

**Transnational Systems of Care and Women's
Labour Migration:**

A study of Indonesian domestic workers to
and in Malaysia

Kenji Kimura

This dissertation is part of the research programme of CERES,
Research School for Resource Studies for Development.

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ISBN 978-90-6490-131-7

**Transnational Systems of Care and
Women's Labour Migration:**
A study of Indonesian domestic workers
to and in Malaysia

**Transnationale systemen voor zorg en voor
arbeidsmigratie van vrouwen:**
Een onderzoek naar de migratie van Indonesisch
huishoudelijk personeel naar Maleisië

Thesis

to obtain the degree of Doctor from the
Erasmus University Rotterdam
by command of the
Rector Magnificus

Prof.dr. F.A. van der Duijn Schouten

and in accordance with the decision of the Doctorate Board
The public defence shall be held on

3 March 2021 at 15.00 hrs

by

Kenji Kimura
born in Nagoya, Japan

International
Institute of
Social Studies

The logo of Erasmus University Rotterdam, featuring the word 'Erasmus' in a stylized, cursive script.

Erasmus University Rotterdam

Doctoral Committee

Doctoral dissertation supervisor

Prof. D. Gasper

Other members

Dr B.P. Resurreccion, Queen's University

Prof. M. van Reisen, Tilburg University

Prof. I.P. van Staveren

Co-supervisor

Dr TD Truong



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Acronyms

AEC	ASEAN Economic Community
ASEAN	Association of Southeast Asian Nations
BNP2TKI	Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia (National Authority for the Placement and Protection of Indonesian Overseas Workers)
CSOs	Civil Society Organisations
GCC	Global Care Chain
ICRMW	UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILO	International Labour Organisation
IOM	International Organisation for Migration
IRAs	Indonesian Recruitment Agencies
MDWs	Migrant Domestic Workers
MOU	Memorandum of Understanding
MRAs	Malaysian Recruitment-placement Agencies
NEP	New Economic Policy
NGO	Non-Governmental Organisation
NPO	Not-for-profit Organisation
PPD	Public-Private Divide
SNS	Social Networking Service



Acknowledgements

This PhD thesis could not have been completed without the great support from my supervisory team, Professor Dr. Des Gasper and Dr. Thanh-Dam Truong. I wish to express my sincere thanks to Des who is my promoter. I first met him at a conference of ‘International migration, multi-local livelihoods and human security’ organised by ISS in 2007. I presented my paper on ‘Education and human insecurity of Brazilian immigrant children in Japan’, and Des was the discussant. I still remember his gentle, neutral but critical comments. This was the beginning of our relationships. In my PhD journey, he kindly checked my drafts multiple times with his eagle eye, and gave me gentle, neutral but critical comments all the time.

I also wish to express my very special thanks to Thanh-Dam who is my co-promoter and the main supervisor of this PhD thesis. I first met her in Fukuoka, Japan in 2006. We were in the same research project named ‘Human security in the networks of global cities’ (particularly Bangkok, Dakar, Mexico City, Washington D.C., The Hague and Nagoya) organised by the Centre for Human Security Studies, Chubu University, Japan. I was honoured to meet her, not only because she is a prominent expert in Gender and Migration Studies, but also because she was my senior at Ohio University. Before the day of our meeting in Fukuoka, she felt pain in her teeth. So, I accompanied her to a nearby dental clinic as a translator. This was the beginning of our relationships. Then, in 2007, she invited me to join the organizing committee for a conference of ‘International migration, multi-local livelihoods and human security’ and gave me a chance to present my paper. In my PhD journey, she continuously gave me advice, support and encouragement – both intellectual and personal. I can never thank her enough.

I would like to thank my supervisors in Japan and the United States too, for recommending the ISS PhD programme to me: Professor Dr. Nobuhiro Nagashima (Director of the Centre for Human Security Studies,

Chubu University, Japan as of 2011); Professor Kinhide Mushakoji (Advisor at the Centre for Human Security Studies, Chubu University, Japan as of 2011); Professor Tatsuo Harada (Project leader at the Centre for Human Security Studies, Chubu University, Japan as of 2011); and Dr. Elizabeth Collins (Centre for International Studies, Southeast Asian Studies, Ohio University as of 2011). With their recommendations, I could gain the chance to start my PhD journey at ISS.

My heartfelt thanks go to all the discussants at my Dissertation Design Seminar (DDS), Post-fieldwork Seminar (PFS), Full-draft Seminar (FDS), including: Dr. Atsushi Sano and Dr. Karin Siegmann for DDS; Dr. Eunjung Koo and Dr. Siegmann for PFS; Ms. Mahardhika Sjamsoeod Sadjad, Dr. Siegmann, Dr. Ton van Naerssen and Dr. Yu Kojima for FDS. My heartfelt thanks also go to Ms. Zuleika Sheik for editing my PhD thesis.

My sincere thanks go to the ISS administrative and support staff, who are too many to mention here, including those at the PhD Support office, welfare office, the library, computer department, facilities department and finance department.

In Indonesia and Malaysia, many people supported me to conduct fieldwork in Karawang, Jakarta and Kuala Lumpur. I would like to extend my special appreciation to the following people: Ms. Tati Krisnawati (Kaliaget Organic Farm and School); Mr. Dadang Muchtar (Solidaritas Buruh Migran Karawang (SBMK)); Prof Dr. Sulistyowati Irianto (University of Indonesia); Dr. Irene Fernandez (Tenaganita); and Ms. Tania Jo (Tenaganita as of 2012). Sadly, Irene passed away in 2014. I sincerely pray for the repose of her soul, and remain grateful for her guidance. Also, Pak Dadang passed away in 2016. I sincerely pray for the repose of his soul.

Lastly, but certainly never least, I must thank my family in Japan, particularly my wife Makiko Kimura. Makiko kept waiting for me to complete this ten-year PhD journey with patience and encouragement. I love you Makiko, and thank you from the bottom of my heart.



Abstract

The aim of this thesis is to build on the ongoing debates about care in Gender and Migration Studies from the perspective of ‘care circulation’ among migrant domestic workers (MDWs). The massive cross-border migration of women as domestic workers in the last four decades calls for a reassessment of concepts and frameworks as well as of impacts. The erosion of care systems caused by the transfer of care and domestic labour from low-income to high-income countries has sometimes been referred to as the ‘care crisis’ or ‘crisis of social reproduction’, but these studies have only partially captured the multi-directional paths of care flow and the diverse forms of caring relations that concern transnational families. This study provides a multi-layered analysis (macro-meso-micro levels) of the relations between the cross-border circulation of women’s domestic labour and the transformation of care systems, and of how the rights of MDWs are invisibilised in different layers of power relations in the processes of cross-border migration.

The study focuses on the system of female live-in MDWs from Indonesia to and in Malaysia, which are respectively amongst the main sending and receiving countries of MDWs in Southeast Asia. Due to the historical interactions as neighbouring countries, labour transfer has taken place through internationally recognised entry points as well as through relations that pierce through the borders. MDWs have also constructed social spaces across borders using contemporary communication technologies.

In this regard, this study adopts transnationalism both as a concept and a set of research perspectives distinctively different from methodological nationalism. The dissertation’s methodological approach is based both on multi-sited fieldwork (Karawang district, Indonesia (migrant sending site); Jakarta, Indonesia (migrant departure site as well as site of ASEAN headquarters); Kuala Lumpur, Malaysia (migrant receiving site)), as well as extensive use of other observations and secondary sources. The study uses a mixture of qualitative methods to collect information on the experiences and perspectives of

multiple actors in the process of cross-border migration from Indonesia to Malaysia and on the meanings assigned to 'care', 'domestic work' and 'migration'.

This study also proposes a theoretical perspective that connects debates on domestic labour, care and social reproduction, for a more holistic understanding of the transnational migration of domestic workers. It discusses the emerging analytical reorientations to capture the specific experiences of women's transnational migration as domestic workers, their social obligations to care in multiple locations, and how their practices can contribute to a new perspective on transnational forms and practices of care and the social reproduction of the family as an institution.

In order to explicate the multiple layers of power relations in the cross-border transfer of care and domestic labour from Indonesia to Malaysia, which have direct implications on the recognition of rights of Indonesian MDWs and their family members, the study first shows the transnational migration system between Indonesia and Malaysia, historically built on the basis of their geographical, cultural and religious proximities, and the governments' politics over the rights of Indonesian MDWs to and in Malaysia. This transnational migration system enhances transferability and circularity of domestic labour between two countries, but with only limited protection of MDWs' rights, and contributes to the transformation of the care systems in both countries.

Then, the study analyses the social dynamics behind the continued inflows of MDWs into Malaysia, which reflect the resilience of the gender structure and division of care responsibilities in Malaysian households, combined with the government's policies on mobilisation of women's labour into economic production (industries and services). It shows that the transformation of care systems (care entitlements arising at the levels of the state and firms, and the provision and associated arrangements in the household) in Malaysia has increased both the structural dependence on MDWs, especially Indonesian female MDWs, and vulnerabilities and insecurities of the live-in MDWs.

The dissertation also provides a local case study of variant forms of gendered labour migration and how they reshape care relations and duties within the household in Indonesia, based on research findings in one of the major migrant-sending sites in West Java, Karawang Regency. The socio-economic transformation of Karawang under the national development programme has fostered the formation of local variants of the transnational family through which caring duties are enacted, and familial bonds have been maintained

through the transnational space formed by new technologies of cross-border communication.

Lastly, the study examines transnational activism of civil society organisations (CSOs) in the defence of Indonesian MDWs' rights to and in Malaysia and those of their family members, in the contemporary regional context provided by ASEAN and its declared principles of regional solidarity. After explicating how CSOs in ASEAN address the policy gap for the rights of migrant workers, especially MDWs, using opportunities and promises provided in the ASEAN Community building processes, it gives critical attention to the scope and limitations of the CSOs' transnational cooperation at the regional, national and grassroots levels.

Based on the research findings, the study shows the discrepancies between the slogan of 'One Caring and Sharing Community', pledged by the ASEAN leaders, and current realities and the plural meanings and forms of care practiced by Indonesian MDWs who work in and move to and from Malaysia. The study argues that unless the rights of MDWs are guaranteed, it is extremely difficult and sometimes impossible for Indonesian live-in MDWs to maintain not only their own security and safety in the destination country Malaysia but also the quality of caring relationships with their stay-behind children, husbands and family members at home.

*Transnationale systemen voor zorg en voor arbeidsmigratie van vrouwen:
Een onderzoek naar de migratie van Indonesisch huishoudelijk personeel naar Maleisië*



Samenvatting

Het doel van dit proefschrift is om voort te bouwen op de bestaande debatten over zorg in Gender- en migratiestudies vanuit het perspectief van 'zorgcirculatie' onder arbeidsmigranten die huishoudelijk werk verrichten (migrant domestic workers of MDW's). De massale grensoverschrijdende migratie van vrouwen als huishoudelijk personeel in de laatste vier decennia vraagt om een heroverweging van zowel concepten en kaders als van de effecten van de migratie. De uitholling van zorgsystemen als gevolg van de verplaatsing van zorg- en huishoudelijk personeel van lage-inkomenslanden naar hoge-inkomenslanden wordt weleens de 'zorgcrisis' of 'crisis van sociale reproductie' genoemd. Dit doet echter slechts gedeeltelijk recht aan de verschillende richtingen van de zorgstroom en de diverse vormen van zorgrelaties binnen transnationale gezinnen. Dit onderzoek omvat een gelaagde analyse (op macro-meso-en microniveau) van de relatie tussen de grensoverschrijdende huishoudelijke arbeid van vrouwen en de transformatie van zorgsystemen. Ook laat dit onderzoek zien hoe de rechten van MDW's onzichtbaar worden in verschillende lagen van machtsverhoudingen in het proces van grensoverschrijdende migratie.

Het onderzoek is gericht op vrouwelijke inwonende MDW's die van Indonesië naar Maleisië gaan. Indonesië en Maleisië behoren respectievelijk tot de belangrijkste uitzendende en ontvangende landen van MDW's in Zuidoost-Azië. Door hun geschiedenis als buurlanden vindt de overdracht van arbeidskrachten plaats via internationaal erkende ingangspunten en via grensoverschrijdende betrekkingen. MDW's hebben ook grensoverschrijdende sociale ruimtes opgezet met behulp van hedendaagse communicatietechnologieën.

In dit opzicht vormt transnationalisme in dit onderzoek zowel een concept als een stel invalshoeken die duidelijk verschillen van methodologisch nationalisme. Dit proefschrift beschrijft veldonderzoek op verschillende plaatsen: het district Karawang, Indonesië (uitzending migranten); de Indonesische hoofdstad Jakarta, (vertrekplaats migranten en vestigingsplaats van het hoofdkantoor van ASEAN, de Associatie van Zuidoost-Aziatische Naties) en de Maleisische hoofdstad Kuala Lumpur (ontvangst migranten). Daarnaast is in dit onderzoek uitgebreid gebruikgemaakt van observatie en secundaire bronnen. Met verschillende kwalitatieve methoden is informatie verzameld over de ervaringen en gezichtspunten van meerdere actoren in het proces van grensoverschrijdende migratie van Indonesië naar Maleisië en over de betekenissen die worden toegekend aan 'zorg', 'huishoudelijk werk' en 'migratie'.

Dit onderzoek biedt ook een theoretisch perspectief waarin debatten over huishoudelijke arbeid, zorg en sociale reproductie met elkaar verbonden worden. Zo ontstaat een holistisch beeld van de transnationale migratie van huishoudelijk personeel. In dit proefschrift worden de nieuwe analytische verkenningen besproken om de specifieke ervaringen van de transnationale migratie van vrouwen als huishoudelijk personeel en hun sociale verplichtingen om op meerdere locaties te zorgen in kaart te brengen. Ook wordt besproken hoe hun activiteiten kunnen bijdragen aan een nieuw perspectief op transnationale vormen en methoden van zorg en de sociale reproductie van het gezin als instelling.

De gelaagde machtsverhoudingen bij de overdracht van zorg en binnenlandse arbeid van Indonesië naar Maleisië hebben directe implicaties voor de erkenning van de rechten van Indonesische MDW's en hun familieleden. Om deze gelaagdheid in beeld te brengen, beschrijft dit proefschrift eerst het transnationale migratiesysteem tussen Indonesië en Maleisië, historisch ontstaan door de geografische, culturele en religieuze nabijheid, en het overheidsbeleid ten aanzien van de rechten van Indonesische MDW's in Maleisië. Dit transnationale migratiesysteem bevordert de overdracht en roulatie van binnenlandse arbeidskrachten tussen de twee landen., waarbij de rechten van MDW's echter slechts in beperkte mate worden beschermd. Verder draagt dit systeem bij aan de transformatie van de zorgsystemen in beide landen.

In dit onderzoek wordt ook gekeken naar de sociale dynamiek achter de voortdurende instroom van MDW's in Maleisië. Deze weerspiegelt de veerkracht van de genderstructuur en de verdeling van zorgtaken in Maleisische huishoudens in combinatie met het overheidsbeleid inzake de mobilisatie van vrouwen als arbeidskrachten in de economische productie (industrie en

dienstverlening). Uit het onderzoek blijkt dat door de transformatie van zorgsystemen (zorgrechten vanuit de overheid en het bedrijfsleven, en de zorgvoorziening en bijbehorende regelingen in het huishouden) in Maleisië zowel de structurele afhankelijkheid van vooral Indonesische vrouwelijke MDW's, als de kwetsbaarheid en onzekerheid van de inwonende MDW's is toegenomen.

Dit proefschrift beschrijft verder een lokale casestudy van verschillende vormen van arbeidsmigratie op basis van gender en de gevolgen daarvan voor de zorgverhoudingen en -plichten binnen huishoudens in Indonesië. Deze casestudy is gebaseerd op onderzoeksresultaten in een van de belangrijkste uitzendplaatsen voor migranten op West-Java: het regentschap Karawang. De sociaal-economische transformatie van Karawang door het nationale ontwikkelingsprogramma heeft de vorming van lokale varianten van het transnationale gezin bevorderd. Hierin worden zorgtaken uitgevoerd en familiebanden in stand gehouden door de transnationale ruimte die wordt gevormd door nieuwe technologieën voor grensoverschrijdende communicatie.

Ten slotte is onderzocht welke rol het transnationale activisme van maatschappelijke organisaties heeft gespeeld in de verdediging van de rechten van Indonesische MDW's die naar Maleisië gaan of daar al verblijven, en van die van hun familieleden. Deze maatschappelijke organisaties opereren in de regionale context die de ASEAN tegenwoordig biedt vanuit het principe van regionale solidariteit. Eerst wordt uiteengezet hoe maatschappelijke organisaties binnen de ASEAN het beleidshiaat voor de rechten van migrerende werknemers (vooral MDW's) opvullen, waarbij ze gebruikmaken van de mogelijkheden en beloften van de ASEAN op het gebied van de opbouw van gemeenschappen. Deze uiteenzetting bevat een kritische beschouwing van de reikwijdte en de beperkingen van de transnationale samenwerking van maatschappelijke organisaties op regionaal, nationaal en lokaal niveau.

Uit het onderzoek blijkt dat er een discrepantie bestaat tussen de slogan 'Eén gemeenschap van gedeelde zorg', van de ASEAN-leiders en de huidige realiteit en meervoudige betekenissen en vormen van zorg door Indonesische MDW's die in Maleisië werken en naar en uit dit land verhuizen. In dit proefschrift wordt betoogd dat het voor inwonende Indonesische MDW's in Maleisië uiterst moeilijk en soms onmogelijk is om hun eigen veiligheid en bestaanszekerheid te waarborgen, tenzij de rechten van MDW's worden gerespecteerd. Ook komt de kwaliteit van de zorgrelatie met hun thuis achterblijvende kinderen, echtgenoten en familieleden in het geding als zij geen rechtsbescherming krijgen.

1

Introduction

1.1 Background and statement of the research problem

‘(Recalling) the goals and objectives of the ASEAN Vision 2020, which sets out a broad vision of the ASEAN becoming a concert of Southeast Asian Nations, outward looking, living in peace, stability and prosperity, bonded together as partners in dynamic development and in a community of caring and sharing societies...’ (ASEAN Cebu Declaration Towards One Caring and Sharing Community 2012)

‘(Confirming) the shared and balanced responsibilities of the Receiving and Sending ASEAN Member States to protect and promote the rights of migrant workers and members of their families in the entire migration process...’ (ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers 2018)

The Cebu Declaration was made by the Association of South-East Asian Nations (ASEAN) in its meeting in Cebu, the Philippines, in 2012 as part of facilitating the ASEAN Community building process. All the ASEAN leaders (presidents and prime ministers) made a pledge that they will move ASEAN towards ‘One Caring and Sharing Community’. Similar statements were made already during the several previous years. In addition, in response to the rapidly increasing intra-regional migration (through both regular and irregular channels) in the ASEAN Community, all the ASEAN member states reached a consensus on the protection and promotion of the rights of migrant workers, signed in Jakarta, Indonesia, in 2018. Notable is that this consensus covers not only the rights of migrant workers but also those of their families. Yet, many researchers and activists have

criticised the ASEAN members' slow and limited progress in policy making and implementation for the rights of migrant workers, including migrant domestic workers (MDWs), and their families (e.g. Chavez 2007, 2015; Rother and Piper 2015; Rother 2018). Further, even though there is a significant rise in numbers of international migrant workers engaged in different types of care work, especially in Malaysia, Thailand and Singapore, no mention has been made of 'care' in the context of domestic workers in private households, despite both the strategic and intimate roles that they now play in these countries, and the implications for their home countries.

Worldwide, especially since the 1990s, the issue of domestic labour and women's cross-border migration as domestic workers has drawn increasing academic and, sometimes, policy attention (e.g. Heyzer and Wee 1992; Truong 1996; Parrenas 2000; Hochschild 2000). Research in this area has continuously dealt with the diverse forms of oppression (physical, mental, emotional and sexual) experienced by migrant domestic workers (hereafter MDWs). The research agenda has been expanded to include: MDWs' empowerment and individual agency (e.g. Williams 2008); dependence of migrant sending countries and communities on MDWs' remittances (e.g. Hernandez-Coss et al. 2008); and also issues related to specific aspects of demographic transition that affect the domain of care provision, creating new gaps to be filled by MDWs (e.g. Wongboonsin and Tan 2018).

The efforts to count the presence of domestic workers show a gradual increase. Although no accurate statistics are available, the International Labour Organisation (ILO) (2013, 2019) estimated, for example that the total numbers of domestic workers are: approximately 33.2 million in 1995, 52.6 million in 2010 and 67 million in 2019. Around 80% of the domestic workers are women, and 17% of them are (international) MDWs (ILO 2019),¹ though the number of MDWs through both formal and informal channels may in reality be much higher than this estimation.

In parallel, recent studies noted that the domestic work sector has expanded in conjunction with the rise of middle-class women's involvement in the labour market and the pressure of caring duties at home (e.g. Lutz 2008, 2018; ADBI et al. 2017). Under neoliberal restructuring processes,

¹ MDWs in this study is domestic workers not in internal migration but in cross-border migration.

the regional, national and local care systems have substantially been transformed. At the level of the local community, a care system is generally expressed as reciprocity in interpersonal and inter-household relationships, whereas at the state level it is integral to social policy through state-based entitlements to care leave and services, covering mainly wage workers in the regulated sectors of the economy. Market-based care provision, placed in between the two arrangements, has gained momentum due to policies that privatise care services (child and elderly care, health care, socialising children and household chores). In order to fulfil the care-related functions, a large amount of domestic labour – especially from developing countries – have been transferred between countries.

In Southeast and East Asia, the major receiving countries and areas of MDWs are Hong Kong, Taiwan, Malaysia and Singapore while major sending countries are Bangladesh, India, Nepal, Sri Lanka, Vietnam, Indonesia and the Philippines (Tayah and Gallotti 2017: 65). In these sending countries, women tend to migrate abroad in a repetitive manner in order to work as domestic workers on a temporary basis. As the Asian care regimes are strongly family-based, families take the principal responsibility for their members' welfare (Esping-Andersen 2000; Hoang et al. 2012). In accordance, the main form of MDWs in these receiving countries is 'live-in MDWs', which means living in the employers' household and providing domestic and care services as one of the household members.

As several authors in migration studies point out, migration is not merely an individual matter of migrant workers (e.g. Yeoh and Lam 2007; Schwenken 2013). Studies of migration as a gendered process have revealed multiple insights, such as the gender-based consideration of migration decision-making, the changes produced in gender identities and roles, and the impacts on intra-household management (e.g. Pinnawala 2009). Migration, particularly long-term and circular cross-border migration, is a family-involved process that also affects stay-behind family members, including husbands and children, and the intra-family relations (Graham et al. 2012; Baldassar and Merla 2014; Hoang et al. 2012, 2015). The absence of a parent due to migration qualitatively changes the pattern of everyday life of and care arrangement for the stay-behind family members, especially stay-behind children.

Some scholars who examine the transformation of the care systems have noted their erosion at multiple levels caused by the transfer of care and domestic labour from low-income to high-income countries, that has

been referred to as the ‘care crisis’ or ‘crisis of social reproduction’ (Beneria 2008; Isaksen et al. 2008; Kunz 2010; Fraser 2016; Yeates 2018). For example, from a perspective of capitalism’s crisis of care, Fraser (2016: 33) argues that “between the need for increased working hours and the cutback in public services, the financialized capitalist regime is systematically depleting our capacities for sustaining social bonds”. This theoretical view is important especially for the macro-level analysis of the effects of the transfer, but it needs further empirical examination at the micro-level. A care system is secured through a shifting constellation of sources encompassing state, market, civil society (not-for-profit) and family/household, etc., and the balance among these institutions very much depends on the historical, geographical, and cultural context (Katz 2001: 711). The diverse forms of the institutions need to be reflected in the micro-level analysis. For example, the diversity of family structure and household composition – nuclear family, extended family, three generation household, two-headed household – requires careful examination. Likewise, civil society organisations (CSOs) engaged in care service provision can take different forms, depending on the governance regime; not just NGO/NPO but also other categories such as local community, neighbourhood, self-help group, and volunteer work must be taken into account.

Despite the rise in demand for domestic labour and the expansion of the MDWs sector involved in care services, domestic work has continuously been undervalued and poorly regulated (e.g. ILO 2006; ADBI et al. 2017). Until recently, domestic workers have not been recognised as workers but classified in the vernacular language as ‘domestic helpers’, ‘domestic servants’ and ‘maids’ etc. This has contributed to the plight of domestic workers, especially MDWs, who often suffer from maltreatment, such as control of mobility through withholding identity papers, physical abuse, sexual harassment, little or no vacation time, unpaid and unlimited overtime work and wage denial (Satterthwaite 2005; Human Rights Watch 2004, 2011), even though there is not just despair but also joy and other positive moments in their migration process (e.g. Francisco-Menchavez 2018). Yet, public authorities have been reluctant to intervene in the defence of ‘domestic helpers’ and to increase public spending for domestic carers primarily because domestic work is regarded as a ‘private’ issue within the family. The socio-cultural norms on the ‘public-private divide’ (hereafter PPD), which are changing under neoliberal restructuring but

still dominant, contribute to a conflict of perceptions about rights and accountability for domestic workers.

From the perspective of state management of migration streams in the domain of 'care', the trend has long been to disregard relevant international legislative frameworks, such as the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990). A common response of origin-country governments has been the periodic (temporary) banning of cross-border migration of domestic workers, rather than finding measures to protect their rights. The governments also tend to leave the rights of migrant workers' family members out of consideration.

Considering these global trends regarding MDWs (changing PPD and state management), further research is needed to analyse the multiple layers of power relations in the cross-border transfer of care and domestic labour, which have direct implications on the recognition of rights of MDWs and their family members. These power relations influence the nature of direct abuse and create the conditions of vulnerability, which are distinct from those in other types of occupations in the care service sector, such as nurses and health care workers.

In this vein, this study attempts to analyse transnational systems that structure women's cross-border migration as domestic care workers in ways that give limited recognition of their rights, including understanding these systems in terms of care, gender and migration. It aims to connect and extend the insights gained from gender and migration theories, for a deeper understanding of female migrants' experiences. The geographical focus of this study is Indonesia and Malaysia, which are respectively amongst the main sending and receiving countries of MDWs in Southeast Asia. As they have had a lot of historical interactions as neighbouring countries, labour transfer has taken place through internationally recognised entry points as well as through relations that pierce through these borders. MDWs have constructed social spaces across borders with contemporary communication technologies. From this vantage point, to capture the position of Indonesian female MDWs to Malaysia, transnationalism as a theoretical and methodological approach is more appropriate than one which is based on the nation-state as a basic unit of analysis. This will be discussed in further detail in Chapter 2.

1.2 Research objective and questions

1.2.1 Research objective

The objective of this study is to provide multi-layered explanations on the relations between women's transnational labour migration and the transformation of care systems in the development processes at multiple levels (regional, national and local), with a focus on Indonesian female MDWs to Malaysia. Drawing especially on data collected from long-term fieldwork periods (from February 2012 to January 2013, and additionally from March 2016 to April 2018 in Malaysia to observe the government's policies and CSOs' responses), as well as from multiple literature and monitoring of these issues during the past fifteen years, including during three other long stays in Indonesia,² it will offer a multi-layered perspective of cross-border migration by examining the dynamics of both migrant sending and receiving sides in migration processes. In order to capture the dynamics in changing care systems, it attempts to situate the experiences of the relevant social actors, especially and mainly the Indonesian MDWs, in the historical, geographical, national and cultural context of the two countries.

1.2.2 Research questions

Following this objective, the leading questions and related sub-questions of this study are as follows:

² I stayed in Indonesia for three years in total including the following periods: (a) from November to December 2004, I stayed in Bandung to participate in an Indonesian language programme at the Institute of Technology Bandung (Institut Teknologi Bandung: ITB); (b) from July to August 2005, I stayed in Jakarta to conduct a study and fieldwork on human trafficking in Indonesia as an intern at the National Commission on Violence against Women (Komisi Nasional Anti Kekerasan Terhadap Perempuan: Komnas Perempuan) for my M.A. programme at Ohio University ; (c) from January 2008 to December 2010, I stayed in Jakarta to join the Japanese Foreign Service as a researcher/adviser attached to the Embassy of Japan in Indonesia in charge of ASEAN affairs. The data I collected especially during my stays in Jakarta is still relevant contextual exploration for this study to be elaborated in 2.3.

Leading question number one

Why and how has cross-border migration of domestic labour from Indonesia to Malaysia been promoted and facilitated in the present context of transnational migration systems in relation to the transformation of care systems at multiple levels (global, regional, national and grassroots)?

