort to the Indonesian workers. Furthermore, the interview also conducted with the random Indonesian workers in Indonesia in order to collect information regarding the perception of the workers to the protection efforts done by the consulate. Furthermore, we also use secondary data sources from the media releases to triangulate our findings from primary data sources (Dana & Dumez, 2015).

Furthermore, we also use literature studies as a tool for conceptual analysis in which the several related studies are compared in order deepening understanding regarding the
concept of international migration, human security, and R2P. We use the result of conceptual analysis to analyse the findings from the consulate, workers, and media.

**Indonesian Migrant Workers in Saudi Arabia and their Problems**

The bilateral relationship between Indonesia and Saudi Arabia was established in 1945 shortly after the independence declaration of Indonesia. The two countries relationship developed rapidly from the recognition of Indonesian sovereignty into multi aspects cooperation including in the consignment of Indonesian workers to Saudi Arabia (Bhaskara, 2018; Al Qurtuby & Aldamer, 2018). The migration of Indonesian citizen to work overseas involving in Saudi Arabia began in 1947 without the government’s policy (BNP2TKI, 2011). The similar religious background of Indonesia and Saudi Arabia had attracted many Indonesian to migrate to Saudi Arabia mainly in via Hajj pilgrimage (BNP2TKI, 2011). It is only in 1970 the government of Indonesia published government policy No. 4 1970 that regulate the need consignment Indonesian migrant workers. The policies regarding Indonesian migrant workers consignment as well as the responsible agencies are continually changing over time as the result of improvement in the workers quality and safety (Madrah & Suharko, 2019; Farida et al., 2019; Waridin et al., 2020). However, the consignment of Indonesian workers to Saudi Arabia is terminated to demand improvement of the worker's safety as the result of death sentence of Ruyati in Saudi Arabia in 2011 (Aminah, 2012).

The death sentence of Ruyati in 2011 was the first Indonesian workers’ execution in Saudi Arabia even though more Indonesian workers were sentenced to death. According to data released by the Indonesian Ministry of Foreign Affairs in 2018, there were 103 workers threatened by the death sentence in Saudi Arabia which 85 of them were saved (Rizqo, 2018; Widyawati, 2018; Platt, 2018). The execution of Ruyati attracted controversy in Indonesia as she was executed without prior notification to the family and the government of Indonesia. As a result of the execution, Indonesia implements the moratorium on consignment of Indonesian workers to Saudi Arabia which was later followed by the moratorium policy to 19 Middle East Countries (Nugroho, 2018). However, the moratorium policy unable to save several Indonesian workers from being executed in Saudi Arabia since the death of Ruyati until nowadays. At least there were four other workers executed without prior notification in Saudi Arabia from 2011 to 2018 (Permata, 2018).

The moratorium policy has generated several impacts both to the Indonesia-Saudi Arabia bilateral relations, the workers, and protection efforts from Indonesia. The moratorium
policy can push Saudi Arabia to negotiate on the protection procedure for the Indonesian workers in that country (Yuanita, 2016). Furthermore, the moratorium policy also generated illegal Indonesian workers in Saudi Arabia as there is still significant domestic push factors from Indonesia such as limited employment opportunities, a high number of the unskilled labour force, and poverty while Saudi Arabia’s labour market offers more open employment opportunities with the higher wage for the unskilled labour force (Afriansyah, 2018; Widyawati, 2018; Rahman 2017; Wright & Clibborn, 2018; Sulaksono, 2018). Therefore, the Indonesian representative. The presence of Indonesian illegal in the end increases the workload of Indonesian officials in Saudi Arabia as they must deal with a more complicated situation.

In this regard, representative of Indonesian Consulate General of Republic Indonesia in Jeddah, Saudi Arabia admits that the protection efforts become more challenging by the moratorium policy implementation as well as the presence of illegal workers. The presence of illegal workers has made the data in the consulate unreliable since the estimation of total Indonesian workers in Saudi Arabia is far above the listed data. Despite, the obstacles, the consulate tries to provide maximum protection to the Indonesian workers in Saudi Arabia. Several efforts have been made from regularly updating the data of the workers, initiate visits to the workers including to those who are in the prison, hospital, and other facilities, provide professional advocation assistance for those who are inflicted in criminal cases, and so forth.