- How has the sector of Indonesian MDWs involved in care services been expanded in Malaysia and Indonesia, and what are the characteristics of female MDWs (quality and quantity)?
- How have the features of organization of care in Malaysia and Indonesia been transformed under the global, regional and national development programmes and policies?
- What are the implications, of Indonesian women's cross-border migration as domestic workers between Indonesia and Malaysia, for the two countries?
- How have Indonesian MDWs and their family members responded to the transformation of practices of organizing and delivering care at the household level in migrant sending communities?

Leading question number two

How far have the rights of Indonesian female MDWs to Malaysia been recognised and protected/unprotected in different layers of power relations (regional, international and national) in the processes of cross-border migration?³

- How have the governments (Indonesia, Malaysia and ASEAN) played politics of recognition of rights of Indonesian female MDWs to Malaysia?

³ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) emphasises the connection between cross-border migration and human rights. For example, Article 7 states that "States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status".

- How has the intersection of power relations (gender, migratory status, generational hierarchy and social class) contributed to the formation of live-in MDWs' social identities capable of generating plural forms of vulnerability and insecurity at their workplace, as well as affected their relationships with stay-behind family members at home?⁴
- In what ways have the transnational cooperation of and between CSOs, and the contemporary regional context of ASEAN and the existing political space for migrant workers' rights-claiming, yet contributed to enhancing the protection of Indonesian female MDWs to Malaysia and recognition of domestic workers as care workers?

1.3 Justification of this research

1.3.1 The magnitude of cross-border migration between Indonesia and Malaysia

The migration flow from Indonesia to Malaysia through both formal and informal channels has been estimated to be one of the largest in the world (Hugo 2007). Liow (2003: 44) estimated that the long-term, undocumented migration flow from Indonesia to Malaysia was arguably the second largest migration flow after the case of the US-Mexico border, although the author's methodology for statistical data collection is unclear. This massive migration flow today has largely been created by labour migration, stimulated by the geographical and cultural proximity (kinship, language and religion) and the historically constructed transnational migration networks that enhance transferability of labour. Spaan and van Naerssen (2017) referred to it as the 'migration corridor between Indonesia and Malaysia'. Given Indonesia's dependence on the migrant workers' remittances, particularly those by MDWs, especially since the 1980s, a large number of Indonesian women have migrated to Malaysia and other countries through the migration corridors, and are extolled as "economic

⁴ The forms of vulnerability and insecurity experienced by live-in MDWs are different from those experienced by live-out MDWs in terms of space and mobility control.

heroes” (Platt 2018: 93). In recent years, the number of Indonesian migrant workers, including MDWs, tended to decrease, but the estimated magnitude remains very large (Harve and Arslan 2017: 3).

1.3.2 Political sensitivity with regard to the migration issue

The rights of migrant workers have been one of the sensitive political issues in Malaysia owing mainly to the country’s heavy dependence on migrant labour for its national development programmes, particularly ‘Vision 2020’ introduced in 1991, aiming to achieve the status of developed country by 2020. In order to reduce the overdependence on Indonesian migrant workers as the most dominant group, the government has arrested some of the ‘undocumented’ migrants and deported them to their home countries on a regular basis. The most remarkable repatriation was called ‘Nunukan crisis’ in 2002; almost 400,000 Indonesian undocumented migrants were deported to Belawan, Batam and Dumai in Sumatra, and Pontianak and Nunukan (a small island on Indonesia’s border with the Malaysian state of Sabah with a permanent population of just about 40,000) in Kalimantan (Ford 2006: 228). The sudden influx of deportees to Nunukan caused a lack of adequate food, housing, and medical care, and resulted in the deaths of about seventy people and the serious illnesses of hundreds of others (Arifianto 2009: 621). This ignited a dispute over securitization of migrant workers between Indonesia and Malaysia.

Specifically, violence against MDWs inside and outside the workplace in Malaysia has been reported by media and CSOs especially since the early 2000s. The severe abuse case of Ms. Nirmala Bonat, an Indonesian MDW in Malaysia in 2004, triggered a CSOs campaign for the rights of MDWs and led to the intervention of the governments of Indonesia and Malaysia.⁵ After the Indonesian government’s banning of sending their domestic workers, the two governments signed, in 2011, the Memorandum of Understanding (MOU) on the recruitment and employment of domestic workers.

⁵ In the wake of this case, both governments announced several initiatives for addressing abuses against MDWs, including establishing a bilateral labour agreement on domestic workers, improving the quality of pre-departure training, and creating expanded support services for victims of abuse (Human Rights Watch 2004: 53).

1.3.3 Accelerated commodification of MDWs: the moral question

Since Malaysia began the ‘import’ of female live-in MDWs as care and domestic labour especially from Indonesia in the 1970s, the recruitment-placement agencies and brokers expanded their business activities, including the use of advertisements that treat MDWs as a commodity. For example, one recruitment-placement agency’s advertisement using the slogan – ‘Indonesian Maids Now on Sale!’ – was distributed in some areas in Kuala Lumpur. It stated that – ‘Fast & Easy Application! Now Your Housework and Cooking Come Easy. 40% Discount. You Can Rest and Relax. Deposit only RM (Malaysia Ringgit) 3,500! Price RM 7,500 Nett’ – with an illustration of a female domestic worker. The government of Indonesia complained about this advertisement, and one of the spokesmen said it treats human beings as a commodity (AFP 2012).⁶ These advertisements have contributed to erasing the dignity of the persons who provide domestic care services.

1.3.4 Gaps in policy for the rights of MDWs

There are gaps in policy for the rights of migrant workers, especially for those of MDWs, at the regional and national levels. At the regional level, ASEAN has in the past decade facilitated ASEAN Community building programmes – composed of the ASEAN Political-security Community (APSC), the ASEAN Economic Community (AEC) and the ASEAN Socio-cultural Community (ASCC) – under the slogan of ‘One Caring and Sharing Community’ and ‘People-oriented, People-centred Community’. The ASEAN Community was officially launched in 2015. Through ASEAN connectivity projects – including physical infrastructure development (physical connectivity), effective institutions, mechanisms and processes (institutional connectivity), and empowered people (people-to-people connectivity), intra-regional labour mobility has been enhanced (ASEAN 2011). Efforts to enhance connectivity have led to a sharp increase in the number of migrant workers within and beyond ASEAN, but

⁶ For another example, in 2015, one company selling robotic vacuum cleaners in Malaysia issued an advertisement using the slogan – ‘Fire Your Indonesian Maid Now!’. It showed a white man relaxing in a chair with the vacuum cleaner nearby. Again, the government of Indonesia sent a formal complaint against this advertisement to the government of Malaysia, calling it ‘utterly insensitive and demeaning to the people of Indonesia’ (BBC 2015).

the legal protection for migrant workers, especially the ‘low-skilled’ including MDWs and undocumented migrant workers, remains very limited (Chavez 2007, 2015).

At the national level, while the government of Indonesia has conducted labour export to deal with surplus labour and high unemployment, and to gain remittances, under the national development plans from President Suharto’s rule (1966-1998) onwards, the government of Malaysia has conducted labour import under the policy framework for national development since the second Prime Minister Abdul Razak’s administration (1970-1976). Yet, there has been political manoeuvring and controlling in the governments’ policy on migrant workers, especially regarding MDWs, which has fostered a system of Indonesian women’s migration as domestic workers with only very limited recognition and protection of workers’ rights.

1.4 Organisation of the study

Following this introduction, Chapter 2 presents the methodological approach and process of this research in and on Indonesia and Malaysia. To examine the systems of recruitment and provision of care services by foreign domestic workers, I adopted transnationalism as a research paradigm. My methodological approach is based both on multi-sited fieldwork, as well as extensive use of other observations and secondary sources. I use a mixture of qualitative methods to collect information on the meanings assigned to ‘care’, ‘domestic work’ and ‘migration’ by multiple actors. The chapter describes all stages of my relevant involvement and information-gathering, including my work on engaging with different epistemological approaches.

Chapter 3 presents the theoretical perspective for this research on cross-border migration of Indonesian women as domestic workers to and in Malaysia. It first surveys the relevant theories and analytical concepts in the debates on care, gender and migration, and then attempts to synthesise (connect, deepen and extend) these insights for the interpretation of the empirical data gathered during the research process.

Chapter 4, 5, 6 and 7 present empirical analyses based on the theory and methodology examined in the earlier chapters. Chapter 4 investigates

the transnational migration system between Indonesia and Malaysia historically built on the basis of their kinships and geographical, cultural, religious proximities, and how it facilitates the circular cross-border migration of Indonesian women to Malaysia as domestic workers. It discusses how this transnational migration system has contributed to the transformation of the care systems in both countries.

Chapter 5 analyses how the transformation of care systems (care entitlements arising at the levels of the state and firms, and provision and its arrangements in the household) in Malaysia has increased both the structural dependence on MDWs, especially Indonesian female MDWs, and the vulnerabilities and insecurities of live-in MDWs. It discusses the reasons why domestic services provided by migrant workers remain a preferred option for double-income Malaysian families with women in occupations within the high-income bracket, despite the state's declared attempts to implement a care policy in line with its policy on gender equality in employment opportunities.

Chapter 6 presents a local case study of variant forms of gendered labour migration and how they reshape care relations and duties within the household in Indonesia, based on research findings in one of the main migrant-sending sites in West Java, Karawang Regency. It dissects the socio-economic transformation of Karawang which has fostered the formation of local variants of the transnational family through which caring duties are enacted, and how familial bonds are maintained through the transnational space formed by new technologies of cross-border communication.

Chapter 7 gives critical attention to transnational activism of civil society organisations (CSOs) in the defence of Indonesian MDWs' rights to and in Malaysia and those of their family members. It first explicates how CSOs in ASEAN tackle the policy gap for the rights of migrant workers, especially MDWs, in the ASEAN Community building processes, and then discusses the scope and limitations of the CSOs' transnational cooperation at the regional, national and grassroots levels.

Chapter 8 concludes with key observations on the benefits from the theoretical and methodological approach used in bringing to light new understandings of the empirical phenomenon regarding women's cross-border migration as domestic workers and on the implications for policy-making and civil society interventions.

2

The Research Methodology and Process

2.1 Introduction: on exploring an invisibilised group

The spate of research on cross-border migration of domestic workers from Indonesia to different parts of the world that emerged in recent decades has delivered mixed conclusions. One of the general agreements in these endeavours concerns the multiple forms of invisibility (including legal, physical and cognitive) faced by MDWs. This invisibility is identified as a major cause behind the prevalence of abusive practices, including those related to human trafficking, and the restricted domain of MDWs' agency to seek justice and compensation (Lyons 2007; Ford et al. 2012; Irianto and Truong 2014).

My PhD research initially set out to inquire about the experiences and wellbeing of Indonesian women MDWs in Malaysia during the period of their contracts and upon their return. The parameters of inquiry were inspired by the ILO Domestic Workers Convention ratified in 2011 and the notion of 'One Caring and Sharing Community' launched by ASEAN in 2012 but already discussed for several years previously. The meaning of 'care' encapsulated in the ASEAN Vision 2020 set up in 1997 is "a concert of Southeast Asian nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies". No specific mention was made though of 'care' in the context of domestic workers in private households. One of my main hypotheses concerns the lack of coherence in understanding 'care' as a value, and as practices that contribute to the maintenance of societies, and its impacts. It may contribute to the absence of legal and social protection for cross-border care providers as workers.

In the process of all of my studies on and in Indonesia and Malaysia for the past fifteen years, a main focus of investigation and analysis theoretically and empirically became the complex systems of domestic work and caring activities – especially their arrangements in a transnational context with the involvement of multiple actors – and the boundaries and cultural meanings of domestic work and care. Therefore, the lens of ‘transnational care circulation’ is vital to link several important perspectives (see Chapter 3).

This research study is qualitative, adopting multiple methodological approaches, for an investigation of the system of women’s transnational migration as domestic workers in the context of the transformation of care arrangements in the neoliberal restructuring process. The first aim is to discern the modalities of care circulation, including: (a) forms of care MDWs provide for their employers; (b) on-site forms of care adopted by CSOs directed at abused MDWs in the host country, and upon their return to their home villages; and (c) forms of cross-border care practiced by MDWs directed at their stay-behind family members. For cross-border care practices, multiple data sources and research techniques were adopted for a more comprehensive and insightful analysis of multiple power relations governing the delivery of care services (including state policy) by Indonesian MDWs in Malaysia, as well as their fulfilment of the obligation to care for stay-behind families and for themselves. Data on on-site forms of care directed at MDWs in the host country and upon their return draws on personal interviews as well as on secondary sources.

The second aim is to reveal ‘invisibilisation’ as a process that makes possible the silencing of multiple forms of maltreatment experienced by MDWs. Particular attention is directed to the ‘migration corridor between Indonesia and Malaysia’ (Spaan and van Naerssen 2017). Invisibilisation has been traced through the entire process of their cross-border migration (departure, employment, return, and possibly re-migration), to distil the experiences and meanings of their ‘social suffering’ produced by their invisibilisation (Herzog 2017), and the absence of their access to rights in the laws and policies.

This chapter is divided into two main parts. The first part discusses transnationalism as a research perspective – an alternative to methodological nationalism – for an investigation into the system of cross-border migration of domestic workers in the transformation of care arrangements. It examines the strength and limitations of the relevant methodological

tools in transnational migration research – multi-sited fieldwork, multi-scalar global perspective (macro-meso-micro level), intersectionality in practice, and triangulation of the research findings. The second part explains the mixed methods – multiple literature surveys, document analysis, preliminary questionnaire survey, interview (semi- and un-structured) and participatory observation – applied in the whole study on and in Indonesia and Malaysia for the past fifteen years, especially in the multi-sited fieldwork undertaken in both countries during the period from February 2012 to January 2013 and additionally in Malaysia from March 2016 to April 2018.

2.2 Transnationalism as a methodological approach: justification, strength and limitations

In view of the emerging patterns of cross-border migration on a global scale since the 1990s, various scholars pointed out the limitation of the use of nation-state as a main unit of analysis in migration studies, coined as ‘methodological nationalism’, and proposed a perspective of transnationalism to open up the field of inquiry that pays attention to multiple actors and diverse beneficiaries in the migration process (Glick Schiller et al. 1992; Truong and Gasper 2008; Faist 2012; Truong 2012). While the traditional international migration approach emphasises the role and function of government between two nation-states, a transnational migration approach highlights the roles and functions of migration networks, remittances and ongoing communication channels, which make cross-border migrations possible. One of the aims of transnationalism is to deconstruct the deceptive and over-crude binaries, such as national-international and local-global, found in dominant discourses on migration (Truong and Gasper 2008: 288).

Methodological nationalism has been a potent barrier to capture the reality of transnational processes (Blanc et. al 1995; Wimmer and Glick Schiller 2002; Lazar 2011). Making the assumption of the nation-state as the container of social processes, methodological nationalism tends to conflate society with the nation-state. It has reinforced nationalism as a hegemonic frame of representation of social and cultural diversity and collective action (Blanc et al. 1995). Lazar (2011: 71) noted that “if we remove the blinders of methodological nationalism, we see that while nation-states

are still extremely important, social life is not confined by nation-state boundaries”.

Importantly, as the concept transnationalism contains the term nationalism, it keeps the ‘nation-state’ within its framework, something distinct from terms such as globalism and globalization. Transnationalism situates ‘nationalism’, inter-nationalism and ‘nation-state’ as one of the several possible frameworks to study social relations that pierce through borders globally (Faist 2012: 55). In this sense, transnationalism does not simply replace methodological nationalism but rather revises it. Research on transnationalism requires attention to how the transnational processes can lead to the changing role of the government in immigration control, social and cultural citizenship, the judicial system and economic operation and so forth.

On the side of civil society, some studies on transnationalism have examined how the contemporary communication technologies, particularly the internet, have impacted the social space and migrant workers’ livelihood (Glick Schiller 2005; Mazzucato 2009; Molina et al. 2012). More recently, the category of the ‘transnational families’ was introduced to capture the manners in which transnational families have maintained their relations through social networking services (SNS), such as Facebook, Instagram, Skype and WhatsApp etc., which can show the actual presence of family members on the screen. To capture the dynamics and changes of social space, some analytical concepts have been proposed, such as ‘transnational social fields’ (Glick Schiller and Fouron 1999), and ‘transnational social spaces’ (Pries 2001). While the concept of a transnational social field is a more anthropological perspective highlighting the personal networks in specific places, the concept of transnational social spaces is derived from a sociological approach that places greater emphasis on the entirety of networks in a wide region (Molina et al. 2012: 7). These concepts are complementary in referring to ‘transnational formation’, a concept which allows us a methodological entry point into the investigation of the complex social connections across borders in transnational migration.

2.2.1 The formation of transnational migration of domestic workers: the role of multi-sited research

One of the methodological approaches proposed for transnationalism research is multi-sited ethnography, coined by the American anthropologist George Marcus (1995). He pointed out the limitation of conventional ethnographic research in one site in the face of neoliberal globalisation, and proposed to conduct research in two or more sites and to follow the agencies, practices and connections across borders.⁷ Multi-sited ethnography could be a useful methodology especially for transnational migration research, which enables us to understand transnationality in the context of cross-border 'social fields' and 'spaces' in a more comprehensive way (Faist 2012).

Yet, a major critique directed to multi-sited ethnography should be noted. First, anthropologist Hage (2005) raised a critical question on whether multi-sited ethnography is practically feasible or not. Classical social or cultural anthropology requires prolonged stays in a chosen field-work site for the ethnographer to acquire familiarity with the entire field-work site and to understand the cultural context through thick description. Thus, it may not be feasible to conduct such ethnographic research in multiple sites. Based on his own experiences in multi-sited ethnography on Lebanese migrants, Hage (2005: 466) noted that "multi-sited ethnography would be possible but at the expense of making light of the meaning of an anthropological site".

In addition, anthropologist Candea (2007) argues that 'multi-sited ethnography' could imply a tacit holism because it suggests conducting ethnographic research in globally spread and geographically non-contiguous sites and following 'seamless reality' (agencies, practices and connections etc.) across the globe. Actually, the coiner of the term, Marcus (1995: 99) stated that the goal of multi-sited ethnography is not holistic representation – an ethnographic portrayal of the world system as a totality – but emphasised that "any global entity is local in all its points, and each localized sited study is simultaneously a study of the world system". This is the point where further clarifications and elaborations are required.

⁷ The fields of geography and anthropology have provided some multi-sited approaches, such as simultaneous matched sample methodology (SMS) which includes network analysis (Mazzucato 2009).

These critiques could lead to disciplinary debates over 'ethnography', especially between anthropology and sociology. Nadai and Maeder (2005) emphasise the differences between anthropological ethnography, especially in traditional social or cultural anthropology, and sociological ethnography, and contend that multi-sited ethnography is particularly suited for building empirically grounded sociological theories. These critiques also could lead to epistemological debates over 'site' and other relevant concepts, such as 'place', 'space' and 'field', in scientific research. For example, it is epistemologically arguable that even a 'single' fieldwork site has multiple sites of investigation, such as household, gathering spot and religious place etc., and thus every single-site has an aspect of multi-sitedness. Scholars on transnationalism have taken some steps in these debates, but many think that an integrated, systematic and theoretical perspective is still awaited (Lazar 2011: 76).

Taking these critiques into consideration, the methodology adopted in this study is multi-sited fieldwork in the sociological sense, not multi-sited ethnography in the classical social or cultural anthropology approach. As Hage (2005: 471) noted, crossing an international border is the most important aspect of migration in terms of the change from one national culture to another, as well as of the power politics between two governments. Therefore, conducting fieldwork in both the migrant sending and the receiving country is significant for observing and understanding the governments' policies, transnational formation of a migration process and its temporal changes.

The multi-sited fieldwork in this study involves the district of Karawang, West Java province, a site known for sending MDWs across Indonesia and beyond, and Kuala Lumpur in Peninsula Malaysia as a receiving site. Rather than studying the entirety of either or both fieldwork sites with prolonged stays, the major tasks of this study have been to observe and understand the power relations among the stakeholders, such as migrants themselves, migrants' family members, recruitment and placement agencies, local and central government, and employers in the relevant sites. This required briefer, but still substantial fieldwork periods, plus serious attention at several other levels. Thus, in addition, the multi-level dynamics in the migration process will be tracked with an emphasis on Indonesia-Malaysia national contexts and the ASEAN regional context.

2.2.2 Multi-scalar global perspective and intersectionality in practice

In order to capture the transnational positioning of social actors in the neoliberal restructuring processes at a global level, multiple-scale methodological approaches were required. In this connection, Glick Schiller (2015: 2776) offered a multi-scalar global perspective – “local, national, pan-regional and global are not separate levels of analysis but are part of mutually constituting institutional and personal networks of unequal power”. She pointed out that transnationalism research needs to address the way in which social actors construct themselves within relations spanning the globe that yet also consist of locally grounded networks of power (ibid).

For transnational migration research, Lutz and Palenga-Mollenbeck (2011: 350) suggest a macro-meso-micro level methodological approach to analyse the emergence and dynamics of transnational labour migration in the context of care arrangements and domestic work in the European context (especially Germany and Poland), as follows:

- “macro level of social institutions: such as labour markets, welfare and migration policies;
- meso level of social networks and organisations: gendered and ethnically segregated informal social networks and formal organisations;
- micro level of individuals: transnational intersectional practices and positions of actors (gender, class, ethnicity etc.)”.

Some migration research has focused on meso level analysis, highlighting ethnic and religious associations, family and kinship ties, and circles of friends, co-workers and neighbours to bring the associative dimension of migrants’ lives to the fore (e.g. Faist 2010). Meso level analysis can also be a connecting link between macro and micro level analysis, to overcome the micro-macro schism (Pries 2008; Lutz and Palenga-Mollenbeck 2011). It is particularly important in analysing transnational migration networks which not only facilitate international border crossing (exit/entry) but also connect the migrant and his/her stay-behind family members (transnational families). As Lutz and Palenga-Mollenbeck (2011) mention, these levels (macro, meso, micro) should not be seen as separate.

Furthermore, the multi-level analysis can help make visible the transnational positioning of migrants as social actors, especially how this positioning is formed by intersectional relations that produce identifications of migrants. Here, intersectionality can be a useful approach. Originally articulated by feminist theorists in the 1980s to analyse the invisibility of the violence against women of colour (Crenshaw 1991; Bastia 2014), intersectionality is helpful to: (a) identify the complex origins of multiple aspects of the social actor's oppression and/or privilege; (b) explore the ways in which class, race/ethnicity and gender etc. interlock and interact with one another on an individual and institutional level; and (c) destabilise the centrality of any singular category (Lutz et al. 2011; Burkner 2012).

Some potential weaknesses in application of this intersectional approach should be pointed out here. As post-structuralist scholars have emphasised, categories such as class, race/ethnicity and gender should not be understood in an essentialist way (Lutz et al. 2011). An essentialist understanding of intersectionality can obscure the intra-categorical complexity because it reflects only on the interaction between the categories (Bastia 2014: 243). In addition, there are more multiple and diverse categories than only class, race/ethnicity and gender, for example age, sexuality, and religion (Lutz et al. 2011). Not only social category but also social status – such as marriage, labour, immigration, disability (or differently able), etc. – can be counted as relevant categories in intersectionality. In this respect, it is important to understand processes that form the particular positioning of migrants as subjects and the forms of agency that lead to change.

Taking these points into consideration, this research views the identification of Indonesian female MDWs migrating to, and working in, Malaysia as a process with a full spectrum of the scales involved, notably local, national, pan-regional and global. It is significant to view each category of identification as being processual. The main reason is that under neoliberal globalization particular transnational migration trends can rapidly destabilise the relatively fixed cultural borders as well as spatial and social boundaries of mobility. The intersection of several identifications and their transformation will be analysed in this study as a process involving the categories of 'gender', 'cross-border migrant' and 'domestic worker'. To understand the intra-categorical complexity and diversity of lived experiences of MDWs and their family members as social actors, the research method of in-depth interviews was employed.

2.2.3 Triangulation of the research findings and insights gained from other observation periods and secondary sources

In the process of data interpretation, triangulation is a relevant research method because it suggests a way of connecting the fieldwork findings in different fields and sources. One of the pioneer scholars of triangulation in social science, Norman Denzin (1978), broadly defined triangulation as the combination of methodologies in the study of the same phenomenon. Triangulation has been applied in a wide range of qualitative and quantitative research. Based on her research experiences as a social-economist using a wide range of methods and methodologies, Olsen (2004: 4) noted that triangulation is “something we do in order to generate a dialectics of learning”.

Some scholars including Guion et al. (2011: 1-2) have elaborated on the concept of triangulation and classified five types:

- data triangulation: using different sources of information
- investigator triangulation: using several different investigators in the analysis process
- theory triangulation: use of multiple perspectives to interpret a single set of data
- methods triangulation: use of multiple qualitative and/or quantitative methods to study the programme
- environmental triangulation: use of different locations, settings and other key factors related to the environment in which the study took place, such as time, day or season.

In this classification, data triangulation is most commonly used in both qualitative and quantitative research. In qualitative research, for example, connecting and combining survey data with interview data is a common profound way of data triangulation.

One of the distinctive advantages of triangulation is that it can increase confidence in both the reliability and validity, and decrease bias of the research findings through cross-checking or cross-referring with different findings (Golafshani 2003). It can also contribute to creating holistic and innovative ways of understanding a phenomenon, revealing uniqueness of the research findings, challenging or integrating theories, and providing a clearer and broader understanding of the problem (Thurmond 2001: 254).

One of the primary disadvantages of triangulation is that it requires greater amounts of time and perhaps also money than using only a single methodology.

This research applies the triangulation principle with regard to data interpretation, theoretical understanding, methodological reasoning and environmental context, especially for the findings from the multi-sited fieldwork. The findings in one fieldwork site will be connected with another fieldwork site to overcome the limitation of first-hand data when taken at face value. Likewise, migrants' narratives of their lived experiences as cross-border domestic workers will be connected with those of other types of cross-border migrant workers, and/or stakeholders during the migration process. Insights gained through the fieldwork (theoretical, methodological and empirical) will be combined with the ones offered by other researchers, for the macro-meso-micro level analysis.

2.3 Research methods and techniques of data collection in fieldwork

2.3.1 Overview of my research in Indonesia and Malaysia

Intensive fieldwork

Based on the above methodological approaches, in addition to the survey of multiple literatures regarding transnational systems of care and especially women's labour migration between Indonesia and Malaysia, the following multi-sited fieldwork was undertaken in Indonesia and Malaysia during the period from February 2012 to January 2013:⁸

- Migrant sending site: the district of Karawang, West Java province, Indonesia
- Migrant departure site: Jakarta, Indonesia

⁸ To conduct this research, I obtained a research permit from the Ministry of Research and Technology, the Republic of Indonesia (RISTEK: Kementerian Riset dan Teknologi). During this period, I was a visiting researcher at the Faculty of Social and Political Sciences, University of Indonesia.

- Migrant receiving site: Kuala Lumpur, Malaysia⁹
- On ASEAN policies on migrant workers and on CSOs cooperation: Jakarta, where headquarters of ASEAN, the ASEAN Secretariat, and ASEAN-related organisations are located

A mixed methods approach of (a) document analysis, (b) preliminary questionnaire survey, (c) semi-structured interviews, (d) un-structured interviews and (e) participatory observation, was applied in these fieldwork sites: (a)(b)(c)(d)&(e) in Karawang, (a)&(d) in Jakarta, (a)(d)&(e) in Kuala Lumpur and (a)&(d) on ASEAN. In subsections 2.3.2 onwards, I specify and discuss further the methods I used in each of these locations.

Additional major observation periods

Following these fieldwork investigations, additional fieldwork was undertaken in Kuala Lumpur, Malaysia from March 2016 to April 2018 with a mixed methods approach of multiple literature surveys and un-structured interviews. In order to gain a deeper understanding of the political economy context of Malaysia, I joined the Japanese Foreign Service as a researcher/adviser attached to the Embassy of Japan in Malaysia from March 2016 to April 2018, in charge of domestic politics of Malaysia. Although the primary task of my research at the Embassy was different, especially to analyse the Malaysian General Election 2018 (held on May 9th 2018), my position provided new opportunities to continue my PhD research informally. I could observe the government's policies and CSOs' responses in the context of cross-border migration and expansion of the MDWs sector involved in care services. Socially, I could observe the everyday situation and treatment of migrant workers in construction, buildings security, restaurants and domestic work.

As earlier research background on ASEAN, I also joined the Japanese Foreign Service as a researcher/adviser attached to the Embassy of Japan in Indonesia from January 2008 to December 2010, in charge of ASEAN affairs. My major task was to monitor the ASEAN policies and to interview diplomats from all the ASEAN member states as well as officials at the ASEAN Secretariat regarding ASEAN Community building. I could

⁹ In addition to the fieldwork in Kuala Lumpur, I went to Penang, which is also one of the major migrant receiving areas in Peninsula Malaysia, to join CSOs' campaign for the rights of migrant workers and interview a recruitment and placement agency.

also conduct un-structured interviews with CSOs in ASEAN especially about the building of a human rights mechanism in ASEAN. This position opened up opportunities for my own research, which is discussed in subsection 2.3.5.

As earlier research background on and in Indonesia, I worked at the National Commission on Violence against Women (Komisi Nasional Anti Kekerasan Terhadap Perempuan: Komnas Perempuan) as an intern from July to August 2005, for my MA programme at Ohio University. During this period, I conducted a study on human trafficking in Indonesia that included fieldwork in Jakarta. The data I collected at that time is still a relevant contextual exploration for this PhD study, including data from in-depth interviews, which includes an account by an Indonesian woman who worked as a live-in domestic worker in Malaysia and was abused by her employer physically, mentally and sexually (Rosenberg 2003; Human Rights Watch 2004).

2.3.2 Karawang as a migrant sending site in Indonesia

The choice of Karawang as a fieldwork site was based on the following considerations: (a) it is one of the major migrant sending districts in West Java province;¹⁰ (b) it is a place of intensive global and regional investment, the presence of which has altered its landscape, structure of employment and the bearings of the local population; and (c) feasibility of the fieldwork – my former local supervisor at the National Commission on Violence against Women (Komnas Perempuan), Indonesia, is currently managing a grassroots NGO named Kaliaget Organic Farm and School (hereafter Kaliaget) working with aspiring migrants and returnees there.^{11 12}

During the fieldwork in Karawang, I was based in Kaliaget located in the sub-district of Rawamerta.¹³ Kaliaget and SBMK (Solidaritas Buruh

¹⁰ According to the National Authority for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) (2011), Indramyu, Cianjur, Cirebon, Sukabumi and Karawang are the five main migrant sending districts in West Java.

¹¹ My former local supervisor Ms. Tati Krisnawaty was a chairperson of the Working Group on Migrant Workers at Komnas Perempuan when I served as intern there for about two months from July to August 2005.

¹² Kaliaget started in 2005 as an organic farm and school.

¹³ The administrative unit system in Indonesia is: village (*desa*), sub-district (*kecamatan*), city (*kota*), district or regency (*kecamatan*) and province (*provinsi*).

Migran Karawang), which is another grassroots NGO working for migrant workers located in the same sub-district, supported my fieldwork, especially for gaining entry in the village, building necessary relationships with villagers and finding respondents for this field research.

Relevant characteristics of the district of Karawang, Indonesia

The district of Karawang is located about 56 kms east of Jakarta, next to the district of Bekasi (see Map 1 below). It is a rural area on the outskirts of the Jakarta Metropolitan area called Jabotabek (abbreviation for Jakarta, Bogor, Tangerang and Bekasi). It is also along the Jakarta-Bandung corridor, which connects the capital and the second most populous city in West Java. While Jakarta has shifted from an industrial to a financial and service centre in the process of urbanization, the industrial and manufacturing sector has been moved to its peripheral areas, including Karawang (e.g. Firman 2009; Arai 2011). In fact, the central government officially recognised Karawang as a key area for the expansion of national development and designated it for industrial estate development in 1989 (Hidayana 2012: 49). In these geopolitical situations, Karawang district has experienced rapid economic and social transformation through industrialization.

Map 2.1
West Java



Source: https://www.researchgate.net/figure/Map-of-Regencies-at-West-Java-Province_fig1_320687145

According to BPS (Statistics) Karawang (2012), as of 2011, Karawang district is divided into thirty sub-districts with 309 villages. The population in 2010 was 2,127,791 (men 1,096,892 and women 1,030,899), and it steadily increased with the influx of immigrants from other parts of Indonesia mainly into the industrial estates. For example, the population: in 2006 was 1,993,421; in 2007 2,015,325; in 2008 2,051,303; and in 2009 2,082,143. Most of the people are ethnically Sundanese, and their major religion is Islam (Islam 98,72%, Catholics 0,53%, Protestants 0,49%, Buddhists 0,07% and Hindus 0,20%) (ibid). It shows that Karawang is an ethnically Sundanese and religiously Islamic dominant district.

The educational level is relatively low. As of 2010, about 56% of the total population (1.178.930) had completed only or not even completed elementary school (SD: *Sekolah Dasar*), and about 13% of the total population (287,902) had completed junior high school (SMP: *Sekolah Menengah Pertama*) (BPS Karawang, 2012). Even though Karawang has introduced a

tuition free policy for nine-year-olds compulsory education in recent years, a large number of school-age children (from the age of six to fifteen) have dropped out of elementary or junior high for economic reasons. For example, according to my informants in Karawang, a number of parents cannot pay for the transportation fee, necessary supplies, such as pens, notebooks and textbooks, and socialisation activities etc., for school.

Karawang is historically recognised as the centre of agriculture in Indonesia. It produces not only rice but also vegetables (corn, soya bean, peanut, cassava, sweet potatoes and green pea etc.) and fruits (mango, guava, rose apple, jack fruits, papaya and banana etc.). The agricultural reform through the Green Revolution in the 1970s made agriculture in Karawang large scale and less labour intensive, and it has significantly contributed to the national food supply. Even though Karawang has shifted from a predominantly agricultural to a predominantly industrial district, agriculture is still an important sector in many respects. For example, the agricultural sector still absorbs a lot of labour in Karawang formally and informally. In 2009, about 29% of the total population were employed in agriculture and fishery while about 26% were employed in commerce and 19% were employed in industry (BPS Karawang 2012).

Following the designation by the central government in 1989, two large industrial estates were established – Karawang International Industrial City (KIIC) and Surya Cipta City of Industry. KIIC was jointly developed by Itochu Corporation, a Japanese major trading company, and Indonesia's Sinar Mas group (Itochu 2018). It is located in the sub-district of Teluk Jambe and covers 1,139 hectares, composed of Phases 1, 2, 3 and other facilities, such as a golf course, residence and gas station (ibid). It has attracted international manufacturing companies, especially automobile and motorcycle companies such as Toyota, Isuzu, Yamaha, and is occupied by 92 companies as of 2018 (mostly Japanese) (ibid.). Surya Cipta City of Industry is located in the district of Ciampel and covers 1,400 hectares, composed of Phases 1, 2, 3 and other facilities, such as green open space and residence (Surya Cipta City of Industry 2018). It actually started its operation in 1995. It has also attracted international manufacturing companies, such as Bridgestone Tire and Levi Strauss, and is now occupied by 25 companies (ibid). These two industrial estates have contributed not only to the industrial development of Karawang and Indonesia but also to an influx of migrant workers nationally and internationally, bringing about population growth in Karawang.

Research method 1: document analysis for Karawang

In Karawang, document analysis – the “systematic procedure for reviewing or evaluating documents to elicit meaning, gain understanding and develop empirical knowledge” (Bowen 2009: 27) – was conducted. I reviewed the following relevant documents before, during or after the fieldwork in Karawang:

- local regulation of Karawang Regency about manpower management
- *Karawang in Figures* (annual report), published by Statistics of Karawang Regency
- documents published by the industrial estates in Karawang (especially Itochu)
- empirical literature based on fieldwork findings regarding labour migration in Karawang (e.g. Naito 2008; Doyon 2009; Arai 2011)

Research method 2: preliminary questionnaire survey in Karawang

In parallel with the document analysis, a preliminary questionnaire survey – a method for “producing a structured data set in the form of a variable-by-case grid” (de Vaus 2006: 285) – for aspiring migrants was conducted. The aim of this preliminary questionnaire survey was not to grasp a whole picture of the conditions of aspiring migrants but rather to gain insights into the socio-economic background of households which were dependent on cross-border migration as a means of livelihood. The series of topics covered by the survey include: (a) individual features (age, religion, ethnicity, marital status, occupation and educational status); (b) family background (housing, family size, household income and polygamy); (c) health condition (type of illness(es), physical impairments and access to health system); and (d) the purpose of international migration (preferred destination country, reasons, hopes/ambitions, worries and plans of how to use the wages).

A hundred questionnaires *Angket Untuk Calon TKW* in the Indonesian language (Appendix 1) were handed over to aspiring migrants. Snowball sampling – a form of non-probability sampling technique in which the researcher begins by identifying an individual perceived to be an appropriate respondent, and then the respondent is asked to identify another potential respondent one after another (Oliver 2006: 281) – was applied. As

it is not easy for the village women to fill in the questionnaire by themselves (some of the respondents were illiterate), my research assistants – Chika (woman, Javanese, housewife, 36 years old at the time), Guy (man, Sundanese, factory worker, 37 years old at the time) and Adit (man, Sundanese, job seeker, 19 years old at that time) – came to visit the respondents and filled in the questionnaires through face-to-face communication.¹⁴

The results of this survey were reflected in the following interviews with returnees and relevant stakeholders. The implementation and results of the survey are discussed in Chapter 6.

Research method 3: semi-structured individual interview with returnees

After the preliminary questionnaire survey, semi-structured individual interviews – “open ended, but follows a general script and covers a list of topics” (Bernard 2006: 210) – with returnees from Malaysia were conducted. The series of topics covered by this semi-structured interview included (based on Satterthwaite 2005):

- extent of/restrictions on the freedom of movement
- labour market discrimination against women – at home and abroad
- working conditions: safety and health
- any gender-based violence in the workplace
- any gendered forms of racism and xenophobia against women migrant workers
- any restrictions on migrant women’s ability to organize for their rights

In line with the questionnaire *Angket untuk Mantan TKW* (Appendix 2) was modified based on the preliminary questionnaire survey results, 53 semi-structured interviews were conducted (including with women returnees who worked as factory worker or shop staff in Malaysia (6 respondents) and men returnees who worked as factory workers or construction workers (7 respondents)). The difficulty in interviewing Indonesian female live-in MDWs in Malaysia due to the limited accessibility was compensated

¹⁴ For privacy reasons, Chika, Guy and Adit are pseudonyms for my research assistants.

for with these interviews. For comparison, 4 semi-structured interviews with returnees from Saudi Arabia and 1 semi-structured interview with a returnee from Sudan, who worked as MDWs, were also conducted.

I conducted face-to-face interviews with these returnees in the Indonesian national language (Bahasa Indonesia).¹⁵ The length of each interview was from thirty minutes to one hour. I usually started the interview with a friendly chat and gave space for interviewee remarks during the interview. I usually visited the respondents with my research assistant to bridge my cultural, linguistic and gender barrier with the villagers. The implementation and results of these interviews will be discussed in Chapter 4, 5 and 6.

To find the respondents in Karawang, the head of SBMK helped me find returnees from Malaysia through his networks not only in Rawamerta but also in the other sub-districts of Karawang. I visited several sub-districts with either the head of SBMK or my research assistant for the interviews. This helped to overcome the potential weakness in snowball sampling that respondents living in the same area may share the same traits and characteristics in their experiences.

As a supplementary source, one semi-structured group interview among aspiring migrants and returnees was also conducted. This group was composed of one man returnee from Malaysia, two women returnees also from Malaysia and one woman aspiring migrant. Due to the difficulty in gathering returnees from Malaysia in Rawamerta, I contacted some returnees in other sub-districts of Karawang. This group was living in the same sub-district and came to visit Kaliaget for the discussion. I played the role of moderator with support from the head of Kaliaget and my research assistant to bridge my cultural, linguistic and gender barriers with the group. The questions in this group interview included gender power dynamics in households and the recruitment system in migration networks.

¹⁵ Almost all of the respondents are bilingual in the local language in Karawang (Sundanese) and Indonesian national language.

Research method 4: unstructured interviews with local government officials and business community in Karawang

Based on the first-hand data obtained from aspiring migrants and returnees, unstructured interviews – “asking relatively open-ended questions of research participants in order to discover their perceptions on the topic of interest” (Firmin 2008: 907) – were conducted with Karawang local government officials. The topic of the interviews was Karawang local government policy on migrant workers.

As supplementary sources, unstructured interviews with one recruitment agency (broker) and one business advisor for the industrial estates in Bekasi and Karawang were also conducted to see the multiple power relations in Karawang in a more comprehensive way. The topics of these unstructured interviews were the ‘brokerage system and recruitment networks’ and ‘the industrial estates’ policy on local labour and employment.

I conducted face-to-face interviews with two of the Karawang local government officials and one recruitment agency (broker) in the Indonesian national language (see Appendix 3). As the business advisor for the industrial estates in Bekasi and Karawang is Japanese, I conducted that interview in the Japanese language. The length of each interview was from thirty minutes to one hour.

Research method 5: participant observation

In the fieldwork in Karawang, participant observation – where the “researcher participates in the everyday life of a particular social setting, and records the experiences and observations” (Coffey 2006: 214) – in Kaliaget was also an important research method for data collection. During my stay in Kaliaget, through participation, I observed the grassroots activities of the villagers. I recorded, in particular, how Kaliaget administration provides direct assistance to the migrants (aspiring migrants and returnees) and their family members.

Moreover, my participation in Kaliaget activities led to opportunities in interacting and familiarizing with the villagers. I had some chances to talk with children of aspiring migrants and returnees and also with stay-behind children. There was difficulty in ‘interviewing’ children formally because they sometimes cannot verbalise their feelings and thoughts. Yet, I could gain some insights from the observation and interaction with children.

2.3.3 Jakarta as a migrant departure site in Indonesia

Research method 1: document analysis

Based on the first-hand data obtained in Karawang, document analysis was conducted in Jakarta. I reviewed the following relevant documents during and after the fieldwork in Jakarta:

- government documents especially by Ministry of Foreign Affairs (in particular MOUs between Indonesia and Malaysia on the recruitment and employment of domestic workers), Ministry of Manpower, Institution of National Authority for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI)
- empirical literature based on the fieldwork findings about the recruitment system in the migration networks in Indonesia (e.g. Lindquist 2010, 2012; Irianto and Truong 2014)
- CSOs' documents and reports especially by Migrant Care, Solidaritas Perempuan and Komnas Perempuan regarding Indonesian MDWs

Research method 2: unstructured interviews

In parallel with the document analysis, unstructured interviews with central government officials, the business community and CSOs were conducted in Jakarta to obtain their perspectives and understanding about the key reasons behind the invisibilisation of multiple forms of maltreatment experienced by Indonesian MDWs. The topics of these unstructured interviews and corresponding actors were as follows:

- With central government officials, such as Ministry of Foreign Affairs: on central government policy on international migration including pre-departure process
- With the business community (recruitment agency (legal) and Indonesian manpower service association): on the recruitment system in the migration networks and pre-departure training for MDWs
- With CSOs (NGOs, legal aid organisations, lawyers, domestic worker network and trade union) on how they: (a) provide direct and indirect assistance to MDWs and their family members; (b)

raise public awareness about the rights of MDWs; (c) assist in litigation action for the victims; and (d) engage with other groups working on the rights of MDWs.

A series of face-to-face interviews were conducted with central government officials in the English language (in total four interviews). The length of each interview was from thirty minutes to one hour. With the other stakeholders, interviews were conducted in the Indonesian national language with a similar duration (five interviews with the business community and eleven interviews with CSOs - see Appendix 3).

2.3.4 Kuala Lumpur as a migrant receiving site in Malaysia

Subsequent to the fieldwork in Indonesia (Karawang and Jakarta), I moved to Kuala Lumpur, Malaysia. At this research site, I was based in Tenaganita, one of the leading NGOs in Malaysia protecting and promoting the rights of women, migrants and refugees. I was there for three months from August to October 2012.¹⁶

Relevant characteristics of Kuala Lumpur, Malaysia

As a migrant labour receiving site, Kuala Lumpur – the national capital of Malaysia, located in Peninsular Malaysia (see Map 2) – is the largest city in Malaysia with a population of 1.8 million as of 2018 (Department of Statistics Malaysia 2018). The metropolitan area, Greater Kuala Lumpur, covering ten municipalities surrounding Kuala Lumpur, has been rapidly developed, and the population reached around 7.2 million in 2016.

¹⁶ Tenaganita is a Malaysian human rights organization that came into being in 1991, after a decade of campaigning for the rights of Malaysian women workers, largely employed in the plantation and the manufacturing sectors. Dr. Irene Fernandez – Tenaganita's founding member and Director – was awarded the Right Livelihood Award in 2005 for her outstanding and courageous work to stop violence against women and abuses of migrant and poor workers. Dr. Fernandez passed away in March 2014, after I completed my fieldwork.

Map 2.2:
Malaysia (Peninsula & East Malaysia)



Source: <https://www.mapland.com/asia/malaysia/large-administrative-divisions-map-of-malaysia-1998>

Kuala Lumpur has played a role as a leading commercial and financial centre in the economic development of Malaysia under Vision 2020, which was introduced in 1991, aiming to achieve the status of developed country by the year 2020. Greater Kuala Lumpur has been recognised as one of the fastest growing areas in ASEAN in terms of population and economic development. It is symbolized by the Petronas Twin Towers, twin skyscrapers built in Kuala Lumpur in 1998, the tallest buildings in the world from 1998 to 2003 and still the tallest twin towers in the world (Encyclopaedia Britannica).

This development process has led to a massive influx of migrant workers into Malaysia, especially into Kuala Lumpur. The Department of Statistics of Malaysia showed that the population of non-Malaysians reached 9% of the population of Kuala Lumpur as of 2012 (McGregor 2014: 7). Yet, this statistic did not count the population of undocumented migrants, and therefore the actual population of non-Malaysians is substantially

higher. The population of migrant workers comes very largely from Indonesia, Bangladesh, Nepal, Myanmar, Sri Lanka, Philippines and Vietnam.

Among the migrant workers, in particular, a large number of Indonesians have migrated to Malaysia for reasons related to geographical and cultural proximity (including shared Islamic and Malay identity) in addition to economic motives. The geographical proximity between Peninsula Malaysia and the island of Sumatra in Indonesia means that many migration networks connecting the two areas have been built into their history (Liow 2005). Indonesians who crossed the national border have built up their own communities in Kuala Lumpur and some states such as Selangor and Negeri Sembilan. For example, Chow Kit, a sub-district in Kuala Lumpur, is famous for its large Indonesian community (Javanese descendants). While Indonesian women tend to go to Peninsular Malaysia, especially Kuala Lumpur, to work as MDWs, Indonesian men tend to go to East Malaysia to work as forest workers (logging industry) (Rosenberg 2003).

Research method 1: document analysis for Malaysia

Based on the first-hand data obtained in Indonesia, document analysis was also conducted in Kuala Lumpur. I reviewed the following relevant documents during and after the fieldwork in Kuala Lumpur (including during the additional fieldwork from March 2016 to April 2018):

- government documents especially by Ministry of Foreign Affairs, Ministry of Home Affairs, Ministry of Human Resources, Immigration Department of Malaysia, and Economic Planning Unit of the Prime Minister's Department (EPU)
- empirical literature based on fieldwork findings about the recruitment-placement system in the migration networks in Malaysia (e.g. Kanapathy 2008; Kaur 2010)
- CSOs' documents and reports especially by Tenaganita, WAO, Suaram and MTUC regarding MDWs.

Research method 2: unstructured interviews with central government officials, business community and CSOs in Kuala Lumpur

In parallel with the document analysis, unstructured interviews with central government officials, the business community and CSOs were conducted in Kuala Lumpur to understand the invisibilisation of multiple forms of maltreatment experienced by Indonesian MDWs in Malaysia, and

transnational care circulation. The topics of these unstructured interviews and corresponding actors were as follows:

- With central government officials: on central government policy on migrant workers
- With Embassy of Indonesia in Malaysia: on diplomacy with Malaysia on Indonesian MDWs (plus meeting with Indonesian female MDWs who were protected at the shelter in the Embassy)
- With the business community (placement agency, elderly care centre and medical doctor): on the placement system in the migration networks and institutional care system
- With CSOs (NGOs, legal aid organisations, lawyers, trade union, journalists and academia): on how they (a) provide direct assistance to MDWs, (b) raise public awareness about the rights of MDWs, (c) assist in litigation for the victims, and (d) engage with other groups working on the rights of MDWs.

As a supplementary source, an unstructured interview was conducted with one Malaysian employer (Malay woman) of an Indonesian female live-in MDW. I was also allowed to talk to the Indonesian domestic worker but only in the presence of the employer. Therefore, the Indonesian domestic worker was not free to speak out, and this was standard.

I conducted these unstructured interviews on a face-to-face basis in the English language (two interviews with central government officials, two interviews at the Embassy of Indonesia in Malaysia, six interviews with members of the business community and fourteen interviews with CSOs - see Appendix 3). The length of each interview was from thirty minutes to one hour.

Research method 3: participant observation

Participant observation in the Tenaganita NGO was a significant research method for data collection in Kuala Lumpur. During my stay in Tenaganita, I observed their activities for protecting and promoting the rights of women, migrants and refugees. I noted the concrete details about how Tenaganita, one of the leading human rights NGOs in Malaysia, addresses issues of exploitation, discrimination, unequal treatment and violence against women, refugees, documented and undocumented migrant workers, trafficked persons and domestic workers. This participant observation

enabled me to see the importance of understanding how different values and interests may shape perspectives on migration, particularly the migration of women as domestic workers, and how a reconciliation of different perspectives may contribute to the construction of a 'safe migration' policy model which places the migrant as a core subject.

In addition, I observed the everyday situation and treatment of migrant workers in construction, buildings security, restaurants and domestic work in Kuala Lumpur from March 2016 to April 2018 while I was working as a researcher/adviser in charge of domestic politics of Malaysia at the Embassy of Japan in Malaysia. During this period too, I sometimes participated in Tenaganita's activities such as workshops and conducted informal conversations with Tenaganita directors about migrant workers in Malaysia.

2.3.5 ASEAN (Jakarta): ASEAN policies on migrant workers and the CSOs cooperation

After the 2012 fieldwork in Kuala Lumpur, I moved back to Jakarta to conduct fieldwork on ASEAN policies on migrant workers and on the CSOs cooperation.

Research method 1: document analysis

Based on the first-hand data obtained in Indonesia and Malaysia, document analysis was conducted in Jakarta, where the ASEAN Secretariat and ASEAN-related organisations are located. In the interviews listed below with ASEAN officials and CSOs, I usually made inquiries about the relevant documents. Accordingly, I reviewed the following relevant documents during the fieldwork in ASEAN (Jakarta):

- a. ASEAN policy on migrant workers
 - ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)
 - ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) work plan (2008)
 - ASEAN Forum on Migrant Labour (2008-2012)
- b. ASEAN Community building

- ASEAN Charter (2008)
- ASEAN Community Blueprint (Political-Security, Economic and Socio-Cultural) (2009)
- Roadmap for an ASEAN Community 2009-2015 (2009)
- c. ASEAN policy on human rights
 - Terms of Reference (TOR), AICHR (2009)
 - TOR, ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) (2010)
 - ASEAN Human Rights Declaration (2012)
- d. CSOs document
 - Civil Society Proposal: ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers (2009)

For the document analysis, I drew on the knowledge from my working experiences with ASEAN (as a researcher/adviser in charge of ASEAN at the Embassy of Japan in Indonesia from January 2008 to December 2010).

After this fieldwork, ASEAN published further relevant documents on migrant workers, such as the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2018). These documents will be analysed in Chapter 7.

Research method 2: unstructured interviews with ASEAN officials and CSOs

In parallel with the document analysis, unstructured interviews with ASEAN officials regarding the ASEAN Socio-Cultural Community and with CSOs were conducted to understand transnational care circulation and invisibilisation of multiple forms of maltreatment experienced by Indonesian MDWs in Malaysia. The topics of these unstructured interviews and corresponding actors were as follows:

- With ASEAN officials, such as ASEAN Inter-governmental Commission on Human Rights (AICHR): on ASEAN policy on migrant workers

- With CSOs (NGOs, such as Human Rights Working Group (HRWG) and academia) on how they: (a) provide direct and indirect assistance to MDWs and their family members; (b) raise public awareness about the rights of MDWs; (c) assist in litigation for the victims; and (d) engage with other groups working on the rights of MDWs

I conducted these unstructured interviews on a face-to-face basis in the English language (four interviews with ASEAN officials and four interviews with CSOs - see Appendix 3). The length of each interview was from thirty minutes to one hour.

In addition, during the fieldwork on ASEAN policies on migrant workers and the CSOs cooperation, I also attended the 5th World Social Forum (WSF) on Migration held from 26-30 November 2012 in Manila, Philippines. It was a gathering of many CSOs – domestic workers unions, trade unions, migrants organisations, peasant groups, academe, faith-based groups and development groups – working on the care for migrants including returnees. I obtained up-to-date information about on-site forms of care adopted by CSOs directed at abused MDWs in the host country and upon their return to their home villages, and the CSOs' transnational cooperation especially in ASEAN.

2.4 Conclusion

This research has adopted multiple approaches to obtain data about the invisibilisation of multiple forms of maltreatment experienced by Indonesian MDWs in the transnational care circulation between Indonesia and Malaysia, for policy-oriented study of the sector of MDWs involved in care services. The research was conducted at multiple sites – a sending site (Karawang, Indonesia), departure site (Jakarta, Indonesia), a receiving site (Kuala Lumpur, Malaysia), and at ASEAN headquarters – with a mixed set of methods, including multiple literature surveys, document analysis, preliminary questionnaire survey, interviews (semi- and un-structured) and participatory observation. In addition, the study draws on observation, interactions and insights from over five years of professional residence in Indonesia and Malaysia, as well as extensive secondary literature.

One of the main strengths of multi-sited fieldwork for this research lies in the enablement of connecting the dots generated by plural perspectives

on the migration process shared by the stakeholders, including migrants themselves, so that deep and comprehensive insights about the migration system at the macro-meso-micro levels could be gained.

One of the limitations though of multi-sited fieldwork in this research is that, due to the limited time budget in each fieldwork site, various topics could not be studied in depth; for example, the effects of transnational families (notably the phenomenon of missing mothers) or on the stay-behind children which was only partially investigated in Karawang. I applied participant observation to investigate the effects (because of the difficulty in formally ‘interviewing’ children), but it requires long periods of time. Moreover, due especially to the sensitivity of the subject matter, only limited chances of interviewing some types of actors – brokers for recruitment/placement, employers of MDWs, and live-in MDWs – could be gained. Furthermore, due to these same constraints, some planned research could not be fully implemented in Malaysia. For example, I could collect limited data about transformation of the care sector in Malaysia. However, the primary data collected in the fieldwork sites was supplemented by corresponding secondary data, through following this theme-area over many years, as well as from observations in my earlier MA research and in the five years of professional work whilst based in Jakarta and Kuala Lumpur.

The empirical data and research findings obtained in each fieldwork site were triangulated with each other, and insights gained through this process will be combined with the ones offered by other researchers for the macro-meso-micro level analysis in the following chapters.

In order to study policies on the sector of MDWs involved in care services, Chapter 3 examines and selects from concepts and theories around domestic labour, care and transnational migration, as one part of this study’s overall methodology of investigation.

3

Theorising Domestic Labour and Care in Transnational Migration

3.1 Introduction: connecting and deepening theoretical insights on care, gender and transnational migration

This chapter deals with the main conceptual issues related to domestic labour and women's cross-border migration as domestic workers. Social science research on domestic labour has faced significant challenges related to the character of a category of labour labelled as 'domestic' and the cultural ethos affiliated with its invisibility, including in relation to: 'naturalisation' of gendered-based daily activities to maintain homes; the prevalence of ideas of the domestic realm as private and male-headed; and lack of accounting mechanisms for domestic labour's valuation in national statistics. The socio-cultural norms regarding the public-private divide (PPD) contributes to placing the category of domestic labour in the private sphere, and plays a significant role in denying the contribution of those who performed such work, whether without or against payment.

The massive cross-border migration of women as domestic workers in the last four decades calls for a reassessment of available theorising, including with regard to: a change from the predominance of intra-national rural-urban migration to large-scale cross-border migration (e.g. Lucas 1997); the role of technological advancement in easing contact, facilitating the migration of labourers in sectors classified as 'low-skilled' (e.g. Kuptsch and Martin 2011); and the growing significance of remittances as a source of foreign exchange (e.g. Hernandez-Coss et al. 2008). The rise of the cross-border migration of women domestic workers can be situated against this background of global and regional restructuring.