However, the consulate stated that the most significant difficulties in protecting Indonesian workers in Saudi Arabia are not the presence of illegal workers, but more on the lack of knowledge from the workers to the Saudi Arabian culture and law system (Jureidini & Hassan, 2019; Arokkiaraj & Rajan, 2021). For instances, there many of Indonesian workers who are unable to speak Arabic and have very little information on how their rights as foreign workers in Saudi Arabia. This condition increases the vulnerability of the workers both to become the victim of abuse as well as inflicted in criminal activities. Interestingly, many of the workers who are being victims of violence as well as inflicted in criminal activities are those who work in the informal sectors such as housemaid and private driver. The data regarding the Indonesian workers who were executed by death sentence in Saudi Arabia also suggests that the informal workers are the most vulnerable worker category to be inflicted in criminal activities as well as being victims of domestic abuse.

We compare this finding to the pattern in Indonesian migrant workers in Saudi Arabia since the early days of Indonesian independence from BNP2TKI (2011) and find a pattern
that continuously reoccurs until today. The migrant workers of Indonesia in Saudi Arabia mostly work in domestic sectors as the result of easier requirements for being a domestic worker in Saudi Arabia as well as one a labour sector with the highest demand for migrant workers (Yuanita, 2016). Meanwhile, the domestic condition in Indonesia also provides strong push factors which are lack of education, poverty, and limited employment opportunity (Yuanita, 2016; Wright & Clibborn, 2019). Even though the empowerment programs for the domestic workers are also provided by the government as well as protection enhancement programs, the significant pull and push factors make the programs become less effective as the potential workers tend to seek the most accessible paths to become migrant workers in Saudi Arabia.

**Indonesian Migrant Workers Securitisation**

The government of Indonesia realizes that migrant workers especially those who work in domestic sectors in Saudi Arabia are one of the most vulnerable group to be the victims of domestic abuse, inflicting criminal activities and unjust law procedure. The data from both KJRI Jeddah and BNP2TKI suggest that the continuous efforts to securing this sector are being implemented and evaluated over time (BNP2TKI, 2011). Indonesia even implements the moratorium policy to cut-off limit the number of workers in Saudi Arabia to buy time for both Indonesian and Saudi Arabian system on protecting the migrant workers. We perceive that this action is not only intended to provide better protection system to the migrant workers but also increase the bargaining power of Indonesia to force Saudi Arabia to negotiate a better agreement on migrant worker issue. In this regard, Indonesia uses its right to implement the R2P procedure over its citizen overseas. The success of Indonesia in protecting its migrant workers in Saudi Arabia by the unilateral policy will increase the power to negotiate with Saudi Arabia (Aminah, 2012).

In the perspective of security studies, we perceive that the action taken by Indonesia is a form of securitisation over its migrant workers. The data regarding the number of migrant workers of Indonesia who were being the victims of abuse as well as those who are inflicted with crime and being treated unjustly are the base for the securitisation. In this regard, Indonesian workers in Saudi Arabia are the referent actors that should be protected by the securing actors by the process of securitisation. Indonesian government is the securing actor in the securitisation of Indonesian workers in Saudi Arabia. The official statements of Indonesian government which was followed by direct action of moratorium on workers consignment was the speeches act to generate awareness regarding this issue.
Furthermore, in response to a condition, the government of Indonesia released a statement of how their workers being threatened in Saudi Arabia mainly in death sentence of Ruyati in 2011. Furthermore, the practical action was taken by implementing the moratorium on consignment workers to Saudi Arabia as well as domestic policies to improve the standard of its migrant workers. The success of this securitisation process cannot be achieved in short time as it should also considers the responses from the Saudi Arabian governments, the migrant workers, as well as the people of Indonesia in general.

However, the essential question is regarding the effectiveness of these migrant workers securitisation policies of moratorium policy and so forth. It is difficult to answer as it is not only in the domain of Indonesia but also in Saudi Arabia. However, we perceive that regardless of the bargaining power of Indonesia in its bilateral relations with Saudi Arabia, one of the essential indicators on this securitisation is the response from the Indonesian workers in Saudi Arabia. If the workers were feeling secure by the efforts done by the governments, so securitisation has achieved the target and can be used to increase the bargaining power of Indonesia to Saudi Arabia. Moreover, to ensure that the workers are feeling secured by the protection efforts, continuous evaluation should be the indispensable phase in the securitisation process.