The marketisation of care and the domestic work sector under the neo-liberal world order expresses deep transformations in national and local care systems, which have often been examined from a perspective of 'care

deficit' (e.g. Misra et al. 2006; Beneria 2008; Beneria et al. 2012; see also section 3.3 below). Many aspects of care deficit remain unaccounted for by government statistics and assessment. In this regard, the idea of the care diamond, introduced by Razavi (2007), can be a useful tool to help understand how care is organised in and delivered by the multiple institutions of state, market, family/household and not-for-profit sectors.

Viewing MDWs as 'domestic care workers', and also as rights-holders, as has been globally endorsed in the ILO Convention concerning Decent Work for Domestic Workers of 2011 and the Global Compact on Migration of 2018, new analyses are needed to highlight the connections between different layers of power which: deny or hinder the recognition of rights; influence the nature of direct abuse; and create conditions of vulnerability which are distinct from those in other types of occupations in the service sector.

The objective of this chapter is to propose a theoretical perspective that connects debates on domestic labour, care and social reproduction, for a more holistic understanding of the transnational migration of domestic workers in conjunction with the transformation of care arrangements under the neoliberal restructuring of economies in the 21st century. The chapter first shows the key turning points in feminist thinking on domestic labour since the 1970s. Though Euro-centric, this body of literature remains relevant because it: (a) problematises 'invisibility' as a mode of control over this type of labour; (b) shows the corresponding undervaluation that was based on a gender-biased perspective on labour value using the notion of 'productive' versus 'unproductive' labour; and (c) illustrates the relationship between the notion of 'unproductive' labour and specific forms of social abuse. These issues remain pertinent today, especially with regard to the plight of MDWs and the demands for the protection of their rights.

Next, the chapter discusses the emerging analytical reorientations to capture the specific experiences of women's transnational migration as domestic workers, their social obligations to care in multiple locations, and how their practices can contribute to a new perspective on transnational forms and practices of care and the social reproduction of the family as an institution. The concept of the global care chain (GCC) proposed by Hochschild (2000) remains one of the most widely accepted theoretical

perspectives, to be strengthened by other new concepts such as transnational families and the maintenance of social bonds through transnational space as illustrated by the 'care triangle' (Graham et al. 2012).

3.2 The domestic labour debate and the public-private divide

The issue of domestic labour and women's cross-border migration as domestic worker has gained considerable scholarly attention especially since the 1990s (e.g. Heyzer and Wee 1992; Truong 1996; Parrenas 2000; Hochschild 2000). Developed within feminist debates, the concept of 'domestic labour', which involves also emotional labour, is too often used interchangeably with some other concepts such as 'domestic work', 'care work' and 'personal services in families' (Anderson 2001a, 2001b). As an analytical concept, domestic labour seeks to show the significance of the unpaid work performed by women in the home. The concept is sometimes referred to as 'reproductive labour', following the distinction between 'productive' (creating things with an economic value through trade and exchange) and 'reproductive' (creating social value through activities that sustains human working capacity as well as social relations and institutions on a daily basis). While there are some disagreements as to how precisely to conceptualise domestic labour and how to assess its substantive significance, a consensus exists regarding its role as an important but hidden subsidy to the economy, and subsequently its role as a basis for gender inequality because it is culturally assigned to women's ascribed status. Though the terms 'domestic labour' and 'domestic work' have been largely used interchangeably in the literature, a conceptual distinction is helpful in order to maintain the clarity of meanings for analytical purposes.

From a legal perspective, domestic work has been traditionally assigned to women, though in upper-class households some tasks such as cooking and serving guests could be assigned to men who may enjoy more rights. Notwithstanding the reality of domestic work in upper-class households today, the majority of domestic workers in middle class households are women, the classification of their tasks are often poorly defined and hidden in the private sphere, posing considerable challenges to the building of adequate legal responses. Despite the gains made in a number of inter-

national legislative frameworks, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) and Domestic Workers Convention of ILO (2011), the implementation of these legal instruments remains problematic due to socio-cultural norms regarding the PPD.¹⁷ Although the conceptual separation of the two spheres, public and private, enables us to understand the distinctive formation of the constellation of power relations within each sphere (depending on time, space and culture), this dichotomisation has been considered as one of the main causes of the cognitive invisibility of women's domestic labour. The lack of state recognition of women's domestic labour can contribute to faults in the design of legal systems for women generally and women MDWs specifically.¹⁸

As an issue in the debate on women's rights, domestic labour has become a policy concern both within and across nation-states and through its links with the transnational migration of women as domestic workers. As Oishi (2007) noted women's migration as MDWs brings together a wide range of issues related to demographic transitions in receiving countries and employment opportunities and foreign exchange earnings for sending countries (Oishi 2007).¹⁹

3.2.1 Domestic work in Marxist feminist thought on patriarchal oppression

Initially influenced by both Liberal and Marxist thought, contemporary feminist endeavour seeks to move beyond their limitations by expanding the realm of analysis of oppression to cover production, reproduction, sexuality and socialisation as a complex unity of social interactions that

¹⁷ PPD is one of the core issues in feminist and political struggle in liberal democracy for almost two centuries and is, according to Pateman (1983: 281), ultimately what feminist movements are fighting against. Since Habermas (1962) published *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, the PPD has gained considerable scholarly attention. Habermas described the separation of the public sphere as for debate of the activity of government authorities and public affairs, and the private sphere for private individuals. Many feminists have criticized this public-private dichotomy which can mask gender inequality in both spheres.

¹⁸ For instance, it results in shielding certain criminal behaviour – such as violence that occurs within the 'domestic' purview – from the eye of the law (Nussbaum 2011: 98-99).

¹⁹ The examples of demographic change include an aging population, double-income families, and reorganization of caring arrangements for the young, elderly and sick.

produce context-dependent and history-specific forms of patriarchal authority and control.

Of particular importance to the debate on domestic work from the 1960s onwards have been: the 'ideology of the housewife'; the nature of the 'household'; the working women and the female headed household; two-headed households each have their wage; and main assumptions behind the 'family wage', etc. One of the main aims of feminist analyses was to provide a materialist explanation of women's unpaid work in order to challenge the male-biased theoretical framework. The 'ideology of the housewife' was used to explain the reasons for and process of naturalising women's domestic labour within the household and invisibilising its social value under the patriarchal capitalism system (e.g. Dalla Costa and James 1972; Dalla Costa 2008). By identifying women as wife and mother as well as women's automatic responsibility for domestic work and care-giving activities in the household, the ideology of the housewife divided men's paid work in the public sphere from women's unpaid work in the private sphere in the capitalist economy, which not only naturalised but also masked gender inequality. The capitalist division of labour between men and women created the 'male breadwinner' model, which means men should be the main income earner and entitled to stable employment and a 'family wage', sufficient to sustain wife and children too (Osawa 2006: 1). The women's domestic engagement without financial remuneration contributed to their subordination, while women's responsibility in the household helped maintain the capitalist economy.²⁰

An important contribution is the work of Mies (1986) and Mies, Thomsen and Welhof (1988) who tried to find a connection between the invisibility of women's domestic labour and capital accumulation on a world scale. Mies' important contribution (1986: 17) is the notion of 'house-

²⁰ In this direction, Dalla Costa and James (1972) argued that domestic work is essential to the production not only of use values but also of surplus value beyond the family wage. They analysed domestic work from the point of the productivity of wage slavery based on unwaged slavery, and productivity of passivity and discipline. Moreover, they framed domestic labour as a political issue in the context of labour struggle, unrecognised by the state and labour unions. Through their activism in social movements (women and labour movements) and academic discourses, they raised the fundamental question of 'what constitutes labour?', and what would be the implications for society if women were to refuse domestic work as the work of love?

wifisation' or the process by which women as producers became 'housewives' by legal status and social definition. Since patriarchal reasoning considers 'domestic labour' as unproductive, it remains invisible to statistical accounts of the production systems. Based on this observation, these authors posit that the division between 'productive' and 'unproductive' sectors has been a major method of the capitalist accumulation process from its inception. Public authorities did not problematise women's work that appeared as personal service outside of the capitalist cash nexus and did not recognise domestic work as work. She referred to this as the naturalisation of domestic work as being supposedly inherent in women's nature and thus as not real 'work'.

In sum, one of the main insights provided by socialist feminist writing on domestic work in this era was its identification as a 'blind spot in political economy' (Werlof 1988) and as a mode of disciplining the 'housewife' – a process that emerged from an economic view specifically related to the PPD debate in the political arena of decision-making. This conceptual divide separated the spheres of production and reproduction, and produced the ideological structures socialising the housewife into a 'docile subject' whose voice and actions could only be mediated through the male representative of the household, sole holder of the wage and (until first wave feminism achieved changes around 1920), the vote. A limitation of 1970s Marxist feminism was the tendency to view a social group 'men' and an institution 'the state' as the major beneficiaries of women's domestic work, and women as passive 'victims'. Doing so implies that there was a unified female standpoint based on which 'salarisation' for domestic work performed by housewives could be formulated as the solution. The diversity of relations that organize domestic work and social reproduction, which involve fundamental social processes and institutions associated with intergenerational mechanisms and activities, tended to be treated lightly.

3.2.2 Critique of the debate on domestic work from a 'development' perspective

The emergence of the field of Gender Studies from a 'development perspective' brought a revisiting of the major theoretical claims made by feminist scholars on domestic work and its place in the capitalist system

(Moser 1989; Rathgeber 1990).²¹ The need to deal with the undercounting of women's work at various levels was recognised in the 1985 Nairobi Conference that culminated in the UN Decade for Women, and it was reflected in *Forward-looking Strategies for the Advancement of Women* (Beneria 1992: 1547-1548).²² For example, paragraph 120 mentions that "concrete steps should be taken to quantify the unremunerated contribution of women to agriculture, food production, reproduction and household activities" (ibid). Since the release of *Forward-looking Strategies*, more systematic inclusion of statistics on women's work in national accounts were considered by international organizations, government officials, and NGOs.

Based on these theoretical and practical developments, Beneria (1992) discussed the underestimation of women's work in labour force statistics and national income accounts, particularly in (a) subsistence production, (b) informal paid work, (c) domestic production and related tasks, and (d) volunteer work. She pointed out the urban bias in the assessment, and the necessity of more comprehensive and accurate methods of data collection in these areas. Even though conceptual, theoretical and methodological progress in assessing women's economic activities had been made in the 1970s and 80s, a more accurate statistical recording could not be made without modifying the urban and Western bias at the national level.

In addition, some feminists put emphasis on the cultural context in operation of power in gender relations. For, example, Kandiyoti (1988) analysed patriarchy in some cultures of Sub-Saharan Africa, the Middle East, South Asia and East Asia, and women's negotiation strategies within the patriarchal system using the term 'patriarchal bargains'. It enabled us to understand that there are various aspects in patriarchy, which can both

²¹ In response to second-wave feminism, there were theoretical shifts in Gender Studies and feminism, from Women in Development (WID), through Women and Development (WAD), to Gender and Development (GAD), focusing on the role of women from a 'developmental' perspective with a broader framework (Moser 1989, Rathgeber 1990).

²² The Forward-looking Strategies called on national governments: "to identify the impact that unemployment has on women; to provide employment equity programmes; to provide equal access to all jobs and training for women; to improve the conditions and structure of the formal and informal labour markets; to recognise and encourage the small business initiatives of women; to provide and encourage the establishment of child-care facilities; and to encourage, through education and public information, the sharing of responsibilities for child and domestic care between women and men" (O'Neil 1986: 20).

oppress most women and increase some women's benefits through bargaining practices. She criticized socialist feminists for having narrowly analysed the relationship between patriarchy and class under capitalism, so that thereby the term 'patriarchy' tends to be recognised as a monolithic concept of male dominance that obfuscates rather than reveals the intimate inner working of culturally and historically distinct arrangements between genders (ibid: 275). It is necessary to see the variations of patriarchy linked with class, caste and ethnicity in society.

In sum, it is important to pay attention to the diversity of family and household types in developing countries, and of historical and cultural contexts shaping this. Gender planning theory built from a 'Western' perspective tends to assume that the household consists of a nuclear family of husband, wife and a few children, but, for instance, an extended family and a three-generation household are common in developing countries (e.g. Hamilton 1998). It is also vital to understand that the family in 'developing' countries needs to shoulder the consequences of income inequality due to the absence, or weakness, of social policy as a set of state measures of the sort prevalent in 'developed' countries.

3.2.3 Domestic work as paid work in cross-border migration

The debate on domestic labour took a new turn owing to the commodification of domestic labour and emerging patterns of women's cross-border migration, especially after the end of the Cold War around 1991.²³ A term 'circuits of survival' was introduced to refer to the new statistical trends of increased cross-border female migrant workers, on par with male migrant workers and in some sectors, including domestic work, outnumbering them (Sassen 2000). In Sassen's (2000) view, there was a possible link between structural adjustment programmes in developing economies led by the IMF and World Bank throughout the 1980s and 1990s which caused large-scale unemployment of both men and women leading to cross-border migration as an option. She suggested that cases of the growing reliance of national economies, communities and families on the remittances

²³ UN (1999) publicized *1999 World Survey on the Role of Women in Development: Globalisation, Gender and Work* and pointed out both the market and nonmarket aspects in domestic and reproductive work. It noted that "in principle, reproductive work and caring labour in general could be replaced by paid services procured in the market if income, market conditions and personal inclinations permitted" (ibid: 13).

of female MDWs, such as the Philippines, could be considered as ‘feminisation of survival’.

Some feminist scholars highlighted that changes in the national welfare regimes in the post-industrial societies such as the EU, US, and Japan, moving towards home care and private provision as a mode of service delivery, allowed inflows of female migrant workers.^{24 25} In this vein, Parrenas (2000) proposed a concept of ‘international division of reproductive labour’ based on her research on migrant Filipina domestic workers in Italy and the US. She examined three groups: (a) upper and middle-class women in the receiving country, (b) migrant Filipina domestic workers and (c) Filipina women who are too poor to migrate. She found that while upper and middle-class women in wealthy countries purchased reproductive labour from migrant Filipina domestic workers at a low cost, migrant Filipina domestic workers simultaneously purchased the lower cost of reproductive labour from Filipina women who are too poor to migrate. She emphasised that in spite of their increasing participation in global labour markets, migrant women continue to retain the responsibility for their reproductive labour in both the sending and receiving countries (ibid: 577), but also that they could fulfil the responsibility in their origin country by hiring other women.

²⁴ As for mechanisms behind the outmigration of domestic labour from South East Asia to West Asia (or the Middle East), Heyzer and Wee (1994) examined it in terms of ‘trade in domestic workers’. Based on empirical data collected from multiple sites and actors in both sending and receiving countries, they revealed the methods of organization and benefits gained from domestic workers in transient overseas employment, and pointed to the interrelatedness of the development processes and human consequences such as inequalities in gender relations, family structures and class positions. In their view, there is a necessity to see national development in a larger regional context of transnational processes (ibid: 97).

²⁵ Truong (1996) tried to conceptualise the cross-border migration of domestic workers with respect to the ‘transfer of reproductive labour’ from one class, ethnic group, nation or region to another. She argued that as reproductive activities in the home (maintenance and care-taking work) are cross-culturally devalued, unpaid/underpaid, unrecognised and taken for granted, this type of migration could be seen as transferring unwanted work to unwanted people, and/or as the inability of a social system to internally manage the cost of reproductive work. Taking the cultural and human dimension into consideration, she emphasised that reproductive labour, which requires nurturing and minding skill and ability, cannot be easily replaced by automation.

Building on Parrenas's work, Hochschild (2000) proposed the Global Care Chain (GCC) concept/model, highlighting the networks formed for the purpose of international transfer of care labour from developing to developed countries. GCC captured "the internationalisation of households' strategies in care provision and maintenance of families' wellbeing" (Truong 2013: 20). The model indicated that: (a) the family at the end of the chain in the poorer country is too poor to employ domestic workers, while; (b) the outsourced domestic workers sustain the economic development of the richer country; and therefore (c) might reinforce the economic disparities and inequalities between the two countries.

In sum, with the emergence of paid domestic work by female international migrant workers, the outsourcing of domestic and care labour was examined with respect to 'trade in domestic workers' (Heyzer and Wee 1992), 'transfer of reproductive labour' (Truong 1996), 'international division of reproductive labour' (Parrenas 2000) and 'GCC' (Hochschild 2000). These writings pointed to a transfer of domestic and reproductive labour from the developing countries to developed countries. There was a consensus that critical aspects of women's work involving domestic work are cross-culturally devalued, unpaid/underpaid and only partially recognised or in some instances unrecognised.

3.3 Viewing care from the perspective of globalisation and social reproduction

In response to the welfare restructuring and rapid commodification of care labour under neoliberal globalisation, many feminist scholars examined this change from a perspective of 'care deficit' (Misra et al. 2006; Beneria 2008; Beneria et al. 2012). They highlighted the transformation of care systems at the global, regional, national and local levels in the face of demographic changes (e.g. low fertility rate, high life expectancy, aging population), increase in women's labour force participation, and further nuclearization of the family in many developed countries.

At a policy level, privatisation in the neoliberal governance framework accelerated the minimisation of labour costs and maximization of labour flexibility in many sectors. A squeeze both on public provisions of care due to cutbacks in public expenditure and in the quality of care service

provided by the private sector because of the competitive pressures leading to cost-cutting which caused a deterioration of the care sector (Kamimura 2011: 145-146). Accordingly, a large number of 'imported' female migrant workers are now formally and informally used to supplement and reinforce the care provision and serve as care workers (e.g. nurse, caregiver and domestic worker).

In accordance, the continuing women's cross-border migration has been subject to a new wave of theorisation in light of the fluidity of the social reproduction domain which includes many sub-domains such as education, social welfare, housing, health care, social environments and the realm of the 'domestic' or intra-household arrangements (Bakker and Gill 2003; Gill and Bakker 2006; Bakker 2007; Bakker and Silvery 2008).²⁶ Moreover, especially since the introduction of GCC, the concept of care, which is a longstanding theme in social policy and health studies, has (re)gained considerable scholarly attention not only from feminism but also in disciplines such as philosophy, ethics, geography, political science and economics (Gilligan 1982; Nodding 1984; Esping-Andersen 1990; Tronto and Fisher 1990; Hiroi 1997; Duffy 2005; Engster 2005; Folbre 2006; Hara 2007; Razavi 2007; Ueno 2011; Himmelweit 2013). Care has been conceptualised and re-conceptualised from various angles.

3.3.1 'New constitutionalism' and social reproduction: the restructuring of the world economy and shifting public-private divide

A major insight gained from the feminist debate on social reproduction since the 1970s is that economic production and social reproduction are essentially inseparable and mutually constitutive (Beneria 1979; Truong 1996; Katz 2001), thus the social process of production can be at the same time the process of social reproduction. Based on these insights, and from an international political economy point of view, Gill and Bakker (2006) analysed some consequences of what they call 'new constitutionalism' for caring institutions (e.g. health and education) specifically and for social

²⁶ As pointed out in a previous section, (social) reproduction was debated among Marxist-feminists in 1970s, but their main focus was unpaid work in the household (the relation between men's 'productive' and women's 'reproductive' labour under capitalism). Based on the debate, Truong (1996) theorised the role of migrant worker in the globalisation of social reproduction.

reproduction more generally, at a global level. The theory of new constitutionalism was introduced by Gill (1998) to explain the neoliberal global order aimed to create global supremacy and to promote a free capitalist system through a constitutional framework. New constitutionalism, which is epitomized by WTO, has a combination of the following sets of processes:

- (a) uneven emergence of a de facto constitutional governance structure for the world market; (b) neoliberal reshaping of political subjects and restructuring of particular state forms; (c) specific 'locking in' mechanisms which incorporate laws, rules, regulations, procedures and institutions; and (d) new 'informality' involving proliferation of soft, self-regulatory and flexible/double legal standards (Gill and Cutler 2014: 7).

Considering three main dimensions of social reproduction – biological reproduction, reproduction of labour power, and reproduction of provisioning and caring needs – Bakker and Silvery (2008: 22) argue that,

...social reproduction involves fundamental social processes and institutions associated with the intergenerational mechanisms and activities through which communities and human lives are reproduced and developed over time – and upon which all production and exchange ultimately rest, as for example on the general health of the population.

They alerted us that the privatised governance arrangements prioritised by neo-liberalists have deeply impacted caring institutions and social reproduction, particularly in the sending communities of the care workers from developing countries.

One type of new constitutionalism can be illustrated by the Economic Partnership Agreements (EPA) between the Japanese government and the Philippines (2006) and Indonesian (2007) governments that permitted migrant nurse and care workers to enter Japan (Onuki 2009). It means Japan officially imports care labour (people) from the Philippines and Indonesia to cope with its care deficit caused by demographic change (aging society). This EPA format is noteworthy because it underlines the power of governance to transform not only social relations of production but also institutions and practices of social reproduction, which could negatively impact the sending communities in the Philippines and Indonesia.

In this context, Bakker (2003, 2007) claimed that new constitutionalism entails a withdrawal of the state from welfare provisioning and ‘reprivatisation’ of social reproduction, which could rewrite the PPD. Re-privatisation involves four shifts:

- (a) return of the work of social reproduction from state and community provision to where it ‘naturally’ belongs, i.e. to the household (private sphere);
- (b) transformation of societies into collections of individuals or families away from a collective social entity;
- (c) incorporation of labour to capital; and
- (d) basic issues of survival and livelihood, such as food security, increasingly determined by the world market (Bakker 2007: 545).

The core point in this claim is that the government is shifting the burden and responsibility of social reproduction to the individual household, as part of the processes of restructuring the world economy.

Gill and Bakker’s debate on new constitutionalism and social reproduction could thus be a warning of a crisis of social reproduction at a global level. Under new constitutionalism, families and individuals could be exposed to global competition in the spheres of social reproduction. As Yeates (2018: 23) argues, “the growth of a wide range of care service industries including domestic labour provision are not just about servicing the body and emotions but are essentially about serving social reproduction”. It is especially significant to have an intergenerational perspective (current and future generations), or more specifically an ‘intergenerational caring’ perspective, in the study of social reproduction.

Given that Gill and Bakker’s arguments are theory (structure) driven, they focus on the conditions of social reproduction only at a macro level. They did not sufficiently consider that the social practice aspect (care) is organized by human interactions and inter-personal communications. The universal applicability of their simplified model of re-arranged social reproduction – re-privatisation of social reproduction and ‘withdrawal of the state and replacement by market’ – has to be critically examined. Bakker and Gill’s model could “prevent us from understanding the complexity and contradictions of the multiple ways how the global crisis of social reproduction plays out at a local level and brings about transformations both

between and within the public and private spheres” (Kunz 2010: 915).²⁷ Social reproduction is secured through a shifting constellation of sources encompassing state, market, civil society and family/household, etc., and the balance among these actors very much depends on the cultural, historical, and geographical context (Katz 2001: 711).²⁸ We require analysis of the relations among multiple actors and their dynamics at the macro-, meso-, and micro levels.

3.3.2 Re-conceptualising care: implications for theorising domestic labour

Care, a broad and multi-dimensional concept, has been examined at the philosophical, institutional and technical levels. From a philosophical standpoint, Hiroi (1997) defined care as a precondition of human existence, and argued that the concept of care is in one sense similar to the concept of time. Quoting a well-known phrase of Augustinus that “if you do not ask me what time is, I know it. If you ask me, I do not know”, he proposed to use the same saying with reference to care (ibid: 7).

Feminist ethics of care, first set out by Gilligan (1982) and Noddings (1984) amongst others, demonstrated that conventional moral theories have historically been deeply tainted by some implicit gender constructs.²⁹ The emphases in the new feminist ethics were placed on the processes of the human being: for example, clarifying and advocating a relational self rather than an atomized self, and self-in-relation rather than an autonomous entity. In this vein, Tronto and Fisher (1990: 40) offered a definition of caring as “a species activity that includes everything that we do to maintain, continue and repair our world, so that we can live in it as well as

²⁷ Taking this point into consideration, Bakker and Silvery (2008) tried to show the dynamics of shifting global-local relations in social reproduction in *Beyond States and Markets: The Challenges of Social Reproduction*.

²⁸ Arruzza (2016: 12) offered a critical view on the notion of social reproduction by arguing that “accusations of biological and economic determinism, and of functionalism, are based on a fundamental misunderstanding of the notions of production and reproduction within a Marxist framework”.

²⁹ Gilligan (1987) deepened the discussion on moral theories and noted the distinction between differences in developmental stage and differences in orientation. Her literature (1982 and 1987) offered the perspective that ‘men and women’ have different moral orientation and development, but sexual diversities like LGBTQ were not reflected at that time.

possible: that world includes our bodies, ourselves, and our environment, all of which we seek to interweave in a complex, life-sustaining web”, and emphasised four ethical values of care: attentiveness, responsibility, competence and responsiveness.

Engster (2005) tried to develop Tronto’s definition and a theory of obligation for caring by grounding it in a moral and political philosophy. He argued that in human societies, the distribution and acceptance of care duties for others beyond the realm of private/domestic is to be seen as a moral orientation. Caring is, for example, meeting needs, developing basic capabilities, and alleviating pain in an attentive, responsive and respectful manner towards the individuals in need of care (ibid: 70).

The early research in feminist ethics of care was usually based on the perspective of white middle-class women and discussed caring mostly in relation to children and marriage, and much of these works focused on the US or Europe (Datta et al. 2010: 97). It is significant to see the historical and cultural context of care and the diverse actual care systems in a region/country/community. For example, Raghuram (2012: 162) noted that in India, different traditions of care coexist, each having different skills, accreditation processes, recognition and rewards.

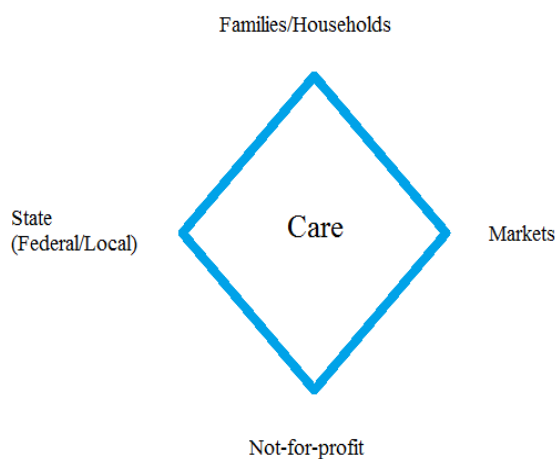
At an institutional level, Esping-Andersen (1990) identified first the most general level of institutional models, namely state, market and family, to then analyse the welfare regimes in different countries, based on the extent of de commodification (the degree to which a person’s entitlements are independent of market participation).³⁰ It focused on the extent of transfer of benefits and subsidies (pensions, social security and child benefits) in its classification of welfare regimes, but disregarded the gender and not-for-profit (such as grassroots organisations, neighbourhood and volunteer groups) dimensions in sustaining welfare (Bettio 2006; Kofman and Raghuram 2009; Chan et al. 2011).

Razavi (2007) argues that academics and policy makers have been strongly influenced by masculine thinking and their assumptions remain deeply patriarchal, and thus, cannot adequately recognise women’s care

³⁰ Esping-Andersen (1990) argued that “the mainsprings of modern social policy lie in the process by which both human needs and labour power became commodities and, hence, our well-being came to depend on our relation to the cash nexus’ (ibid: 35).

labour in sustaining the welfare system. From this point of view, she extended Esping-Andersen's model to include care, in order to highlight the multiple institutions involved in its provision, and offered a model of a 'care diamond' which is composed of state, market, family/household and not-for-profit (see Figure 3.1).

Figure 3.1
Care diamond



Source: Razavi (2007: 21)

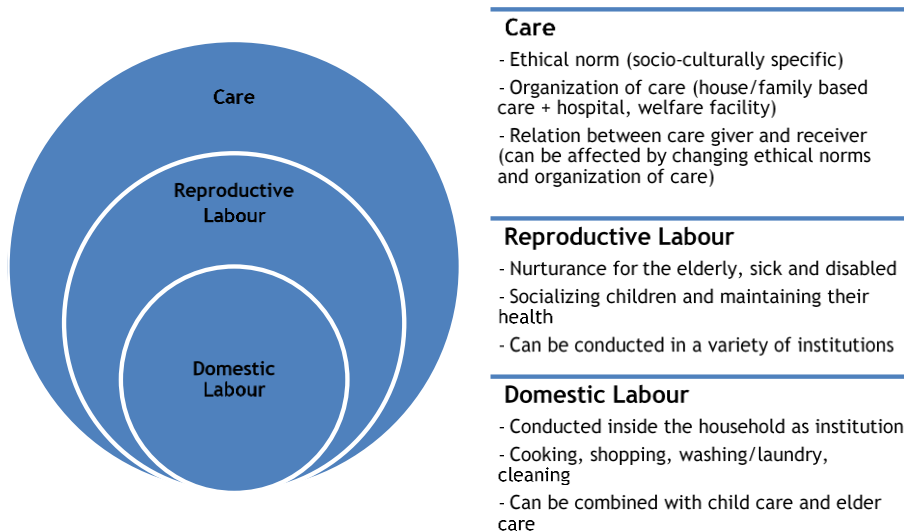
The 'care diamond' is a useful tool to help understand how care is organized and delivered. Within it, the family/household should not be assumed to be just a nuclear family; the diversity of forms needs to be reflected, including extended families, transnational families, three-generation households and two-headed households. Moreover, not-for-profit should not be narrowly defined just as NGO/NPO, and it needs to include the local community, neighbourhood, self-help groups, volunteers and so on.