**Indonesian Government’s Responsibility to Protect in Human Security Perspective**

We highlight the efforts by the government of Indonesia to protect its migrant workers in Saudi Arabia as we believe that the key of success of these efforts is when the workers are feeling secure to work in Saudi Arabia because they feel that their government protect them. To get provide effective protection efforts to migrant workers in Saudi Arabia, the state-based securitisation is not useful as it tends to force the workers to in line with the government perspective. However, the government’s efforts can be more effective if it is also considering the voice of workers.

In this regard, compare the statement from Indonesian consulate in Saudi Arabia regarding the protection effort to the response from the workers. From the interview with the random workers in Saudi Arabia, we gather their argument on how they perceive the efforts on protecting the workers from the consulate as the Indonesian government representative in Saudi Arabia. Most of them argue that they satisfy with the protection efforts from the consulate to ensure their safety. Furthermore, there is also data sharing from the workers to the consulate regarding detailed information of the workers and the protection programs from the consulate. However, the workers also hoped that the
protection efforts from the consulate could be improved to reach the workers who live far from major city Saudi Arabia.

We perceive that the government of Indonesia through the Consulate General of the Republic of Indonesia in Jeddah, Saudi Arabia provide relatively adequate protection effort to the Indonesian migrant workers as the implementation of R2P. The Indonesian consulate has made efforts to protect their extended sovereignty by protecting the Indonesian migrant workers. Interestingly, despite the question regarding the human security issue securitisation, the efforts from Indonesian consulate receive positive appreciation from the workers.

The feedback from the workers is essential for the government of Indonesia to increase the bargaining power over Saudi Arabia. It is difficult for Indonesia to force Saudi Arabia to negotiate to formulate better terms and conditions on migrant workers if Indonesia is not able to ensure the safety of its workers by providing adequate protection. The pull and push factors of Indonesian migrant workers in Saudi Arabia put Saudi on the advantage as the flow of migrant workers is generated by the natural elements of international migrations. However, Indonesia can leverage its bargaining power by providing proofs that it also has sovereignty over its migrant workers in Saudi Arabia.

This finding suggests that human security issue can be managed by the government effectively if the securitisation is generated by the needs of the people as referent actors as well as gaining their feedback for further evaluation. Regarding this research, protecting human security does not contradict by the principle of R2P adopted by the government. Furthermore, the implementation of R2P should be based on the experience of the people as the critical components of the policy. The experience of Indonesia on protecting its migrant workers in Saudi Arabia suggests that the collaboration between people and government to respond to specific security issue especially those which are human security will generate benefits both parties.

We argue that the implementation of R2P principle by elaborating the needs of the people is the solution for the R2P implementation’s criticism which highlights the failure of such actions to generate the secure feeling among the people who become the referent actors. In this case, the Indonesia is not only pursuing the image of being able to protect its people in a foreign country but also in more essential term pursuing to give the secure feeling to the people. The consequence of this action is the efforts of protecting Indonesian workers in Saudi Arabia is not only generated by perspective the elites in Jakarta but also the experiences of the workers in Saudi Arabia.
Conclusion and Limitations

The protection of Indonesian migrant workers in Saudi Arabia is a complex issue which involved both governments and people relations. The moratorium on consignment of Indonesian workers to Saudi Arabia after the execution of death sentence to Ruyati without prior notification in 2011 has open new chapters on the Indonesia-Saudi Arabia relations, especially in-migrant workers issue. In this regard, Indonesia is trying to leverage its bargaining power in negotiation with Saudi Arabia to formulate more fair terms on conditions in the subject of migrant workers. The Indonesian representatives which in this regard is the Consulate General of the Republic of Indonesia in Jeddah, Saudi Arabia become a pivotal actor on providing adequate protection efforts to enforce Indonesian sovereignty on its migrant workers in Saudi Arabia. The consulate does not only consider the R2P principle but also aspects of human security by considering the feedbacks from the Indonesian migrant workers. The result suggests that the workers are well-appreciated efforts by the consulate which can be benefits for both parties.

However, the issue regarding Indonesian migrant workers in Saudi Arabia covers a wider area than the highlighted topic of this research. In this regard, this research focuses on the protection efforts from the Indonesian government implemented in Saudi Arabia. Therefore, further research with a similar topic is necessary to compare the findings of this research especially regarding the perception of the prospective migrant workers in Indonesia regarding the moratorium policy. Besides, it is also essential to gather information regarding the implementation of R2P on Indonesian migrant workers issue in other countries such as Malaysia or Hongkong as those countries have many Indonesian workers.

References