At a technical level, with increased academic and policy attention to care, scholars especially in feminist economics have highlighted paid and unpaid care work (e.g. Folbre 2006; Hara 2007; Himmelweit 2013). Women's unpaid work is not a new subject of inquiry, and "an analysis of

family organization and unpaid household labour has been the critical issue in feminist economics since its beginning” (Hara 2006: 18). The definition of care work varies widely, including child and elderly care, health care, socialising children and household chores. Moreover, most UN literature uses the term unpaid care work in a broad way, “synonymously with terms such as ‘non-market work’ or the work of ‘social reproduction’” (Folbre 2006: 185-186).

In this regard, it is important to provide a clear-cut explanation about the linkage between domestic labour and reproductive labour and care. Theoretically speaking, care is a broader concept of reproductive labour and domestic labour in a socio-economic sense (Ueno 2011) (see Figure 3.2).

Figure 3.2
Concepts of care, reproductive labour, domestic labour



Created by the author

It should be noted that, labour here is used as a broader and more abstract concept than work. While, for example, reproductive labour is a concept to refer to the capacity and processes undertaken for human reproduction,

reproductive work is a concept to refer to specific activities undertaken for reproduction, both inside and outside the household.³¹

To build on and extend the earlier debate (3.2), ‘Domestic labour’ is associated with the Marxist concept of social reproduction, i.e. the processes that ensure the self-perpetuation of a social structure over time. Aiming to provide an account of the oppression of women in Western capitalist societies, the analytical focus is the unpaid labour of housewives in the daily physical and emotional maintenance of nuclearized household members. It attempts to explain the hidden mechanisms behind the presence of gender hierarchies both in the homes and labour markets. ‘Domestic work’ is a concept that describes the tasks performed in the maintenance and reproduction of a household – cooking, shopping, washing/laundry cleaning, management of tension in human relations and caring. Some tasks can be transferred and/or mechanized, others not.

Only a few studies discussed the relations between care and social reproduction. Some of the studies argued that care is an integral part of social reproduction (Kofman 2012; Himmelweit 2017). Loke (2017) situated “care as part of, rather than in place of, social reproduction, which encompasses the whole process of reproducing social structure and status” (cited in Nguyen et al. 2017: 202). If Loke refers to ‘care labour’ or ‘care work’, it could be situated as part of social reproduction. However, if she refers to care *per se*, it probably could not be situated as such. Care and social reproduction are interrelated concepts. While both social reproduction and care cover an intergenerational dimension (including both current and future generations) in the social process, care as ‘attentiveness’ has a more relational aspect regarding the care provider and the care receiver as human beings and actors, and the activities that entails.

³¹ Duffy (2005: 68-72) tried to conceptualise care at the intersections of gender, race and class. She pointed to the lack of consistent conceptual clarity about what kinds of activity constitute care work, and proposed two major conceptual frameworks for understanding care as ‘nurturance’ and as ‘reproductive labour’. While the emphasis of nurturance is on the nature of the activity as ‘relational’, the focus of reproductive labour is on the role of the work which maintains and reproduces the labour force.

3.4 Transnational migration systems and care in practice

Having talked about care, domestic labour and domestic work in rather abstract general terms, we return now to the specifics of female migrant workers who move to another country to provide such services. Since the concept of transnationalism was introduced into migration studies in the early 1990s (see Chapter 2 - 2.2), transnational migration research has highlighted the meso-level intermediaries – such as migration networks, remittance channels and communication channels – which could connect macro and micro level analyses (e.g. Glick Schiller et al. 1992; Truong and Gasper 2008; Lutz and Palenga-Mollenbeck 2011; Faist 2012; Truong 2012). It has been argued that transnational migration is not a new phenomenon, including by retelling the US immigrant story through a ‘transnational lens’ (Levitt and Jaworsky 2007: 133). Overseas Chinese, Lebanese and Jewish communities can also be taken as examples of transnational migration. Yet, the transnational migration system and practices have now taken different forms and operate at different speeds and scales against the background of new communication and transportation technologies (IOM 2018, 2020b).

Whereas formal global migration governance has only very slowly emerged (see e.g. Lucas 2005; Betts 2011),³² the elements of actual migration systems and sub-systems – including formal laws and government policies, semi-formal and informal state practices, employer systems and practices, migration industry systems and practices, societal institutions, norms and habits, and migrants’ own systems – have been established at multiple levels (see e.g. Rutledge and Roble 2010; Gasper 2018). In South-east and East Asia, especially the systems and practices of the migration industry – involving recruiters, brokers, transportation providers, travel agents, smugglers and money lenders etc., – have expanded rapidly and played a vital role in facilitating human mobility across international borders (see e.g. Goh et al 2017; Spaan and van Naerssen 2017). The migration industry and other industries such as the care industry have been closely interwoven, and the combined system has provided cross-border transfer of care and domestic labour through transnational networks.

³² Global migration governance has broadly been characterised as a missing regime, fragmented and piecemeal and so on, compared to the other areas in global governance such as health, trade and environment (Goh et al. 2017: 403).

In the case of Indonesia, the migration industry systems and practices, especially the migrant recruitment/brokerage system, have been well-established not only in Java but also in other islands such as Lombok, Sumatra and Kalimantan to enhance human mobility within and beyond the country (Lindquist 2010, 2012). Irianto and Truong (2014) analysed the transnational systems that move and manage Indonesian women MDWs in and to the United Arab Emirates (UAE). They illustrated the migration regime between Indonesia and UAE, which is a combination of multiple partly problematic institutions, including Indonesia's migration law that did not define domestic work, the UAE's federal law that has excluded the category of domestic worker, and the business-oriented recruitment-placement system (see Table 3.1).

Table 3.1
Transnational recruitment and placement system for domestic workers

Recruitment, key actors, and prefinancing	Processing and pre-departure preparation	Work placement in the host country
<p>Village Broker:</p> <ul style="list-style-type: none"> • pre-finances cost for the aspirant migrant to travel to urban areas to apply for an overseas job. <p>Unlicensed company:</p> <ul style="list-style-type: none"> • works with a licensed human resource company and receives a share per worker sent. 	<p>Human Resource Company (locally referred to as recruiting agency):</p> <ul style="list-style-type: none"> • liaises with unlicensed company to obtain qualified workers; • works with brokers in destination countries to deliver them; • income is based on the volume of employees placed in destination countries. 	<p>Employment Agency:</p> <ul style="list-style-type: none"> • works with a human resource company in the country of origin of the migrant but has no incentives to investigate its practices; • receives a fee from employer per worker allocated.
<p>Domestic Migrant Worker applicant under social and financial dependency:</p> <ul style="list-style-type: none"> • borrows money from the village broker (or other sources), who can be a member of the local elite, in order to get to the recruiting centre; • if successful proceeds to the next step with a human resource company; • if unsuccessful tries another company, usually unlicensed; pressure of debt and honour is a strong incentive to continue; • faces more risks with an unlicensed company due to the lack of transparency and accountability. 	<p>Successful Migrant Domestic Worker applicant under financial dependency</p> <ul style="list-style-type: none"> • receives an advance for ticket and other costs (fees, and pre-departure costs); • pays back through wage deduction for the first few months; • faces threat of deportation for noncompliance with employer's demands. 	<p>Migrant Domestic Worker under social and legal dependency</p> <ul style="list-style-type: none"> • depends on employment agency as the third party in the destination country to mediate problems with the employer; • pays a portion of the monthly wage for this service; • submits passport to agency or employer; • in case of conflict with the employer goes to agency for mediation; • faces unclear standards on grievance handling processes (can be threatened at this stage to be forced to return to work or be locked up, both as a means of harsh punishment and as 'storage' until the next employer can be found).

Source: Irianto and Truong (2014: 41)

This migration regime has contributed to generating the conditions of structural dependency (in both the in-migration and out-migration countries) on MDWs, the structural causes of MDWs' vulnerability in the migration process, and to reducing MDWs' status to 'labour-as-commodity' rather than persons with rights (ibid: 40).

The GCC model, focusing on transnational outsourcing of care work (mainly by domestic workers and nannies), has been widely adopted as a theoretical model in the fields of globalisation, care and migration studies.³³ Yet, in developing the concept of care in transnational migration, critiques have been directed toward the assumed unidirectionality of care mobility and normativity of care in GCC models, pointing to the need for a model of analysis that can better capture the multi-directional ways of care provision involving transnational families (Huang et al., 2012; Raghuram 2012; Baldassar and Merla 2014; Nguyen et al., 2017; Tungohan 2019).

3.4.1 From global care chain to care circulation

In the process of conceptualizing and reconceptualizing care, various commentators have suggested some limitations in the GCC models so far. The first point is the often assumed unidirectionality of care mobility. Since the concept of GCC was first introduced by Hochschild in the year 2000, the modalities of MDWs' family relations have significantly changed with contemporary communication technologies. Even though MDWs live apart from their own family, they create and retain their 'familyhood' even across continents and national borders via the use of technologies. Using the term 'chain', GCC tends to see a linear transfer of care labour from a poorer family in developing countries to a richer family in developed countries through markets (Baldassar and Merla 2014). Yet, especially in this digital era, care flows not in a unidirectional/linear way but in more multidirectional ways (Francisco-Menchavez 2018). It requires us, for example, to take into account how care flows among the MDWs family members in the transnational formation.

The second point is the normativity of care. As GCC was conceptualised predominantly based on empirical accounts of domestic workers and nannies, "it could invoke the normative view of care as something only needed by the needy such as children, elderly, the sick and the infirm" (Nguyen et al. 2017: 200). Care has however various aspects including reciprocity and altruism. For example, the caring relationship between a hired

³³ Here, a domestic worker is a person who provides maintenance and reproduction of a household such as cooking, shopping, washing/laundry cleaning, and management of tension in human relations and caring, while a nanny is a person who provides child care within the child's family setting.

caregiver and a receiver is different from the one within transnational families. Moreover, some use of GCC tends to assume the family as a nuclear and proximate family from a ‘Western’ normative perspective (Raghuram 2012: 164, Tungohan 2019: 240).³⁴ It could lead to a consequent assumption that we must view “distance as negative, a major impediment to the delivery of caregiving” (Baldassar and Merla 2014: 38) and the subsequent use of an over-simplified picture of care surplus in developed countries and care deficit in developing countries.

Based on these critiques, Baldassar and Merla (2014) have developed a framework of ‘care circulation’, which connects care, migration and transnational families (to be discussed in 3.4.2), in order to go beyond a simple version of the GCC.³⁵ While the,

GCC tends to focus on care exchanges between two people who are linked together along a chain of dyads (caregiving and receiving), with care flowing in one direction in exchange for money that flows in the other, care circulation broadens out the trajectories of the dyadic exchanges to consider the entire network of relationships around which care flows (Baldassar and Merla 2014: 9).

They have defined care circulation as “the reciprocal, multidirectional and asymmetrical exchange of care that fluctuates over the life course within transnational families’ networks subject to the political, economic, cultural and social contexts of both sending and receiving societies” (ibid: 22).

A lens of care circulation enables us to see the ways in which members of transnational families continue to maintain relations and obligation to care for each other. One of the main concerns in care circulation is the potential for negative impact or harm that might be caused to members of transnational families by the long-term separation (Baldassar and Merla 2014: 38). The length and frequency of the migration can affect the caring relations among the family members. In this regard, we need to look also

³⁴ From the perspective of intersectional, decolonial and queer analyses, Tungohan (2019) added more nuance to portrayals of GCC by looking at the effects of interlocking power structures, colonial histories and normative ideologies of the ‘family’ and ‘sexuality’ on migrant care workers and their families.

³⁵ As a similar but distinct example, Douglass (2006) and Toyota (2006) proposed a concept of ‘global householding’ underscoring the ways in which creating and sustaining a household is a continuous process of social reproduction that covers all life-cycle stages and extends beyond the family.

at the migrants' position within the care market and their immigration status, because these could restrict the migrants' rights and freedoms to communicate with their family members.

Since we need to capture the dynamics of transnational families and transnational caring – a set of activities that circulate between home and destination place (in the destination country) across generations – this care circulation could be conceptualized as 'transnational care circulation' or 'transnational circulation of care' (Baldassar and Merla 2014). This could contribute to developments in transnational migration research specifically and transnationalism research broadly.

3.4.2 Transnational families within the care triangle

Women's circular cross-border migration, facilitated by transnational migration networks, has become an established pattern in migrant sending areas. This trend of migration transforms gender relations within the household, especially how care duties are organized. Seen from the perspectives and experiences of the stay-behind family members (father, grandparents and children), women's transnational labour migration has reshaped the traditional forms of caring within the family.³⁶ Although they have performed their care duties to their family through transnational and disembodied means, such as remittance, gift sending, phone calls and SMS (Baldassar and Merla 2014), migration has consequences for their children as well as for the father, grandparents and extended family members who take over their duties.

Since the last decade, the emergence of these 'transnational families' – a form of cross-border bonding and maintenance of intimate relationships – has become a large subject of inquiry in migration research. The major concern has been to reveal the socio-economic, cultural and emotional impact of labour migration beyond the conventional research emphasis on

³⁶ This study adopts the term stay-behind instead of left-behind because left-behind could have a nuance that a migrant parent abandons or leaves their children and family behind.

financial gains through labour export which highlights the economic aspects in international migration with a focus on the corridor and on flows of monetary remittance (e.g. Hernandez-Coss et al. 2008).³⁷

From this position, three models have been developed in the literature. The first model is transnational parenting, which focuses on the interactions between migrant parent and stay-behind children. Yeoh and Lam (2007), for example, studied how migrants maintain their parenting role from the destination country, and how transnational parenting impacts on stay-behind children. Hoang et al. (2015: 266) mentioned that the typical Filipino migrant parent actively stays connected with his/her stay-behind children through disembodied means and continues to bear responsibility for child-caring, especially emotional care. From the stay-behind children's perspective, Graham et al. (2012) explored how children understand and experience being parented from a distance as well as receiving care from their migrant parent, in the cases of Indonesia and the Philippines. Their conclusion is that, compared to children living in non-migrant households, stay-behind children in Indonesia were more likely to experience a happiness deficit, and those in the Philippines were less likely to talk to anyone (surrogate carers) when they are feeling sad or lonely.

The second model is about motherhood/fatherhood as a socially ascribed parental role in transnational spaces, and deals with not only parenting relationships (migrant parent and stay-behind children) but also marital relationships (migrant wife/husband and stay-behind wife/husband). For instance, Hoang et al. (2012) studied, in terms of care arrangements for stay-behinds, how long-distance maintenance of socially ascribed parental roles is supplemented by designated caregivers, and also the corresponding rewards.

The third model concerns the surrogate carer, and highlights the interactions between stay-behind children and caregivers in the household (for example non-migrant parent, grandparents, sibling, neighbours and friends). Some research found that greater changes in living and care arrangements are often observed when a mother migrates abroad (and the father stays in the household) (Hoang et al. 2015: 264). Even though the stay-behind father tends to take more caregiving roles in the absence of

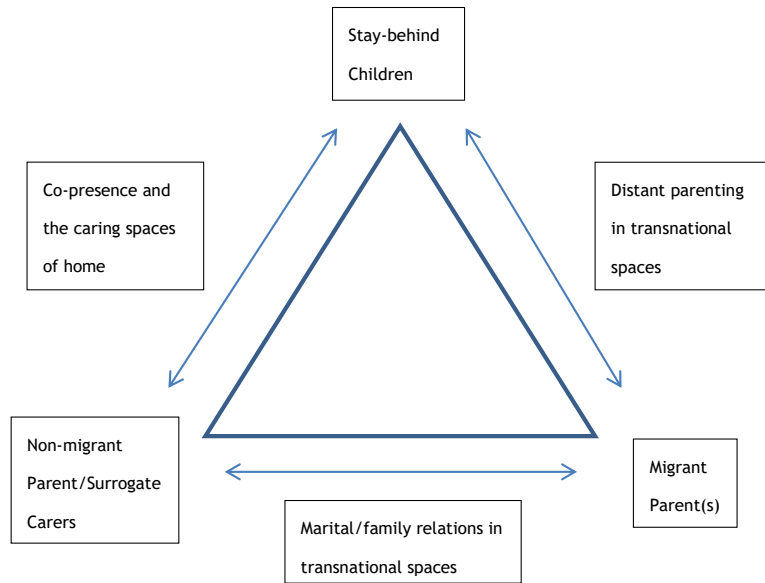
³⁷ This research emphasised remittances as compensation for the impacts of financial crisis. It is a typical expression of support for the instrumental value of export labour, including care labour.

the mother, he tends to seek help from female family members, neighbours and friends for childcare as surrogate carers. This model examines the quality of relationships for childcare among a non-migrant parent and other carers.

These models may be considered as complementary. Together, they can help provide a new understanding on transnational families and their specific practices: (a) disembodied means, particularly mobile phones, can make transnational parenting and marital relationships possible; (b) gender (father or mother) can influence the frequency of contact and communication; and (c) the absence of a parent, especially the mother, can be compensated by surrogate carers. In addition to these points, (d) various features of migrant parent, non-migrant parent and surrogate carers – especially migrants' type of occupation, workplace conditions and level of wage - need to be considered because they can influence the frequency of contact and communication, and thus affect the quality of parental and marital relationships. As this point is not reflected much in the previously published research on transnational families, this study will attempt to contribute somewhat to bridge that knowledge gap (this will be discussed in Chapter 6).

For the analysis of (re)arrangement of care in the household, a 'care triangle' proposed by Graham et al. (2012), composed of 'stay-behind children', 'non-migrant parents/other carers' and 'migrant parent(s)' can be a useful analytical frame (see Figure 3.3). This care triangle is used to analyse the actors involved in transnational families and the relations of transnational care arrangements among the members of a nuclear family and extended family (grandparents, brother/sister, and relative), including those who take on roles as surrogate care-providers. The triangle can help us to include concerns raised by the above models, provided it is placed sufficiently in the social and cultural context, particularly of gender and family.

Figure 3.3
Care triangle



Source: Graham et al. (2012)

Drawing from the previous studies, we can find that not only by economic ties but also by social, cultural and emotional ties, transnational families continue to maintain their relations across transnational spaces. In this respect, perhaps the term ‘transnationally-bonded families’ might be appropriate because it directs the focus to a maintenance of bonds.

3.5 Conclusion

Under the new global economic constitutionalism, the marketisation of care seems to produce deep transformations of the care system and social reproduction at the global, regional, national and local levels. It entails both institutionalisation of care service provisions in economically developed countries and cities, and fluidity of labour markets in care and domestic labour. In this process, the family and household members have faced a choice among: ‘(a) publicly and privately owned and funded institutions, that is homes for the elderly and nurseries; (b) privately hired and

wage-contracted nurses, domestic workers, nannies and au pairs; and (c) family support through non-wage domestic and care provision' (Kojima 2007: 38-39).

To analytically grasp the emerging pattern of women's transnational migration, it is important to see the linkage between domestic labour/work and social reproduction and care. Domestic labour is a sub-concept within the broader concept of reproduction-and-care as the re-creation of human societies, including biological, social, systemic, cultural and ideational aspects. Caring activities in a household become transformed into labour as a commodity in the processes of political economy, and this has been transformed into 'domestic work' as an occupation. Here, the distinction between 'domestic labour' and 'domestic work' needed to be highlighted.

The spheres of 'public' and 'private' are fluid rather than fixed, and the line between the two has shifted under the restructuring of the world economy. Although noting the socio-cultural norms regarding the PPD can help us understand the distinctive formation of the constellation of power relations within each sphere, the dichotomisation of private and public still contributes to causing the cognitive invisibility of women's domestic labour. The state recognition of women's domestic labour in national accounts may be consequential for the design of a legal system to protect women generally, and women MDWs specifically.

The choice of hiring female MDWs, in turn, triggers a reorganization of care for stay-behinds in the migrant's family. Therefore, the transfer of care duties among women or between genders should be seen as a 'circulation' or 'circuit' of activities which can move between communities in a nation as well as across borders. Circulation of care is a reality for all workers who are geographically mobile, and it is facilitated by the transnational recruitment-placement system, as shown by Irianto and Truong (2014). Yet, how these activities are organized reflects the legal standing and class of the workers in specific sectors. How MDWs and caregivers who are marginal in labour law and migration law arrange their care duties at long-distance across-borders is an important issue for debates on the place of intergenerational care.

From this point of view, this chapter has argued that researching and theorizing about the migration of domestic labourers today can benefit from the lens of 'transnational circulation of care' in order to connect several important perspectives. These include: (a) the organisation of

care through a complex interplay of state, market, family/household and not-for-profit organisations, as illustrated by the 'care diamond' model; (b) the modalities of transferring care labour from low-income to high income areas within a nation, or transnationally within a subcontinental region or across the globe, as documented for example by the GCC model; and (c) how the specific institutional management regimes of migration of care- and domestic- workers (including the government negotiations for care provision between migrant receiving and sending countries, as well as informal arrangements) do, or do not, take into account the relationality of transnational care arrangements among the migrants' family members who stayed behind and the impact of these arrangements -- as illustrated by the 'care triangle' model. This chapter has presented and linked these perspectives.

4

Contemporary Transnational Labour Migration System from Indonesia to Malaysia: Women's Circular Cross-border Migration and Implications for Household Practices of Organising Care

4.1 Introduction

My *sponsor* and recruitment agency [to work as a live-in domestic worker in Malaysia] were legal. I met my *sponsor* here (in her village in Karawang) and my agency in Jakarta. It was a two-year contract. Recruitment fee to migrate to Malaysia depends on the *sponsor*. That to Saudi Arabia also depends on the *sponsor*. I chose Malaysia because it is [geographically] close to Indonesia. Moreover, the language is the same. It is easy to communicate with the employer. I all depended on my *sponsor* (*Saya ikut-ikut sponsor saja*). (Indonesian woman returnee in Karawang who worked as a live-in domestic worker in Malaysia; 2012 interview).³⁸

Practices of transnational migration between Indonesia and Malaysia have long historical roots sustained by the multi-dimensional character of the proximity – in terms of geography, kinship, language and Islam as a religion. Different processes of nation-state building and economic development have shaped Indonesia as a sending end and Malaysia as the receiving end (Spaan et al. 2002; Liow 2003; Kaur 2004). In parallel to other types of manual labour being transferred from Indonesia to Malaysia, domestic labour has been subject to observation and scholarly analysis but without an active campaign for the rights of MDWs until recently. Since the 1980s,

³⁸ Individual semi-structured interview with returnee in Karawang in March 2012.

due to pressure from CSOs and international organizations, such as the ILO, the administrative bodies of both states have engaged in the politics of recognition on the presence of MDWs in labour migration flows (Tenganita 2008; Irianto and Truong 2014). Yet, enduring vested interests in the sector of MDWs plus cultural attitudes toward domestic work remain major obstacles to the fundamental changes required in the legal system to protect MDWs' rights (ILO 2006, 2016b). This has shaped a policy environment of market-based labour migration in which the brokerage system plays a key role in several areas, including the promotion of women as 'would-be' MDWs as well as the actual recruitment and placement process, all with weak legal accountability (Lindquist 2010, 2012; Lindquist et al. 2012; Xiang and Lindquist 2014).

This chapter identifies and explicates the social mechanisms that facilitate the transfer of domestic labour from Indonesia to Malaysia with only limited protection of MDWs' rights in the present context of the transnational labour migration system between the two countries. The chapter draws on data collected from (a) multi-sited fieldwork in Karawang, Jakarta and Kuala Lumpur from 2012 to 2013, and (b) additional research in Kuala Lumpur (especially observation on the government's policies) during 2016 to 2018, and triangulates the findings and insights with secondary sources for these same years. The migration system observed in detail in 2012-13 does not appear to have fundamentally changed since then. The chapter argues that the transnational domestic labour circulation has induced significant changes in 'care' as a domain of responsibility and moral duty, as well as transformed the relationships that organize care provision in both migrant sending and receiving sites.

This chapter is organized as follows. Section 4.2 illustrates some key points in the historical relationship in transnational labour migration between Indonesia and Malaysia. Section 4.3 examines the legal level invisibilisation of MDWs in Indonesia and Malaysia by showing how both governments play politics over the recognition of rights of domestic workers, especially MDWs, and the background of the dominant socio-cultural norms regarding the public-private divide (PPD). Section 4.4 analyses how the migration management system of both governments which allows the involvement of brokers and intermediaries – equipped with transnational networks in the recruitment-placement system – has promoted the processes of turning village women into would-be MDWs and facilitated their cross-border migration to Malaysia. Section 4.5 reflects on the effects of

the established recruitment-placement system on Indonesian women migrants, and its implications for the practices of organizing and delivering care in their households. Section 4.6 concludes with the theme of enhanced transferability and circularity of domestic labour with limited legal rights and protections for MDWs.

4.2 Labour migration from Indonesia to Malaysia: geographical and cultural proximity

The migration flow from Indonesia to Malaysia through both formal and informal channels has been estimated to be one of the largest in South-east Asia (Liow 2003; Hugo 2007). This massive migration flow today has been stimulated by the geographical and cultural proximity (in terms of kinship, language and religion) and the historically constructed transnational migration networks that enhance the transferability of labour. Reflecting its massive scale and continuity, Hernandez-Coss et al. (2008) refer to this flow as the ‘Malaysia-Indonesia remittance corridor’, emphasizing its economic significance, while Spaan and van Naerssen (2017) refer to it as the ‘migration corridor between Indonesia and Malaysia’, emphasizing social and cultural dynamics.

4.2.1 Geographical and cultural proximity between Indonesia and Malaysia

Indonesia and Malaysia have historically constructed two major migration channels in geographical terms – Sumatra-Peninsular Malaysia and Kalimantan-East Malaysia (see Map 2). The distance between Rupa Island, Sumatra and Telok Gong in the state of Malacca, in Peninsula Malaysia, is approximately only 48kms; and Kalimantan and the East Malaysia state of Sabah and Sarawak share a common border in Borneo.³⁹ Many Indonesians have migrated from Sumatra to Peninsula Malaysia by boat (crossing the Malacca Strait) without government approval.⁴⁰ Moreover, crossing

³⁹ The government of Indonesia and Malaysia plans to build the ‘Malacca Strait Bridge’ to connect Rupa Island and Telok Gong.

⁴⁰ Individual semi-structured interviews with returnees in Karawang from March to June 2012.

the border from Kalimantan to Sabah or Sarawak without necessary documents (passport and visa) has been a common practice, and reportedly in some parts of Kalimantan nearby the national border, many Indonesian people use the Malaysian currency ringgit in their everyday life.⁴¹ Cross-border migration without government approval from Indonesia to Malaysia especially through these two geographical routes continues to be large.

In addition to the geographical proximity, kinship ties between Indonesia and Malaysia have played a role in the massive migration flow. The history of Indonesia and Malaysia is often intertwined as both were part of the same ancient kingdoms and empires, such as Srivijaya, Majapahit, Malacca and Aceh in the pre-colonial era. The present-day territorial border between the two is based on the demarcation line between the Dutch East Indies and British Malaya (Sneddon 2003: 86).⁴² They have established close kinship ties through migration and intermarriage, and transnational networks in the region (Liow 2005). These historical kinship ties have been inherited until today. For example, some Sultan families of Malaysia, such as Sultan of Johor and Sultan of Selangor, are Bugis, descendants of the Buginese people, an ethnic group of Sulawesi, a part of eastern Indonesia. Moreover, many Malaysians of Indonesian origin have close relatives in Sumatra, Java, and the Bawean islands, and some of the families own properties in Indonesia and vice versa (Kassim 1997: 63).

Furthermore, the strong similarity between the Indonesian national language Bahasa Indonesia and the Malaysian national language Bahasa Malaysia is one of the important factors in the transferability of labour between the two countries. Since the independence of Indonesia in 1945, the government has adopted Bahasa Indonesia as the national language which is based on the Malay language. The reason for this choice of the

⁴¹ Individual interview in Komnas Perempuan in Jakarta in July 2005. This interview was conducted when I worked at Komnas Perempuan as an intern in 2005.

⁴² During colonial times (1824-1942), this region was divided into British Malaya (including present-day Singapore and Brunei Darussalam) and the Dutch East Indies. In order to exploit the natural resources, the British colonial government recruited a lot of indentured labour from China and the British colony India, especially for tin mining and rubber plantation. However, due to the proximity between British Malaya and the Dutch East Indies, the British colonial government recruited a lot of labour from the Dutch East Indies as well through licensed recruiters (Arifianto 2009: 618). Although the colonial governments tried to control people's migration, it was easy to cross the borders because of the underdevelopment of border control.

Malay language (the language of a minority in Sumatra) rather than the Javanese language (the language of the majority in Indonesia) was based on the governmental consideration that the Malay language named as ‘Bahasa Indonesia’ would best act as the unifying force between the many ethnic groups in the archipelago (Sneddon 2003: 106). Even though Indonesia and Malaysia have modified the languages on their own, they are readily communicable languages of which the structure is basically the same. The language similarity became and remains an important factor behind the preference for Indonesian MDWs among Malaysian families, especially Malay families.⁴³

In addition, the Southeast Asian Transnational Islam network in the region – covering Indonesia, Malaysia, Brunei Darussalam, the southern part of the Philippines and the southern part of Thailand – has also contributed to the ease of transferability of labour between Indonesia and Malaysia.⁴⁴ Indonesia has a total population of 264 million, of which Muslims make up 87.2% as of 2010 (CIA 2015b), making it the largest Muslim population in the world, estimated at more than 200 million. In Malaysia, Muslims made up 61.3% of the total population as of 2010 (CIA 2015a), approaching 20 million in total. While the government of Malaysia designates Islam as the state religion, Indonesia remains constitutionally a secular state, despite having the largest Muslim population in the world. Religious proximity and matters of customary practices, such as faith-inspired living habits, dietary restrictions and food avoidance, play an important role in shaping the preference of Malay families for Indonesian MDWs.

In the history of the region, this proximity has enabled local intermediaries and brokers to play crucial roles behind the scenes in cross-border migration processes. Spaan (1994) investigated the role of intermediaries and brokers called *Taikongs* and *Calos* in facilitating cross-border migration from Java to Singapore, Malaysia and Saudi Arabia. *Taikongs* and *Calos* have established transnational networks for recruiting and sending Indonesian

⁴³ Ms. Aegile Fernandez, Director of Tenaganita, pointed out that many Indonesian migrants assume Bahasa Indonesia and Bahasa Malaysia are the same language, but actually many vocabularies are different. It can cause miscommunications between Indonesian MDWs and their Malaysian employers which can contribute to the abuse cases (individual un-structured interview with Ms. Fernandez in Kuala Lumpur in August 2012).

⁴⁴ Spaan et al. (2002) argue that in order to develop a Malay identity, Malays stressed Islam by raising consciousness of being part of the global Muslim community *ummah*, and recognised Indonesian and Filipino migrants as foreign Islam nationals.

workers abroad. Migrants have been dependent on *Taikongs* and *Calos* despite the risks of exploitation in the migration process. Spaan's work helps open up the role of cultural proximity in particular as a subject of inquiry concerning the role of social networks in cross-border migration. These deeply embedded transnational migration networks have a major impact on international labour migration programmes initiated by, and between, the two countries.⁴⁵

4.2.2 International labour migration under the national development programme

Some research has highlighted the mass migration from Indonesia under its national development programmes especially since the 1970s (Hugo 1993, 1995).⁴⁶ During President Suharto's rule (1966-1998), the state controlled labour migration programmes to foreign countries, such as Malaysia and Saudi Arabia, which had been established to deal with surplus labour and the high unemployment rate, and to gain remittances, under the five-year plans of national development called REPELITA (1969-1999).⁴⁷ The government promoted overseas employment especially since Repelita III (1979-1984). It sent in total 292,262 Indonesian workers abroad under Repelita III, which sharply increased to 1,461,236 under Repelita VI (1994-1999) (Hugo 2002b: 161).

In the context of international migration in Malaysia, some research has highlighted the influx of migrant workers into Malaysia under the national development programmes since the 1970s (Kassim 1997; Abubakar 2002). During the second Prime Minister Abdul Razak's rule (1970-1976), the government introduced its New Economic Policy (NEP) programme

⁴⁵ Malaysia played a dual role as both migrant sending and receiving country after its independence in 1957, but the role as migrant receiving country has become more predominant since the late 1970s (Abubakar 2002: 13).

⁴⁶ Under the first President of Indonesia, Sukarno, policy attention to migration was mainly focused on the internal migration programme called *transmigrasi* which encouraged moving people from densely populated areas, such as Java, Bali and Lombok to less populous areas such as Sumatra, Kalimantan, Sulawesi and Irian Jaya (Leinbach and Smith 1994).

⁴⁷ One of the main reasons for Indonesian migrants going to Saudi Arabia is to perform haj (Islamic pilgrimage). Since poor Muslims cannot afford to go to Mecca by themselves due to the high travel cost, they make use of the established routes and networks for international migration.

(1971-1990), with a two-pronged strategy – economic growth and affirmative action to promote the interests of the Bumiputra (overwhelmingly composed of Malays) that occupies the top of the ethnic hierarchy in terms of rights and privileges. Since Malaysia could not fulfil the demand for labour for the rapid industrialization at home, the government encouraged labour import from neighbouring countries. The NEP and subsequent state controlled national development programmes, such as the National Development Policy (NDP) (1991-2000) and Vision 2020 (introduced in 1991, aiming to achieve the status of developed country by 2020), contributed to a sharp increase in international migration from foreign countries, especially from Indonesia to Malaysia. For example, Malaysia officially received 11,441 Indonesian migrant workers between 1979 and 1984, and this jumped to 392,512 between 1994 and 1999 (Hugo 1995).

Notable is that women's participation became visible in the statistics in the 1980s. According to the Indonesian government data, more women than men started to migrate abroad from 1984/1985, which represented the 'feminisation' of migration from Indonesia (Hugo 2002b: 160-161). Since 1984/1985, the majority of migrant workers in the Indonesian statistics has been women. An IOM report (2010: 9) showed that 78% of the total placement of Indonesian migrant workers was female as of 2007, and the majority of them have migrated to Malaysia as domestic workers.

One of the main reasons behind the promotion of migration from Indonesia is the government's dependence on the migrant workers', particularly MDWs', remittances. The remittance from migrant workers was approximately USD 5.6 billion for 2006, which became the second largest foreign exchange earner for Indonesia, following oil and gas (Hernandez-Coss et al. 2008). In another estimate, the yearly remittance Indonesia received was approximately USD 5.3 billion in 2005 of which about USD 2.7 billion was from Malaysia (ibid). A recent World Bank report (2017) showed that Indonesian migrant workers sent over USD 8.9 billion back home in remittances in 2016. These remittances are one of the chief financial contributions, especially of foreign exchange, to Indonesia.

While Malaysia has imported a large amount of labour into the various economic sectors, at the same time the government has enhanced the control on migrant workers and intensified the nationwide crackdowns on them as 'illegal' migrants (Cheng 2003; Chin 2003; Garces-Mascareñas 2012), using a variety of securitization measures to be discussed in Chapter 5. Relatedly, the fourth Prime Minister Dr. Mahathir made a speech in

1997 emphasizing the following: “the country cannot go on depending on foreign workers. We have 20 million people and 1.7 million foreign workers. If we allow this to go on, we would risk losing control of our country” (cited in Wong 2006: 221). Furthermore, in response to a riot in a textile factory in the state of Negeri Sembilan in 2002, which was a clash between Indonesian workers and police, the government announced a ‘Hire Indonesians Last’ policy to replace them with other nationalities (Arifianto 2009: 620). In this way the government showed its political will to reduce the number of migrant workers, especially Indonesians.

In particular, a harder line to curb illegal migration has emerged since the Asian Economic Crisis in 1997-1998, with the amendment of immigration law in 2002 that has increased the punishment for illegal migrants, such as a mandatory six-month jail sentence and six cane strokes (Wong 2006: 222). The law also requires medical examinations and pregnancy tests for female migrants, that demand immediate deportation if the result is positive (Chin 2005: 272).

To recapitulate, the close proximity (geographical, kinship, language and religious) and deeply embedded, historically constructed transnational migration networks between Indonesia and Malaysia have enabled a high level of transferability of labour between the two countries, making the flow one of the largest in Southeast Asia, comparable in scale to that between Burma and Thailand. While the government of Indonesia has promoted sending migrant workers, especially MDWs, mainly for the purpose of remittance, the government of Malaysia has promoted receiving migrant workers to fulfil the labour shortage and to replace Malaysian households’ domestic labour with MDWs. Even though the government of Malaysia has sometimes shown its political will to reduce dependence on migrant workers, it has actually continued to receive a very large number of migrant workers, particularly Indonesian migrant workers, to boost its economy.

4.3 Invisibilisation of MDWs in the legal framework: the politics of recognition

In Indonesia, scholars, international organizations and CSOs have paid attention to the rights of domestic workers and the legal framework for MDWs for about two decades. The ILO (2006) highlighted the weakness

and loopholes of the legal framework of domestic work within Indonesia, whereas the IOM (2010) reviewed the legal system for labour migration from Indonesia to several of its main destination countries – Malaysia, Singapore, Kuwait and Bahrain. ILO members adopted a set of international standards aimed at the working conditions of domestic workers worldwide at the conference on decent work for domestic workers in June 2011, which included not only domestic workers within the country but also MDWs. The Global Compact for Safe, Orderly and Regular Migration was adopted by the U.N. General Assembly in 2018, resting on globally negotiated agreements including the ILO's Convention on Decent Work for Domestic Workers of 2011. Yet, such agreements have not reached the lives of huge numbers of female domestic workers migrating/migrated abroad especially through informal channels.

Despite the consistent pressure from CSOs, such as Migrant Care, Solidaritas Perempuan and Komnas Perempuan, especially since a decade ago, the legal framework for MDWs still contains loopholes and structural weaknesses which place female MDWs in a position of voicelessness and vulnerability in the migration process. In this regard, Irianto and Truong (2014) argue that, especially when their work is not legally defined, MDWs can be subject to arbitrary treatment at many different points in their migration along the transnational chain of relations of structural dependency.

Though Malaysia's successful industrialization policy has been dependent on migrant workers across various economic sectors, the legal protection for migrant workers remains very limited, especially for MDWs. While the market demands a policy to accept migrant workers, the state offers a policy that (formally) limits the intake of migrant workers. In fact, some scholars have referred to Malaysia's foreign labour policy as being fluid, unpredictable and possessing a 'stop-go' quality (Pillai 1995; Wong 2006; Rudnick 2009). Rudnick (2009: 68-69) noted that ad-hoc permission to recruit a quota of migrant workers often is an outcome of short-term deficiencies in some sectors combined with successful lobbying efforts by employers' federations. Overall, there has been no comprehensive long-term policy, and when a policy is announced, its implementation is often not transparent. Scholarly studies as well as CSOs monitoring and reports have pointed out how the Malaysian government uses different mechanisms to exclude migrant workers, particularly MDWs, from legal protection. For example, Garces-Mascareñas (2012) argue that the government of Malaysia has politically produced the 'illegality' of migrant workers

through the bureaucratisation of the national border, such as the imposition of a great deal of red tape and of endless series of papers for the immigration procedure.⁴⁸

4.3.1 Law and policy on labour export in Indonesia

Researchers (ILO 2006; Komnas Perempuan 2006; Amnesty International 2007; IOM 2010; Irianto and Truong 2014) of labour migration law in Indonesia share a common observation, that despite strong campaigns led by CSOs and scholars, the outcome of legal reforms remains focused on regulating the placement process, leaving many loopholes concerning the protection of migrant workers. The main law providing guidelines for administering Indonesia's labour migration policy – Law No. 39/2004 *Concerning the Placement and Protection of Indonesian Workers Abroad* – was Indonesia's first comprehensive law regulating the country's labour export programme. The previous regulations, the Ministerial Decree No. 204/1999 and the Ministry of Manpower and Transmigration Ministerial Decree No. 104A/2002, functioned mainly for the placement of migrant workers. Law No. 39/2004 was developed with a provision of protection, but it gave too much weight to placement and was weak on protection (Komnas Perempuan 2006). Moreover, the scope of this law was limited because it only covered Indonesian citizens who went through the formal procedure as regular labour migrants (IOM 2010: 13). In reality, many Indonesians tend to migrate through channels unregulated by the state.

Following then President Yudhoyono's visit to Malaysia in 2005, the government of Indonesia issued presidential instruction No. 6/2006 on *Reforming the System of Placement and Protection of Indonesian Migrant Workers* and presidential regulation No. 81/2006 on the *National Authority for the Placement and Protection of Indonesian Overseas Workers* to enhance the legal protection for migrant workers. The most important issue in the instruction remained the placement of migrant workers and only limited actions were directed to their protection when on the receiving country end. The instruction only incorporated programmes of 'advocacy and defence of

⁴⁸ The discussion of this section 4.3 is mainly based on the findings from my multi-sited fieldwork in Jakarta and Kuala Lumpur from 2012 to 2013, partially updated with recent relevant literature as well as the findings (especially from observation on the government's policies) in my fieldwork in Kuala Lumpur from 2016 to 2018.

migrant workers' and the 'strengthening of the function of the Indonesian Embassies' for the protection policy (Komnas Perempuan 2006: 13).

Law No. 39/2004 – a product of intense pressure by Indonesian CSOs in response to the growing number and visibility of cases of abuse suffered by Indonesian migrant workers in the destination countries such as Saudi Arabia and Malaysia – ironically made no reference to domestic work as a category even though it is the largest field of migrant work (Irianto and Truong 2014: 35). The absence of the category of domestic worker in Law No. 39/2004 reflected the main national labour law of Indonesia – law No. 13/2003 – which did not incorporate domestic workers into the general regulatory system for employment relations. This absence stemmed from a legal distinction established between 'work-giver (employer)' (*pemberi kerja*) and 'entrepreneur' (*pangusaba*) (ILO 2006: 10). Whilst entrepreneurs were subject to all the standard obligations of employers under the law, work-givers only bore a general obligation to provide protection for their workers (*ibid*). The government stated that as an employer of domestic workers might fall into the category of work-giver, he/she was not an enterprise and thus not an entrepreneur within the category of the law (*ibid*).

The cultural attitude toward domestic workers in Indonesia may be the source of the above-mentioned legal distinction. In the Indonesian language, a domestic worker is rarely referred to as a worker (*pekerja*) but instead simply as helper (*pembantu*) (ILO 2006: 9). More specifically, there are three different terms for domestic worker - *ibu rumah tangga*, *pembantu rumah tangga* (or *pekerjaan rumah tangga*), *pembantu*. *Ibu rumah tangga* is a term for housewife meaning married women who are providing domestic work in their household without monetary compensation. *Pembantu rumah tangga* (or *pekerjaan rumah tangga*) is a term for domestic helper (worker) meaning women (including single, married and divorced) who are providing domestic chores in their employer's household with monetary compensation. *Pembantu* is a general term for helper. Among these terms, only *pekerjaan rumah tangga* is literally recognised as work, but it is hardly recognised as formal work in Indonesian culture. Therefore, historically, domestic workers have been assigned multiple tasks, such as cleaning, sweeping, washing, laundering, cooking, shopping, caring for children, gardening and washing cars, etc., in the employer's household without regulation. These socio-cultural norms regarding the PPD have contributed to the invisibilisation

of MDWs at the cognitive level and consequently in terms of law and regulation.

The anti-domestic violence law No. 23/2004 made an important step forward through its recognition of both physical and psychological violence. In the history of Indonesia, it criminalized sexual harassment for the first time (Amnesty International 2007: 12). This law covers husbands, wives, children, relatives and made explicit reference to ‘live-in domestic workers’ for the duration of their service within a household (ILO 2006: 12), but it has not been fully implemented yet. Despite an increased social consciousness among CSOs about domestic violence which may involve workers within the domestic realm, the limited capacity and motivation of government officials (police officers and judges) and low general awareness by the public have kept Law No. 23/2004 remote from domestic workers, who remain hardly considered as workers with rights.

From the perspective of international contentions, Indonesia, one of the main migrant sending countries in Asia for four decades, took about twenty years to ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As a result of the long-term campaigns concerning the rights of migrant workers after signing the UN convention in 1993, the government ratified it in 2012 and made a pledge to protect them. One officer at ILO Jakarta said that “one of the reasons for the delay in the ratification was the internal conflicts within Indonesian politics”.⁴⁹ This view might well express also a reality regarding the internal conflicts within the bureaucracy. It created a weak position in the diplomatic negotiation for the protection of Indonesian migrant workers for about twenty years. This is in stark contrast to the case of the Philippines whose government ratified the UN Convention in 1995 and has under successive administrations kept a strong position in diplomatic negotiations for the protection of its migrant workers abroad.

In 2017, Law No. 39/2004 was replaced by Law No. 18/2017 on the Protection of Indonesian Migrant Workers, in line with the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Law No. 18/2017 gives more weight to protection than to placement, covering before-during-after working protection. Yet, it has not been implemented fully, and a number of instances of physical and/or

⁴⁹ Individual un-structured interview with ILO officer in Jakarta, in January 2013.

sexual violence against Indonesian migrant workers, including MDWs, have been reported (VOA 2018).

4.3.2 'Formalising' informal domestic work

Despite the fact that 'domestic work' continued to be defined as 'informal work' with limited national legal rights and protections, the government of Indonesia promoted Indonesian MDWs as formal workers and supported them claiming their workers' rights in the destination country. For example, in the MOU 2006 between Indonesia and Malaysia on the Recruitment and Placement of Indonesian Domestic Workers, the term 'domestic worker' was used instead of maids or domestic servants. This was an important milestone because this term was undefined in Indonesia's law No. 39/2004 on the placement and protection of labour migrants from Indonesia. The MOU 2006 outlined the basic requirements of the employers, recruiters and domestic workers, which had not been stated in law No. 39/2004. In addition, in the protocol amending the MOU signed in 2011 (hereafter MOU 2011), there was a clause which specifically limits Indonesian MDWs' multi-task jobs to four specific jobs – cooking, house-keeping, clothes washing and ironing.⁵⁰ Yet these specifications have never been stipulated in the national legal framework on domestic work in Indonesia.

The formalisation brought about a decrease in the number of Indonesian women who migrated to Malaysia as domestic worker through formal channels.⁵¹ For example, the number of placements of Indonesian domestic workers into Malaysia was: 300,957 in 2007; 230,141 in 2009; 134,733 in 2011 (Department of Immigration, Malaysia cited by Balakrishnan 2013: 63). One of the main reasons was that the new regulation required the aspiring migrants to go through more formal procedures, such as language and vocational training, medical check-up, pregnancy test, exams and interviews. It involved additional costs for the aspiring migrants. At the same time, employers in Malaysia were now more reluctant to hire

⁵⁰ As the government of Indonesia could not incorporate the clause in the MOU 2011, it incorporated it in its attached employment contract between employer and domestic worker.

⁵¹ According to BNP2TKI, Indonesia, the number of the placement of Indonesian labour migrants into Malaysia was 222,198 in 2009 and 127,827 (including formal and informal) in 2014.

Indonesian MDWs through formal channels because the new regulation limited the MDWs' multi-task jobs to the four specific jobs mentioned above.

An additional step in the formalisation process was an internal proposal by the government of Indonesia called the 'Domestic Worker Roadmap 2017' (hereafter the Roadmap) which was to stop sending domestic workers abroad by the year 2017 (Webadmin 2012). The Roadmap was proposed to change the status of the ill-defined category of 'domestic workers' and provide clearer terms that define their tasks description: babysitter, caregiver, cook and housekeeper. The intention was to provide the legal boundaries for receiving countries to recognise the multi-tasks role of a domestic worker and thereby to provide legal recognition and protection for Indonesian MDWs as formal workers. The Roadmap provided the conditions for the government of Indonesia to decide to stop sending its domestic workers to a particular receiving country in the event that abuse cases of Indonesian MDWs continued, and the country was not compliant with the international labour standards, conditions and requirements. It should be reiterated that although the government of Indonesia claimed these rights for its MDWs abroad, the legal framework for Indonesian MDWs remained underdeveloped within Indonesia. Indonesia itself is not fully compliant with the international labour standards, conditions and requirements, such as the ILO convention concerning decent work for domestic workers.

In reality, the Roadmap made little difference because people could migrate abroad through the localized networks that operate on a transnational scale, evading the formal channel. In fact, even after the government of Indonesia imposed a moratorium on sending its domestic workers to Malaysia and Kuwait in 2009, Jordan in 2010 and Saudi Arabia and Syria in 2011, many Indonesian women were still migrating to these countries through transnational coordination outside of officially approved channels.⁵² The Ministry of Foreign Affairs, Indonesia knew that a number of Indonesian women were still migrating to Saudi Arabia through informal

⁵² Individual un-structured interviews with the Head of Peduli Buruh Migran (NGO) in Jakarta in January 2013.

channels despite the moratorium being effective since August 2011.⁵³ Even the local government of Karawang knew that the village women in Kawarang were migrating to Saudi Arabia during the moratorium period.⁵⁴

Laws and directives remain only on paper when unable to address the longstanding practices of transnational networks – products of repeat actions by multiple social actors, including the prospective migrants. In other words, the realm of the state seems far removed from the social dynamics behind the practices of cross-border labour migration. At the bilateral level, the Roadmap could be an instrument for bargaining in diplomatic negotiations between Indonesia and a receiving country because it was not actually implemented by 2017. There are still gaps in the government's regulations for domestic workers within Indonesia and MDWs abroad. When this point is not recognised within Indonesia's national boundaries, it is unlikely that the defence of the rights of workers performing such tasks abroad would carry much weight.

4.3.3 Legal framework governing MDWs in Malaysia

In Malaysia, the national legal framework governing MDWs – Employment Act 1955, Immigrant Act 1959/1963, and Domestic Violence Act 1994 – has not provided due recognition and adaptation for MDWs. Firstly, the Employment Act 1955, inherited from the legal framework for migrant labour drawn up by the British colonial administration, is still the main labour law.⁵⁵ Before the independence of the Federation of Malaya in 1957, the Employment Act 1955 already laid out minimums in terms of employment practices and employer-employee relationship. It also established the statutory benefits for migrant labour, including payment of wages, working hours, shift work, overtime, holiday pay, annual leave and

⁵³ Individual un-structured interview with Mr. Tatang Razak, Director for the Protection of Indonesian Citizens Overseas and Indonesian Legal Aid, Ministry of Foreign Affairs, Indonesia in Jakarta in January 2013.

⁵⁴ Individual un-structured interviews with the Head of SBMK, Mr. Dadang Muchtar, in Karawang in May 2012 and January 2013.

⁵⁵ During the colonial period, the British imported labour from mainland China and India to work in the rubber plantations and Indians from India to work in mines. The government introduced some legislation to manage these Chinese and Indians in British Malaya. Before the independence of the Federation of Malaya, the Employment Act 1955 was enacted for all categories of labour in Peninsular Malaysia and the Federal Territory of Labuan.

sick leave (IOM 2010: 45). Yet, it referred to a domestic worker as domestic ‘servant’, and categorically excluded domestic workers from the labour protection provisions. It was stated in the Employment Act 1955 that:

‘domestic servant’ means a person employed in connection with the work of a private dwelling-house and not in connection with any trade, business, or profession carried on by the employer in such dwelling-house and includes a cook, house-servant, butler, child’s nurse, valet, footman, gardener, washer-man or washerwoman, watchman, groom and driver or cleaner of any vehicle licensed for private use.

In view of the increase in the number of MDWs in Malaysia, the act was amended in 1981 and 2012, and the term ‘foreign domestic servant’ was added in the Employment (Amendment) Act 2012. The Amendment Act 2012 inserted new sections 57A and 57B concerning employment of foreign domestic servants. Yet, they were not about the rights and protection of MDWs but about the duty of employers to inform the Director General of termination of service of a foreign domestic servant, to monitor and control MDWs. Since the enactment in 1955 through to the present, the legal framework for MDWs in Malaysia remains the same; they have been categorized as servant not as worker, and have only partially been accorded the rights and protection due to workers. Consequently, MDWs have not been allowed to join labour/trade unions.

Second, the main immigration law, the Immigrant Act 1959/1963, originally introduced with exclusionary intention, has been amended with yet more exclusionary tone and harsher penalties for migrant workers, including MDWs. Like the Employment Act 1955, the Immigration Act 1959/1963 also inherited its legal framework from the British colonial administration. The Immigration Act 1959 replaced the Immigration Ordinance 1953 introduced under the British colonial administration to regulate and control the importation of labour from abroad especially unskilled Chinese and Indians in the post-independence period (Kaur 2008: 7). The Immigration Ordinance 1953 stipulated, for the first time in the history of Malaya, the specific categories of immigrants allowed entry into Malaya and specified nationality and occupational category to emphasize the skills of migrants (ibid: 6). It restricted permanent entry to: persons who could contribute to the expansion of commerce and industry; persons who could provide specialized services not available locally; families of local residents;

and other persons on special compassionate grounds (Swee-Hock 2007: 17).

The Immigration Act 1959/1963 was amended in 1997 and 2002 with harsher penalties on illegal immigration. By the amendment in 2002, imprisonment up to five years, a monetary fine up to RM (Malaysian Ringgit) 10,000, six strokes of the cane and deportation could be imposed on immigrants with illegal status or undocumented (IOM 2010: 45). The immigrants with legal status who run away from their employer could also be subject to these criminal penalties. In addition, while the Immigration Act 1959/1963 penalized only undocumented migrants, the amendment in 2002 penalizes not only the migrant but also the employer who has employed more than five immigrants with illegal or undocumented status. Nevertheless, penalties tend to apply more frequently and drastically to immigrants than employers (*ibid*).

Third, the Domestic Violence Act 1994, the main law to address invisible violence in the household, does not include MDWs (the majority of them are live-in MDWs) into its framework. It contains provisions concerning protection orders, compensation and counselling, and a procedure on protection orders. It is stipulated that this Act shall apply to all persons in Malaysia, and by a person against: his or her spouse; his or her former spouse; a child; an incapacitated adult; or any other member of the family. The term 'other member of the family' means: 'an adult son or daughter', or 'a father or mother' of the offender, or 'a brother or sister', or 'any other relative'. Although this Act shall apply to all persons in Malaysia, it exclusively applies to the family members who have blood relations or legal ties. Even though MDWs are working in the employer's household, they are placed outside the framework; they are not recognised as 'persons'. This Act was amended in 2012, but the framework remains the same.

The cumulative impact of being placed outside of the main pieces of legislation (the Employment Act 1955 and the Domestic Violence Act 1994) is that even though MDWs are working in the employer's household, they are viewed neither as business employees nor as private family members (Huling 2012: 651). Therefore, violence against MDWs by the employers often goes unprosecuted and unpunished.

4.3.4 The ‘revolving door’: a zone of legal ambiguity for migrant workers

The government of Malaysia distinguishes migrants who are ‘expatriates’ (high-skilled workers) and those who are ‘contract workers’ (low-skilled workers), including for factory, construction, plantation, services (supermarket, cleaning and restaurant etc.) and domestic work (Kanapathy 2006; Kaur 2010; ILO 2016b). Correspondingly, two types of employment authorisation or work visas have been issued, namely an employment pass (Pas Penggajian) for expatriates and a work permit or visit pass (Pas Lawatan Kerja Sementara) for low-skilled workers (Kaur 2010: 11-12). The migrant workers labelled as ‘low-skilled’ have to go through a zone of legal ambiguity, known in Malaysia as the ‘revolving door’. The concept of the revolving door was initially proposed by Tenaganita (2008) to describe the process of deportation of illegal migrants from Malaysia at the Thailand-Malaysia border. Deported illegal migrants become dependent on human traffickers who wait for Malaysian authorities to deport them and then charge a huge sum of money to help the migrants get back into Malaysia. Illegal migrants and refugees are often moved in and out of Malaysia repeatedly.

Malaysia is an ethnic-based society which favours Bumiputra – composed of Malays, plus natives of Sabah and Sarawak, and Orang Asli (indigenous people living in Peninsular Malaysia).⁵⁶ Being non-Bumiputra, Chinese-Malaysian and Indian-Malaysian are considered as ‘insiders’ of a second order. As citizens, these second-grade insiders are legally protected despite everyday racial discrimination. By contrast, migrant workers – especially ‘unskilled’ and ‘semi-skilled’ – are recognised as outsiders and situated at the bottom of the social hierarchy. Since migrant workers in the unskilled and semi-skilled sector are contract workers, they can obtain neither Malaysian citizenship nor a permanent resident status during the contract period. The revolving door remains the only option for their repeated entry into Malaysia. From the perspective of the host country, Malaysia is

⁵⁶ The ethnic differences among Bumiputra are controversial. Whereas natives of Sabah and Sarawak are privileged by the Constitution of Malaysia (Article Number 153), indigenous people in Peninsula Malaysia, such as Orang Asli, are not privileged by the Constitution. According to Transparency International, Malaysia, Orang Asli are marginalized by the government in many ways (individual un-structured interview with then secretary-general of Transparency International, Malaysia in Kuala Lumpur in August 2012).

actively pursuing the agenda of Vision 2020 combined with the gender equality policy for its citizens to tap the labour of its female citizens who have become more educated with higher skills that are in demand, plus pursuing the policy on work and life balance to be discussed in Chapter 5.⁵⁷ To meet the resulting increased demand for domestic services in private households, known as the ‘care gap’ or ‘care deficit’, the government accepts a substantial number of MDWs but requires the revolving door to function as a mechanism that ensures the repeated migration of MDWs without the possibility of long-term settlement.

The rigidity and exclusionary nature of the Malaysian legal system governing MDWs, plus the ambiguous definition of ‘domestic work’, could lead to the regularly reported labour problems experienced by Indonesian female live-in MDWs – such as restrictions on the freedom of movement, dangerous and degrading working conditions, restrictions on migrant women’s ability to organize for their rights – and multiple-abuses (physical, mental and sexual). For example, according to ILO (2013: 56-57), the average hours of work for domestic workers per week in Malaysia were 65.9 hours as of 2008, which were the longest in the world, followed by Saudi Arabia 63.7 hours as of 2009 and Tanzania 63.0 hours as of 2006. These cases resulted in a decrease in the number of newcomer Indonesian female MDWs through the formal channel to Malaysia, for these are typically work-seekers with a better education and higher expectations – but left an ample supply of work-seekers via informal channels.

4.4 The recruitment and placement system for MDWs: transnational migration networks in the migration industry

Despite the formal efforts by the government of Indonesia and Malaysia to develop a principled system of recruitment and placement since the 1980s, the system has loopholes for various reasons (Kaur 2010;

⁵⁷ In order to shift from a labour-intensive economy to a knowledge-based one, the government of Malaysia has encouraged women’s active participation in science and technical sectors, and also pressed public and private sectors to provide work-life balance policies at their workplaces, but the country still has a long way to go in terms of making these policies available to most employees (Noor and Mahudin: 2015).

Devadason and Meng 2014; Irianto and Truong 2014; Xiang and Lindquist 2014; ILO 2016b). The weak governance structure and lack of transparency and consistency in the government bodies have been associated with the importance of meso-level intermediaries, such as brokers, who operate transnational migration networks (Irianto and Truong 2014) (see Table 3.1 on the transnational recruitment and placement system for domestic workers). For example, there has been an increase in ‘formally licensed’ private agencies for recruitment and placement not only in Indonesia and Malaysia but across Asia (Lindquist et al. 2012). In Malaysia, the government has created multiple entry channels for MDWs for more ‘effective’ labour procurement. Under the government’s migration management, it is observed that Malaysian formal recruitment-placement agencies have strengthened the transnational networks with Indonesian agencies (including formal and informal) within and across Indonesia.⁵⁸ In Indonesia, it is observed that the formal recruitment agencies have collaborated with the (informal) sub-contracted agencies and brokers at the grassroots level (Lindquist 2010). The actual recruitment has been undertaken by the sub-contracted agencies and brokers, who can be local government officials, schoolteachers, returnees and migrants’ family members (Lindquist 2012). Therefore, the line between formal/informal, regular/irregular and legal/illegal cannot be clear-cut, and it should be understood as a continuum rather than a dichotomy (Lindquist et al. 2012: 14).

This migration management system which allows the involvement of brokers and intermediaries with transnational networks in the recruitment and placement has promoted the processes of turning villagers into would-be migrants, particularly turning village women into would-be MDWs, and facilitated Indonesian women’s cross-border migration to Malaysia. In subsection 4.4.2 and in chapter 6, I explore the operation of such a system in Karawang district.⁵⁹

⁵⁸ In the migration industry, while the agency in the sending country is primarily involved in recruitment, the one in the receiving country is engaged in both recruitment and placement. Therefore, this study recognises the agency in Indonesia as a ‘recruitment agency’ and the one in Malaysia as a ‘recruitment-placement agency’.

⁵⁹ The discussion of this section 4.4 is mainly based on the findings of my multi-sited fieldwork in Karawang, Jakarta and Kuala Lumpur from 2012 to 2013, partially updated with recent relevant literature as well as from information collated during my residence in Kuala Lumpur from 2016 to 2018.

4.4.1 The Indonesian government's management structure for labour recruitment

In Indonesia, the government has led the expansion of the migration industry and developed a management system for labour recruitment at the national level (Goh et al 2017, Spaan and van Naerssen 2017). As many CSOs, such as Migrant Care, Solidaritas Perempuan and Komnas Perempuan, have criticized, this management system which has been tainted by patronage and corruption, and has allowed a large space for brokerage in the recruitment processes.

First, the recruitment agencies licensed by the Ministry of Manpower were under weak supervision and without a monitoring mechanism due to flaws in Law No. 39/2004, the main law for overseas employment which gave too much weight to placement and was weak on protection (Bachtiar 2011). These licensed recruitment agencies were called PJTKI (Companies for the Recruitment of Indonesian Migrant Workers) or PPTKIS (Private Companies for the Recruitment of Indonesian Migrant Workers) (hereafter IRAs: Indonesian Recruitment Agencies). In fact, Law No. 39/2004 required each IRA to fulfil some responsibilities, and provided them with tasks and functions regarding recruitment activities and protection activities (IOM 2010: 27-28, 32-33). Yet, because of the weakness of supervision and lack of a monitoring mechanism, many IRAs did not conduct the actual recruitment activities and devolved them to the informal sub-contracted agencies and brokers, which are called *sponsor*. The *sponsor* borrowed a license from the IRAs and recruited potential migrants in the villages.⁶⁰ Even though the government prohibited pseudo-recruitment agencies, many *sponsors* operated with a borrowed licence (Irianto and Truong 2014: 40).

Second, the demarcation lines between the government bodies relevant to the overseas employment were not well-defined under former President Yudhoyono's regime. At the national level, the government bodies for overseas employment were the Ministry of Manpower, the Institution of

⁶⁰ According to Lindquist (2012: 71) *Taikongs*, the migrant smuggler, was replaced by *sponsor* in the 1990s.

National Authority for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) and the Ministry of Foreign Affairs.⁶¹ In principle, while the Ministry of Manpower took charge of policy making, BNP2TKI was in charge of management of operations. In reality, this demarcation line between the Ministry of Manpower and BNP2TKI was fuzzy, and the conflicts between them created some dysfunctions in the labour recruitment management.⁶² Moreover, at the provincial level, the Institute for Placement, Protection, and Service for Migrant Workers (BP3TKI) was located in twenty migrant sending provinces as of 2017, but there were few government bodies for overseas employment at the district level (Bachtiar 2011: 1). Further, Law No. 39/2004 was never clear about the relationship between the provincial and district government (ibid). For instance, the Manpower Department office in Karawang (*Disnaker Karawang*) did not know its responsibility for overseas employment, and had only a limited amount of information about emigrants.⁶³ Therefore, these government bodies could not closely monitor the brokerage at the grassroots level.

Third, although the central government claimed that it promoted decentralisation in all arenas except international affairs, defence, monetary policy, religion and the judiciary, the legal system for overseas employment was centralised (Lindquist 2012).⁶⁴ In this regard, while Law No. 39/2004 gave authority over placement and protection to the IRAs, the Law and Government Regulation No. 38/2007 concerning the Division of Affairs between National and Subnational Governments authorized the central government to issue IRA permits and licenses (Bachtiar 2011: 1-2). This legal framework affected the implementation of placement and protection in many ways. For example, many pre-departure activities were conducted

⁶¹ As mandated by Law No. 39/2004, BNP2TKI was established in 2007.

⁶² Individual un-structured interview with then Head of BNP2TKI, Mr. Jumhur Hidayat, in Jakarta in January 2013.

⁶³ Individual un-structured interview with an official of the Manpower Department, Karawang in Karawang in April 2012.

⁶⁴ The decentralisation policy (*otonomi daerah*) was introduced in 2001 under Law 22/1999 on regional governments and Law 25/1999 on fiscal balance between the central and regional governments (Pratikno 2005). The law 22/1999 limits the authority of the central government to five public arenas – international affairs, defence, monetary policy, religion and the judiciary – and devolves the rest of the arenas to the local government (ibid: 24).

chiefly in Jakarta: skills education and training for prospective migrants, pre-departure briefings, management of migrants' overseas identity card and management and signing of employment agreements between the IRAs and prospective migrant (IOM 2010: 24). The centralisation system provided limited opportunities for the local governments to be involved in the placement and protection process, and thus they could not monitor the brokers at the grassroots level.

In relation to the third point, BNP2TKI introduced an e-governance (electronic governance) system and created a migrant labour database based on biometric technology (Xiang and Lindquist 2014: 141). One of the attempts was an online system started in 2012 for monitoring and controlling the recruitment and protection of migrant workers at the national level.⁶⁵ BNP2TKI stated that the central government was only in charge of monitoring and controlling with the online system, and that the local governments and BNP2TKI took charge of the actual recruitment and protection of potential migrants. The central monitoring and controlling system was located in the headquarters of BNP2TKI in Jakarta which was connected with local governments and IRAs online. In some IRAs and relevant offices, even CCTV was set up for BNP2TKI to monitor and control them. Although the online system was still in the developing process at the local level as of 2012, monitoring measures of the recruitment process remained both insufficient and ineffective, leaving much manoeuvring room for sub-contracted agencies and brokers, with limited ethical considerations for those being recruited for domestic work abroad. The former head of BNP2TKI acknowledged that this online system could not fully eliminate brokerage in the labour recruitment processes.⁶⁶ The online system did not function effectively for monitoring and controlling the brokers' involvement.

4.4.2 Meso-level brokered networks for recruiting MDWs: case of Karawang district

The *sponsor* has become a critical figure in Indonesian transnational labour recruitment since the 1997 Asian economic crisis (Lindquist 2012: 71). As

⁶⁵ According to BNP2TKI, the online system was composed of: Placement and Protection Service System, Arrival and Departure Data Collection System, Crisis Centre, Labour Market Online System and Data Warehouse.

⁶⁶ Individual un-structured interview with Mr. Hidayat in Jakarta in January 2013.

labour recruitment and placement especially for MDWs has become highly competitive in the migration industry at a global level, some gender based differential treatment in brokered networks in the recruitment system have been marked in Indonesia (Lindquist 2010).

In my fieldwork in Karawang, almost all the returnees from Malaysia and Saudi Arabia used a *sponsor* to migrate abroad. Due to not only the bureaucratic procedure of the formal channel but also the economic and educational status of the village women, the aspiring migrants needed to depend on a *sponsor* for their cross-border migration. Even to go through the informal channel, the aspiring migrants needed the support of a *sponsor* for the cumbersome procedure. Most IRAs located in Jakarta had their *sponsor* in the rural areas to recruit villagers. The *sponsor* was looking for potential migrants in the village and visited their home for recruitment. One of the village women in Rawamerta, Karawang said:

There are a lot of *sponsors* in Indonesia. They come to visit us to recruit potential women migrants. We don't go find the *sponsor*, but *sponsors* come to our village to find migrants. They sometimes come from another district or province. They negotiate not only with woman but also with her family members. Woman cannot work abroad without permission from her husband or parents.⁶⁷

These *sponsors* had their local contacts, such as the village authority, businesspersons, returnees and their neighbours and friends, to obtain information about the potential migrants in the villages. If the local contact person could connect the potential migrants with the *sponsor* successfully, he/she could receive a commission from the *sponsor*. If the *sponsor* could make a contract with the villager, the *sponsor* could receive a commission from their IRAs in Jakarta. In order to compete for recruitment, each IRA and *sponsor* built wide area networks in Indonesia.

Furthermore, while the deduction rule – deducting the migration fee (for recruiting, training, document issuing and transportation) from migrants' salaries in their destination country – has been a common practice in women's cross-border migration in Indonesia, in addition an 'allowance rule' has been introduced in some parts of Indonesia. Under this new rule, a *sponsor* provides an allowance ranging between IDR (Indonesian Rupiah) 0.5 and 1 million (equivalent to between USD 33.9 and 67.9) to prepare

⁶⁷ Individual semi-structured interview with returnee in Karawang in April 2012.

the migrant for their departure after signing a contract. This rule was observed in Lombok, too.⁶⁸ Lindquist (2010) noted that many aspiring migrants in Lombok received ‘shopping money’ from a *sponsor* to migrate to Malaysia. The combination of the deduction rule and allowance rule can facilitate the process of cross-border migration because migrants can receive the preparation money for their departure.

In negotiations with villagers, a *sponsor* promotes the destination countries and areas with which its IRA has transnational networks.⁶⁹ For example, many of the owners of IRAs in Jakarta were Arab descendant Indonesians who had transnational Islamic networks, and these IRAs facilitated sending migrants to Middle Eastern countries.⁷⁰ The main target country for aspiring migrants in Karawang used to be Saudi Arabia, but due to the moratorium on sending domestic workers to Saudi Arabia in 2009, the main countries for aspiring migrants became United Arab Emirates (UAE), Qatar and Oman as of 2012.⁷¹ Once the government of Indonesia imposed the moratorium, IRAs found alternative destination countries in the Middle East and made networks to send migrant workers there. Moreover, although the main destination country for the village women in Rawamerta, Karawang used to be Saudi Arabia, there were some sub-districts in Karawang which sent a number of village women to Malaysia as MDWs. It means that the IRAs of the *sponsor* in those sub-districts had networks with Malaysia, and thus the *sponsor* promoted Malaysia to the village women. That is to say, the village women had to choose their destination countries from those with which the IRAs had transnational networks.

In order to steer the village women to the destination countries and areas with which their IRAs had transnational networks, the *sponsor* ma-

⁶⁸ 1 USD = 14,723.21 IDR (XE: 2020 (October 8th, 2020)).

⁶⁹ IRAs have to choose the region where to send migrant workers, such as the Middle East and Asia Pacific (individual un-structured interview with the Head of SBMK, Mr. Dadang Muchtar, in Karawang in May 2012).

⁷⁰ Individual un-structured interview with the Head of SBMK, Mr. Dadang Muchtar, in Karawang in May 2012.

⁷¹ After two female Indonesian MDWs were executed by beheading in Saudi Arabia in 2015, the government of Indonesia imposed a ban on sending MDWs to in total twenty one countries, mainly in the Middle East, and blacklisted Saudi Arabia, UAE, Oman, Qatar and Bahrain (Ganesha 2018).

nipulated the information and falsified documents. For example, according to returnees and aspiring migrants in Rawamerta, Karawang, the main priority for cross-border migration was ‘high salary’, and the main reason for choosing Saudi Arabia was the high salary.⁷² However, the salary for MDWs in Saudi Arabia was not really high compared to the other destination countries/areas. The monthly salary of Indonesian MDWs in the main destination countries/areas as of 2012 was: (1) Hong Kong (USD 455); (2) Taiwan (USD 453); (3) Singapore (USD 322); (4) Saudi Arabia (USD 210); (5) Brunei Darussalam (USD 206); and (6) Malaysia (USD 200).⁷³ Since the villagers did not have a way of obtaining information regarding cross-border migration that was both correct and felt to be authoritative, they depended on the information from *sponsors* and gossip among their neighbours.

4.4.3 Malaysian government’s labour recruitment-placement management

In Malaysia, since the government introduced a managed policy on international migration, including for foreign labour recruitment-placement, in the 1980s, it has taken a stop-go approach in a repetitive manner (Kaur 2015). This has led to mismanagement by stakeholders, such as corrupt practices by recruitment-placement agencies (hereafter MRAs: Malaysian Recruitment-placement Agencies) and the abuse of migrant workers, ineffective inter-ministerial and inter-departmental coordination, and conflicts between state (government) and market (business community) (Kaur 2010; Devadason and Meng 2014; Arisman and Ratnawati 2018).

First, the MRAs licensed by the Ministry of Human Resource were under limited legal regulation due to the flaws in the Private Employment Agencies Act 1981, providing the regulatory procedures for recruitment-placement of migrant workers (ILO 2016b).⁷⁴ As this Act was originally

⁷² Individual semi-structured interviews with returnees in Karawang from March to June 2012. A number of villagers prefer to work in Saudi Arabia because they could have a chance for pilgrimage to Mecca.

⁷³ This data was provided by the Embassy of the Republic of Indonesia in Kuala Lumpur in September 2012.

⁷⁴ This Act was subsumed into Private Employment Agencies (Amendment) Act 2017 which was enforced in February 2018.

formulated to regulate recruitment agencies providing services for domestic employment and sending Malaysian workers abroad, it became unfit for the new reality that inbound recruitment of migrant workers was much more prevalent (ibid: 6). Although the MRAs have played a vital role in sourcing migrant workers, especially women MDWs, a large number of reports have been made about their deceptive and exploitative practices attributable to limited legal regulation (e.g. Human Rights Watch 2004).

The governance framework for international migration, which has increasingly emphasized securitization, can also contribute to the weak supervision and lack of monitoring of MRAs. The Ministry of Home Affairs (MOHA), including the Department of Immigration, and the Ministry of Human Resources (MOHR), including the Department of Labour, are the two main government bodies in charge of international migration in Malaysia. In addition, the Foreign Workers Medical Examination Monitoring Agency (FOMEMA) under the Ministry of Health is also involved in immigration screening; in the phase of arrival (and extension) migrant workers have to pass the FOMEMA medical examinations, including pregnancy test for women migrant workers, at medical centres registered with FOMEMA.⁷⁵ The responsibilities have not been divided equally between the two ministries as MOHA has taken a leading role in the policy making and implementation for many years (ILO 2016b: 11). Kanapathy (2008: 15) pointed out that there was a shift in the responsibility from MOHR to MOHA in parallel with a move towards the securitization of foreign labour management. In the securitisation processes, police and immigration officers have cracked down more on migrant workers than on MRAs.

The multiple entry channels for MDWs into Malaysia have also created conflicts between government and the business community as well as brokerage and manipulation by MRAs. Although the MRAs licensed by the Ministry of Manpower are the main implementing channel for recruitment-placement of MDWs, unlike in Indonesia, the Malaysian government does not clearly devolve the recruitment-placement activities to MRAs. Under the current management, there are two major entry channels for MDWs into Malaysia. The first channel is entry through an MRA, which means that an employer hires MDWs through an MRA. This has been the main one since the introduction of the Private Employment

⁷⁵ The ownership of FOMEMA has changed several times among the related-Ministries over the last two decades.

Agencies Act 1981. The second channel is entry through direct hiring, which means that an employer hires MDWs without going through MRAs (an employer obtains relevant permissions directly from the government bodies to hire MDWs) (Department of Immigration, Malaysia 2012).⁷⁶ This channel had not been publicised openly, but the government has promoted an online service for direct hiring since October 2017. In addition to the two above, there were some ‘grey’ channels, such as entry under a general workers scheme⁷⁷. The migration watch NGO Tenaganita has observed that some migrant workers entered Malaysia under a general workers scheme and obtained a job, including some in domestic work, through brokerage agents in the country. Regarding the general workers scheme, Dr. Fernandez (2012) stated that:

Many migrant workers preferred it because they could work anywhere with the visa. It was more flexible. The first-time migrants usually didn’t know the dynamics of the multiple entry channels. However, after the end of the contract, experienced migrants came back to Malaysia under the general workers scheme.⁷⁸

The Malaysian government’s policy on multiple-entry channels has been reflected in the diplomatic negotiations with the migrant sending countries. On the recruitment and placement of Indonesian domestic workers to Malaysia, the government of Malaysia signed MOUs with the government of Indonesia in (a) Medan in 1984, (b) Bali in 2006, and (c) Bandung in 2011 (a protocol amending the MOU of 2006). The MOUs 2006 and 2011 did not state that using an MRA for the recruitment-placement of Indonesian domestic workers into Malaysia is required. It is stated in Article 5 (5.1), MOU 2006 that:

any employer who wishes to employ a Domestic Worker without the service of MRAs or through IRAs must obtain prior approval from

⁷⁶ The Department of Immigration, Malaysia, replied to my inquiries about the government’s recruitment-placement policies by e-mail in November 2012.

⁷⁷ The government of Malaysia issued general workers visas in the past, but seemingly stopped issuing it. For example, the government froze the general worker visa for Bangladeshis in 2008.

⁷⁸ Individual un-structured interview with Dr. Fernandez in Seremban, Malaysia in October 2012.

the relevant authorities in Malaysia. The relevant authorities shall, as soon as practicable, inform such approval to the Indonesian Mission.

Furthermore, it is stated in Article 3 of the MOU of 2011 that:

any specific request of employment of the Domestic Worker by any Employer, where appropriate, may be made through specific procedures, and subject to prior approval of the Parties through the relevant authorities in accordance with relevant national laws, regulations and policies of the parties. The relevant authorities shall inform the Indonesian and Malaysian mission of such prior approval.

While it was obligatory to go through IRAs for the recruitment in Indonesia, it was optional to go through MRAs to hire Indonesian MDWs in Malaysia. Both the MRAs and the Indonesian government complained about this policy, and requested the Malaysian government to change it to a single-entry channel through an MRA.⁷⁹

The Malaysian government management has also caused conflicts with MRAs over the cost structure for recruitment and placement of Indonesian MDWs in Malaysia. The government of Indonesia and Malaysia set a cost structure, including fees for MRAs of RM 635 (equivalent to USD 152.9), in the MOU 2011, which all the parties involved have to follow.⁸⁰ According to the Malaysian Association of Foreign Maid Agencies (PAPA) and the Malaysia National Association of Employment Agencies (PIKAP), the Malaysian government set the cost structure without consulting with business communities (MRAs).⁸¹ They emphasized that the cost structure is not feasible for MRAs to place Indonesian MDWs with their employers in Malaysia.

⁷⁹ It should be noted that the government of Malaysia started to promote an online service for direct hiring from nine sending countries (Indonesia, Thailand, Cambodia, The Philippines, Sri Lanka, India, Vietnam, Laos and Myanmar) without MRAs in October 2017 (Kumar 2017). However, after having a foreign workers and illegal workers committee meeting with the sending countries, the then Deputy Prime Minister and Home Minister, Dr. Zahid Hamidi, announced that, in only the cases of Indonesian and Filipino MDWs, employers will now have to go through MRAs to hire them (Nik Anis 2017).

⁸⁰ 1 USD = 4.15245 RM (XE: 2020 (October 8th, 2020)).

⁸¹ Individual un-structured interviews with the President of PAPA in Kuala Lumpur in September 2012 and the President of PIKAP in Kuala Lumpur in October 2012.

4.4.4 Brokered recruitment-placement system building for placing MDWs

The swings in the labour recruitment-placement management by the Malaysian government have created a space for brokerage and manipulation by MRAs in the processes. In order to deal with it, the MRAs have strengthened transnational networks within and across Malaysia, and built the recruitment-placement system together with Indonesian agencies to facilitate the processes in an effective way.

First of all, the MRAs have collaborated not only with IRAs in Indonesia (Kaur 2015; Arisman and Ratnawati 2018) but also with their sub-contracted agencies and brokers within Malaysia for more effective labour transfer. As IOM (2010: 52) stated, most IRAs have their sub-contracted agencies based in Malaysia. These agencies are managed by Indonesians but owned by Malaysians, and thus the profits actually remain in Malaysia (*ibid*). In addition, according to one Indonesian informal group in Kuala Lumpur, there have been many Indonesian *preman* (gangsters) in Malaysia engaged in the recruitment and placement processes.⁸² They have facilitated the processes of labour transfer from Indonesia, and also recruit Indonesian migrant workers including MDWs from the labour pool within Malaysia, such as the Indonesian community in Kuala Lumpur and overstayers. The MRAs could directly and indirectly work with these Indonesian sub-contracted agencies and brokers within Malaysia. Due to these transnational business networks among agencies and the loopholes of the Malaysian management system on international migration, it is observed that, for example, Indonesian women entered Malaysia and worked as domestic workers even during the moratorium on sending Indonesian MDWs to Malaysia from 2009 to 2011.⁸³

Transnational networks among the agencies within and across Malaysia also function for accommodation of the financial transfers that are desired. As discussed earlier, a *sponsor* in the migrant-sending site in Indonesia gives an allowance to potential MDWs to prepare for their departures. A question should be raised where the money comes from. In order for a *sponsor* to provide this allowance to potential migrants in Indonesia, a money

⁸² Individual un-structured interview with Indonesian informal group in Kuala Lumpur in September 2012.

⁸³ Individual un-structured interviews with TenagaNita officer in Kuala Lumpur in October 2012.

stock in (a) the IRA, and/or (b) the IRA's sub-contracted agencies in Malaysia, and/or (c) MRA, and/or (d) financial accommodation among these agencies is necessary. One of the main financial sources is the placement fees borne by the employers in Malaysia. In this regard, for example, the MRAs imposed a 'lump-sum payment' rule for the placement fees from the employers.⁸⁴ The employers in Malaysia have to pay all the fees for two years in advance to their MRAs when signing a contract. The MRAs can raise finance through establishing these kinds of rules and thus facilitate the finance requirements (borrowing and lending money) of their counterparts in Indonesia and Malaysia.

Furthermore, the MRAs have made use of the transnational networks within and across Malaysia to cope with the government's bureaucratic formalities for recruitment and placement. For example, the MRAs have to provide a warranty period on the employment of Indonesian MDWs with their employers, which guarantees the replacement of the MDW free of charge for six months after signing a contract.⁸⁵ If the MRAs have to replace MDWs multiple times during the warranty period, they have to pay the extra costs. In order to reduce the cost, the MRAs utilize their transnational networks within Malaysia for the on-site recruitment from among the labouring poor in the Indonesian community and over-stayers in Malaysia. It was also observed that some fraudulent MRAs asked MDWs to run away right after the warranty period to cheat their employer.⁸⁶

⁸⁴ Individual un-structured interview with MRA in Kuala Lumpur in September 2012. I met some MRAs during my stay in Kuala Lumpur in 2012, but they were reluctant to talk about the details of the payment rules.

⁸⁵ It is stipulated in Article 5 (5.9), MOU 2011 that: "In the event a Domestic Worker absconds or is incompetent during the first 6 (six) months, the employer shall have the right to the following – (1) a substitution of the Domestic Worker provided by the MRA (Malaysian Recruitment Agency) within 2 (two) weeks from the date of the Domestic Worker absconds or is incompetent; or (2) reimbursement by the MRA of the relevant costs and expenses incurred by the Employer in the revised Cost Structure as stipulated in the Revised Annex and Attachment of Annex to the MOU concerning the cost structure of the recruitment and placement of Indonesian Domestic Workers. The said sum shall be reimbursed by the MRA to the employer within 4 (four) weeks from the date of the demand of reimbursement".

⁸⁶ Individual un-structured interview with TenagaNita officer in Kuala Lumpur in October 2012.

4.5 Indonesian women's circular cross-border migration as domestic workers and implications for caring relations in the household: evidence from Karawang district⁸⁷

The established recruitment-placement system for MDWs between Indonesia and Malaysia has increased the mobility of Indonesian women and their circulation between the two countries. Circular migration – “repeated migration experiences between an origin and destination involving more than one migration and return” (Hugo 2013: 2) – has been a long-standing research theme in addressing the mobility patterns within a country (e.g. Hugo 1982), while more recent research focuses on international border-crossing (e.g. Balakrishnan 2013; Hugo 2013). Although mobility patterns of migrants within Indonesia and across borders have been subject to research and academic debates, little empirical data on frequency and length of the migrants' movements, particularly for MDWs, have been offered. That empirical data is important because frequency and length of the migrants' movements (especially migrant mothers' movements) can substantially affect the caring relations among transnational families.

It is observed that mostly plantation and domestic workers have engaged in circular cross-border migration from Indonesia, with various patterns (Balakrishnan 2013: 299). In the case of MDWs who move through IRAs, they have to sign a two-year contract, which is renewable again and again. MDWs have to work abroad for two years without return home to Indonesia during the contract period. After the end of the contract, MDWs have to return back to Indonesia. In my fieldwork in Karawang in 2012, I found some cases though where MDWs renewed their contracts in the destination country and continue to work there without return back to Karawang.⁸⁸

The Table 4.1 below is the result of semi-structured interviews, which I conducted in Karawang, with 40 women returnees who worked as live-

⁸⁷ The discussion of this section 4.5 is mainly based on the findings of my multi-sited fieldwork in Karawang, Jakarta and Kuala Lumpur, especially that in Karawang, from 2012 to 2013, but connected with relevant secondary sources.

⁸⁸ Individual semi-structured interviews with returnees in Karawang from March to June 2012.

in MDWs in Malaysia about the frequency and length of their cross-border migration. As the first departure year of the respondents varied widely from 1987 to 2012, it is divided into three groups: from 2006 to 2012; from 2001 to 2005; and before 2000.

Table 4.1
Length of time and frequency as MDWs

1. Departure year from 2006 to 2012: Fifteen respondents
<ul style="list-style-type: none"> - Two respondents renewed their contracts (up to five years and twelve years respectively) - Two respondents went to Malaysia twice and worked there for four years in total - One respondent worked in Kuwait and Malaysia for two years each
2. Departure year from 2001 to 2005: Fifteen respondents
<ul style="list-style-type: none"> - One respondent renewed her contract up to eight years - One respondent went to Malaysia twice and renewed her contract up to five years respectively (in total ten years) - Three respondents had worked both in Malaysia and Saudi Arabia
3. Departure year before 2000: Ten respondents
<ul style="list-style-type: none"> - Nine respondents renewed their contracts or went to work in Malaysia several times, of which four respondents had gone to work not only in Malaysia but also in Middle Eastern countries (Saudi Arabia, Kuwait and Jordan)

Created by the author

The result shows that 47.5% (19 divided by 40) of the respondents in Karawang have experiences of circular cross-border migration. Many of them renewed their contract once or multiple times. There were also some cases that migrated not only into Malaysia but also into Saudi Arabia or other Middle Eastern countries.

For comparison, the results of four semi-structured interviews, which I conducted in Karawang with returnees from Saudi Arabia who worked as MDWs, showed a similar pattern. Three out of four respondents had experiences of circular cross-border migration. The experiences of these three respondents were:

- Respondent one: three times circular cross-border migration, for in total six years and three months (two years in Oman, two years and three months in Dammam, Saudi Arabia, and two years in Riyadh, Saudi Arabia);
- Respondent two: four times circular cross-border migration for in total ten years (two years in Hafar Al-Batin, Saudi Arabia, four years

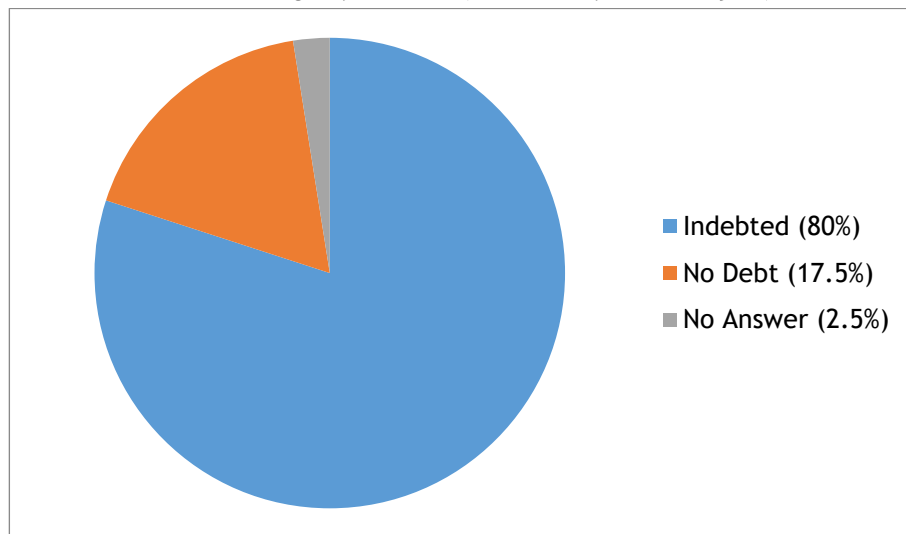
in Dammam, Saudi Arabia, two years in Mecca and two years in Abha, Saudi Arabia);

- Respondent three: four times circular cross-border migration for in total nine years and four months (two years and six months in Dawadmi, Saudi Arabia, two years and three months in Al Ahsa, Saudi Arabia, two years and three months in Dammam, Saudi Arabia, two years and four months in Al Kharj, Saudi Arabia).

This empirical data shows the high circularity of domestic workers in a multidirectional way.

In my fieldwork in Karawang, almost all the returnees from Malaysia faced some financial difficulties. For example, 80% of the respondents (32 out of 40) had debt (see Figure 4.1).

Figure 4.1
Percentage of debtors (returnees from Malaysia)



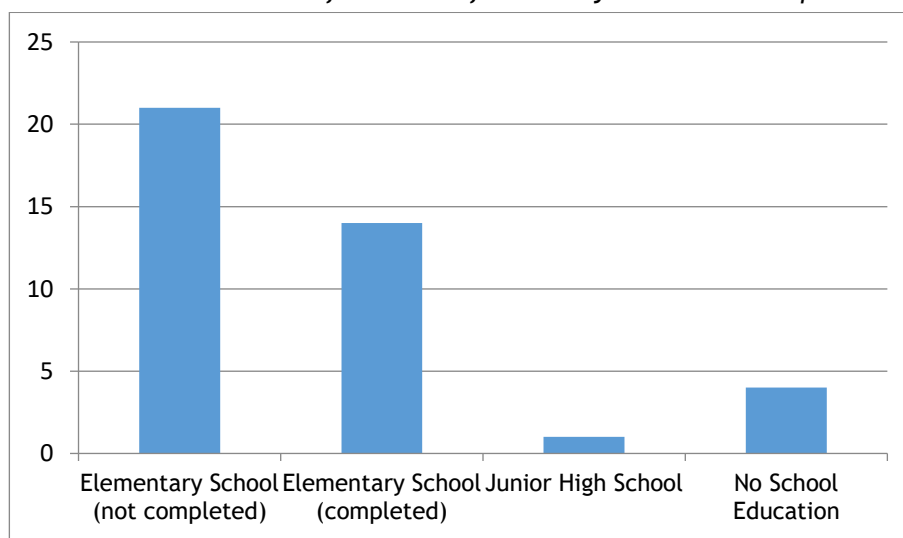
Created by the author

To manage these debts, they borrowed money not only from their parents and brothers/sisters but also neighbours and friends.

Another important finding from my fieldwork in Karawang is that the educational status of the returnees from Malaysia who used a *sponsor* was

low. Among the 40 respondents, a large majority (97.5%) have not done more than complete elementary school and in fact over 60% had not completed elementary school or not even started it (see Figure 4.2).

Figure 4.2
Educational status of returnees from Malaysia who used a sponsor



Created by the author

Considering the data from the local government of Karawang that about 56% of the total population (1.178.930) had only completed or not completed elementary school (BPS Karawang, 2012), this figure (97.5% of the respondents have at most completed or not even completed elementary school) may suggest the gender dimension in formal education.

Some of the respondents, especially those who did not receive school education, were illiterate. There are several eligibility conditions for working as MDWs in Malaysia, such as age (should not be less than twenty-one years old and not more than forty-five years old) and health (should be confirmed fit by an appointed medical centre), but there is no educational requirement for them. In the other migrant receiving countries, for example, in Singapore, MDWs need to have completed a minimum of eight

years of formal education and have a recognised certificate. If MDWs cannot read their contract, they are subject to insecurity and vulnerability during the contract period.

This empirical data suggests that, given the increasing demand for women MDWs in the regional and global labour market, the established recruitment-placement system for MDWs enabled village women with low income level and (very) low educational status including the illiterate to migrate from Indonesia to Malaysia as domestic workers in a repetitive way.

Circular cross-border migration is necessarily a gendered process because it involves men and women and affects gender relations (Schwenken 2013: 1). Furthermore, circular cross-border migration is a family-involved process that affects stay-behind family members, including husbands and children, and their intra-family relations. Significantly, migrant workers labelled as 'low-skilled' including MDWs are not allowed to bring their family to Malaysia and the other migrant receiving countries, and MDWs' employment contract forces them to leave their home for at least two years. Circular cross-border migration of MDWs brings about a prolonged separation from their stay-behind family members in Indonesia, and it can substantially change the practices of organizing and delivering care as family duties in the household. Due to the circular cross-border migration of MDWs in migrant sending areas, including Karawang, the form of transnational families has become common, meaning to continue to maintain their family relations across the border through transnational networks. Transnational families will be discussed in detail in Chapter 6. Here I note simply that, although the recent policy and academic debate on circular cross-border migration has come to talk of a 'win-win-win' situation – benefits for receiving countries through meeting labour market shortages, benefits for sending countries through guaranteeing remittances for development, and benefits for migrants themselves through offering employment – is conceived very largely from an economic perspective (Vertovec 2007: 2; Lindquist et al. 2012: 16). Circular cross-border migration of MDWs needs to be considered from a broader social perspective, with respect especially to human rights, gender and care. That is the approach taken in this study.

4.6 Conclusion

In the migration corridor between Indonesia and Malaysia, the main flow today is of MDWs. This migration flow rests on the geographical and cultural proximity and the historically constructed transnational migration networks between the two countries that enhance labour transferability.

Although the two governments have promoted labour import/export and the sector of MDWs, they have played politics over the recognition of rights of MDWs. This politics is influenced by the socio-cultural norms on the public-private (domestic) divide that contribute to the invisibilisation of MDWs at the legal level as well as cognitive level. On the one hand, in Malaysia, MDWs have been categorised not as workers but merely servants in the legal framework and have only partially been accorded rights and protection. On the other hand, the government of Indonesia has promoted Indonesian MDWs as formal workers and helped them claiming their workers' rights accorded in the MOUs, but domestic work has continued to be defined as informal work with limited legal rights and protections within Indonesia, which undermines the credibility and status of such agreements. In addition, both governments have periodically showed a political will to, in the case of Malaysia, reduce dependence on migrant workers including MDWs and, in the case of Indonesia, to stop sending domestic workers abroad, but they have actually continued to receive/send huge numbers of MDWs for their national economic gain.

The migration management systems of both governments have allowed the involvement of brokers and intermediaries equipped with transnational networks for the recruitment-placement of MDWs, which enhances the circularity of domestic labour movements. The transnational web of connections among the recruitment-placement agencies, sub-agencies, brokers and intermediaries has promoted the processes of turning Indonesian women into 'would-be MDWs' and facilitated their cross-border migration to Malaysia. Notable is that the introduction of the 'allowance rule' in the recruitment stage in Indonesia has significantly enhanced the transferability as well as circularity of domestic labour to Malaysia. The well-established recruitment-placement system for MDWs enables village women with low income level and low educational status, including even the illiterate, to migrate from Indonesia to Malaysia as domestic workers in a repetitive way.

The model of transnational recruitment and placement system for domestic workers illustrated by Irianto and Truong (2014) is relevant here to better understand the migration regime between Indonesia and Malaysia (see Chapter 3, 3.4). The combination of multiple partly problematic institutions – including Indonesia’s migration law that does not define domestic work, Malaysia’s legal framework that has categorised MDWs as not workers but servants, and the market-based recruitment-placement system – has contributed to generating the conditions of structural dependency on MDWs as well as the structural causes of MDWs’ vulnerability (with only limited protection of MDWs’ rights) in the migration process.

This transnational migration system has also enhanced the circularity of domestic labour not just between Indonesia and Malaysia but in multidirectional ways. As Table 4.1 showed, almost half of the respondents in Karawang (returnees from Malaysia) have experiences of circular cross-border migration; many of them had renewed their contract once or multiple times. Further, there were also many cases that have cross-border migration experiences in several destination countries, including besides Malaysia for example Saudi Arabia, Kuwait or Jordan. Women engaged in domestic work have circulated between Indonesia and destination countries time and again. These multidirectional paths of domestic labour in transnational care circulation need to be highlighted.

The circular cross-border migration of Indonesian women as live-in MDWs has sustained Malaysian women’s participation into the workforce as well as their family and caring relations in Malaysia, while at the same time it has induced significant changes in the household practices of organizing care in the MDWs’ families in Indonesia. We now examine these effects in Chapters 5 and 6.

5

Continuity and Change in Modalities of Care Service Provision in Malaysia: Implications for Arrangements of Domestic Work and the Rights of Paid Domestic Workers

5.1 Introduction

The Indonesian government tries to reclassify maids from unskilled to skilled. But maid is just maid. The educational system in Indonesia has not been improved well. There are still a lot of uneducated people in Indonesia. They don't care if they are caregiver or babysitter as long as they can earn money. People there are hungry. (Malaysian recruitment-placement agency in Kuala Lumpur; 2012 interview).⁸⁹

Indonesia cannot stop sending maids. I don't think it's workable. [But] We don't care Indonesia. We are now looking for new source countries, such as Bangladesh, Pakistan, Nepal, Laos and Cambodia... Because of the pressures from NGOs, Cambodia banned sending maids. (Malaysian recruitment-placement agency in Kuala Lumpur; 2012 interview).⁹⁰

In the last decades, the domain of care service provision in Malaysia has been subject to systemic changes, related to structural changes in gender relations in the labour market and the division of labour in the household,

⁸⁹ Individual un-structured interview with one Malaysian recruitment-placement agency in Kuala Lumpur in September 2012.

⁹⁰ Individual un-structured interview with one Malaysian recruitment-placement agency in Kuala Lumpur in October 2012.

which have been nearly simultaneous with its demographic transition.⁹¹ Practices of care providing for the young, old, and sick have pluralized. They now include not only traditional community-based and family-based forms of care organisation, but also a proliferation of mixed forms. Some scholars attribute these changing practices as results of a gradual shift in care service provision from a welfare-oriented form inherited from the British colonial government to a market-oriented form during the process of continued economic development since the introduction of the New Economic Policy (NEP) (1971-1991) (Barraclough 1999; Devaraj 2009).⁹² Along with the socio-economic transformations – especially in demographic composition, family form, and gender relations, care norms that were historically rooted in the village communities have also changed (Ong 1990; Stivens 2003, 2006; Mahari 2011; Ibrahim et al. 2018).⁹³

The shift to a market-oriented care regime has been accelerated since the introduction of Vision 2020 in 1991 which aimed to achieve a status of ‘developed country’ by the year 2020.⁹⁴ Due to its successful economic development, the country has been recognised as one of the Newly Industrialising Economies (NIES) in Asia, or High-performing Asian Economies (The World Bank 1993). In recent years, efforts have been made to shift gears from an industrialisation-based economy to a knowledge-based economy to overcome the middle-income trap. On par with this effort, at the turn of the millennium, the government called for an ethos of care to

⁹¹ According to Rashid et al. (2016: 981), “the age distribution of Malaysia’s population had changed dramatically from 1970 to 2010 where the percentage of the population aged less than twenty years old had decreased by 18.3% from 55.6% in 1970 to 37.3% in 2010, while the share of elderly population (age sixty years or over) had increased from 5.5 to 7.9% for the same period”.

⁹² The NEP consisted of a two-pronged strategy involving economic development and affirmative action to promote the interests of the Bumiputra (the vast majority of Bumiputra is Malay especially in Peninsular Malaysia) to address the social discrepancy between Malays and non-Malays (Spaan et al. 2002: 161).

⁹³ The village community in Malaysia (Indonesia as well) is called *kampung* or *kampung*.

⁹⁴ For assessment of the Vision 2020 achievement, on January 6th, 2020, Dr. Mahathir said that “although we did not fully realise the vision, we have to a certain extent achieved it. If we compare the Malaysia of today, 2020, with Malaysia at the time the vision was launched in 1991, we can see the difference” (cited in Bernama 2020).

establish a fully ‘caring society’ and ‘caring culture’ to meet the goals of 2020.⁹⁵

Commonly known as a ‘modernity project’ (Chin 1998), the Vision 2020 aimed at transforming Malaysia into a knowledge-based high-income nation. To achieve this, the strategy promotes greater participation of women with a high level of education – especially those belonging to the middle and upper-middle classes – in paid work in the knowledge-based sector, while simultaneously emphasizing their social reproduction responsibilities as wife and mother (Elias 2009, 2011). The inability of policy makers to recognise the reality of women’s dual role – productive and reproductive – has stimulated the emergence of a care gap in society, covering distinct types of care receivers – the young, old, and sick – and leading to a demand for care providers in many institutions. Of these the household remains the most critical one, in part because policy discussions and decisions have ‘naturalised’ forms of care provided by this institution. Overall, despite the introduction of ‘work–life balance policies’ by the sixth Prime Minister Najib Razak (2009–2018), the option of hiring migrant workers for paid domestic services remains a preferred form of care provision for double-income families.

This chapter aims to analyse: (a) the social dynamics behind the continued inflows of MDWs into Malaysia, which reflect the resilience of the gender structure and division of care responsibilities in Malaysian households, combined with the government’s mobilisation of women’s labour into economic production (industries and services); (b) how the government policies for care service provision at the household level have reinforced the middle-class families’ persistent preferences for live-in MDWs, particularly Indonesian live-in MDWs, to fill in the care gap; and (c) how has the intersection of power relations (gender, ethnicity, migratory status, and social class) contributed to the formation of live-in MDWs’ social

⁹⁵ These include: (a) establishing a united Malaysian nation with a sense of common and shared destiny; (b) creating a psychologically liberated, secure and developed Malaysian society; (c) fostering and developing a mature democratic society; (d) establishing a fully moral and ethical society; (e) establishing a matured liberal and tolerant society; (f) establishing a scientific and progressive society; (g) establishing a fully caring society and a caring culture; (h) ensuring an economically just society, in which there is a fair and equitable distribution of the wealth of the nation; and (i) establishing a prosperous society with an economy that is fully competitive, dynamic, robust and resilient (Islam 2010: 200).

identities capable of generating plural forms of vulnerability and insecurity inside and outside their workplace.

This chapter is organised as follows. Section 5.2 highlights the structural changes in demography, family form and labour markets which affect the gender relations from the 1980s through to the present, and examines the ‘caring society and caring culture’ under Vision 2020. Section 5.3 explains how the government supports care services at the household level and how Malaysian families try to cope with the care gap. Section 5.4 reflects on the experiences of Indonesian female live-in MDWs due to the weak protection mechanisms and the strong securitisation of immigration. Section 5.5 concludes with the theme of care deficit at the household level and structural dependence on live-in MDWs as domestic care workers and with a question of ‘who cares for care workers’ (live-in MDWs).

The discussion of this Chapter draws on the findings of my multi-sited fieldwork in Karawang, Jakarta and Kuala Lumpur from 2012 to 2013 (particularly in Kuala Lumpur from August to October 2012) – including: (a) document analysis (relevant government documents, empirical academic literatures, CSOs’ documents and reports); (b) unstructured interviews with central government officials, business community and CSOs; and (c) participant observation in NGO Tenaganita. The discussion and findings are updated with recent relevant literature as well as the findings (especially from observation of the government’s policies) obtained during my residence in Kuala Lumpur from 2016 to 2018.

The time-focus of this chapter is from the 1990s (after the introduction of Vision 2020) through to 2018, with special attention to illustrations from 2012 to 2013. The situation of migrant workers, especially MDWs, in Malaysia has not really changed since 2012 due largely to the continued Bumiputra politics, political turmoil (for example the large-scale corruption cases involving the sixth Prime Minister Najib Razak (2009-2018), strong political pressure on CSOs under the Najib Razak administration, the abrupt resignation of Dr. Mahathir as seventh Prime Minister (2018-2020), and the declaration of Muhyiddin Yassin as eighth Prime Minister (2020-present) with limited transparency and accountability), and the only partial implementation of Vision 2020.

5.2 Changing gender relations and care service provision during the implementation of Vision 2020: the implications for demand for MDWs

Prior to Malaysia's new focus on economic development, which took off with the NEP in the 1970s, the country's care service provision was a welfare-oriented approach inherited from the British colonial government (Barraclough 1999; Devaraj 2009).⁹⁶ With that approach, the government of Malaysia took "the major financial responsibility for protecting a large proportion of the population against the costs of medical care" (Barraclough 1999: 54). At the institutional level, the federal government provided primary care – such as universal antenatal care and safe delivery, universal childhood immunisation, an anti-tuberculosis programme, safe drinking water and sanitary toilets, malarial vector control – to the entire population through an extensive system of clinics and hospitals on a not-for-profit basis (Devaraj 2009: 1-2).⁹⁷ At the household level, the care relations had been generally centred around kin relations, extended family and the neighbouring community. The norm for mutual help and aid commonly referred to as *gotong royong* has been developed which can embrace the ethnic diversity in Malaysia.

In the process of economic development under the NEP, the care regime gradually shifted from welfare-oriented to market-oriented under the fourth Prime Minister Dr. Mahathir Mohamed's administration (1981-2003). Dr. Mahathir (1991) proposed Vision 2020 to show the national vision in all sectors of development – economic, political, social, cultural and ethical development – for unity and harmony in society. He presented nine challenges to achieve Vision 2020, including:

- establishing a united Malaysian nation with a sense of common and shared destiny. This should be a nation at peace with itself, territorially and ethnically integrated;

⁹⁶ Malaysia took a welfare-oriented approach – expansion of social security, mainly health care provision, to the entire population – after its independence in 1957 (Devaraj 2009: 2). The government's measures contributed to Malaysia's ranking by the WHO as a model nation with regard to the provision of health care in the 1960's and 70's.

⁹⁷ Until well into the 1970s, there were no corporate for-profit hospitals in Malaysia although there were some small maternity and nursing homes established by entrepreneurs (Leng and Barraclough 2007: 5).

- forming a community that has high morale, ethics, and religious strength;
- establishing a fully caring society and a caring culture, a social system in which the society will come before self and the welfare of the people will revolve not around the state or the individual but around a strong and resilient family system (Islam 2010: 200)

Although an ethos of care to establish a fully ‘caring society and caring culture’ was called for, the policy to recover from the Asian Financial Crisis in 1997 actually placed an emphasis on the development of a knowledge-based economy for economic productivity and competitiveness at a regional and global level, for which some guidelines were laid out in the Eighth Malaysia Plan (2001-2005). In 2002, the *Knowledge-based Economy Master Plan* defined the economy as “one where knowledge, creativity and innovation play an increasing and important role in generating and sustaining growth” (Ng et al. 2006: 108). In this line of thinking, high-technology takes the lead, as in the case of the establishment of the high-tech business district – symbolised by the Multimedia Super Corridor (MSC) – particularly around Greater Kuala Lumpur.⁹⁸

These socio-economic initiatives were aimed at stimulating the country’s transition to a high-tech and high-growth trajectory. In parallel, the country is also undergoing a change in demographic composition and in family size and structure, which has entailed a significant change in gender relations and in care service provision at the household level. The importance of women’s productive as well as reproductive roles have been emphasised in government policies and state ideologies (Elias 2009, 2011). Whereas conservative Malaysian ideologies, especially conservative Malay Islamic ideologies, continue to see women primarily as wife and mother, the knowledge-based economy placing emphasis on education mobilises women – especially of the middle classes – into the sectors built on information and communication technology. Further, some work-life balance

⁹⁸ The MSC programme to establish a special economic zone and high-technology business district in central-southern Selangor, Peninsular Malaysia was inaugurated by then Prime Minister Dr. Mahathir in 1996, and the first phase completed in 1999. It was anticipated to spearhead the transformation from a manufacturing-based to a knowledge-based economy as well as to become a world-class regional and global high-tech hub for sunrise information industries and services (Chin 2002: 24).

policies and practices have been implemented since the Najib administration (2009-2018). Some scholars have suggested that though attempts by the government to fill in the care gap in double-income households have been made, this has been on the basis of a patchwork of regulations and programmes (Noor and Mahudin 2015, 2016).⁹⁹

5.2.1 Demographic transition and increasing Malay population

Partly due to the National Population Policy (NPP) in 1984, initiated by the fourth Prime Minister Dr. Mahathir, which targets to achieve a population of 70 million by the year 2100, the Malaysian population has increased every year. From a gender perspective, arguably NPP had dual objectives: one was “to ensure continued economic growth by increasing the size of the future workforce (more babies = more workers = more purchasing or consumptive power = more development)” and the other was “to reconstitute Malay and non-Malay women’s roles and identities primarily as mothers and wives” (Chin 1998: 172, 198). Although it is a long-term ambitious plan, the population actually increased from about 8.9 million in 1963 to about 30.3 million in 2014 (Department of Statistics Malaysia).¹⁰⁰ It means the population has more than tripled (an increase of about 3.4 times) over the past fifty years. At this high rate of increase, it is estimated that the population has reached 32.7 million in the year 2020 (Department of Statistics Malaysia).

As for the age structure, while the proportion of the young (below fifteen years) has decreased, that of the old (sixty-five years and above) has increased. For example, the ratio in 1957 was: the young 43.8%; adult (from fifteen to sixty-four years) 53.4%; and the old 2.8%, while that in 2010 was: the young 27.2%; adult: 68.1%; the old 4.7% (Mahari 2011: 8).¹⁰¹

⁹⁹ Although Malaysia has had family-based policies, specific policies on work-life balance are scattered and largely incorporated into general policies such as the National Family Policy 2010, the National Social Policy 2003, National Policy for Women 1989, the National Child Policy 2009, and the National Child Protection Policy 2009 (Noor and Mahudin 2015: 215-216).

¹⁰⁰ 1963 is the year that the Federation of Malaya incorporated North Borneo (Sabah), Sarawak and Singapore (left Malaysia in 1965), and became Malaysia.

¹⁰¹ 1957 is the year that Federation of Malaya achieved its independence from the United Kingdom.

The proportion of adults of working age has risen due to declines in both the fertility and mortality rates.

The total fertility rate (per woman aged from fifteen to forty-nine years) of all ethnic groups has been decreasing: 6.1 in 1957; 4.0 in 1980; 3.0 in 2000; and 2.3 in 2010 (Mahari 2011: 9). Among the ethnic groups, the fertility rate of Bumiputra is higher than those of Chinese and Indians.¹⁰² As in many other countries, there is a trend of women getting married at a later age (the average age was: 24.6 years in 1991; 25.1 years in 2000; and 25.7 years in 2010 (Department of Statistics Malaysia)) and participating in the labour market, which can contribute to the lower fertility rate.

The life expectancy of both males and females has been increasing: male 55.8 and female 58.2 in 1957; male 66.4 and female 70.5 in 1980; male 69.2 and female 74.7 in 2000; and male 71.6 and female 76.8 in 2010 (Mahari 2011: 9-10). It was estimated that the proportion of older population (sixty-five years and above) would be 7.0% in the year 2020 (Department of Statistics Malaysia). Currently, the Malaysian population is not predominantly old, but as is the case with many developed countries, Malaysia is becoming an aging society with a falling birth rate in this demographic transition.

The divorce rate especially among Muslims (Malay) aged between 18 and 50 has significantly increased (Zainab et al. 2014). According to the statistics from Syariah Judiciary Department Malaysia (JKSM), the number of divorces among Muslim couples rose by 2.3 times from 20,916 in 2004 to 47,740 in 2012, and to 49,311 in 2013 (Su-Lyn 2014). Women's high educational status, financial independence and social acceptance of divorce could be major reasons for the rise in divorce rate (ibid).

The ratio of ethnic groups – Bumiputra, Chinese, Indian and others (including non-Malaysian citizens) – has also changed. For instance, while the ratio in 1970 was: Bumiputra 55.6%; Chinese 33.9%; Indian 9.0%; and others 1.5%, that in 2010 was: Bumiputra 60.3%; Chinese 22.9%; Indian 6.8%; and others (10.0%) (Mahari 2011: 7).¹⁰³ It shows that the share of

¹⁰² As there is no term or definition of Bumiputra in the Federal Constitution, Bumiputra is not a legal term but a policy construct (Johan 2017).

¹⁰³ The category of 'others' increased hugely from 1970s to 2010s. The government of Malaysia has never explained the details of this category, but possibly migrants could be included.

Bumiputra and others have increased faster while that of Chinese and Indians have decreased. It means Bumiputra, particularly Malays, have increased their dominance politically and numerically.

In this connection, there has been demographic engineering to change the ratio of ethnic groups in Malaysia. For example, the ratio of ethnic groups and religion in Sabah has drastically changed. The government statistics show that the ratio of ethnic groups in Sabah in 2010 was: non-Malaysian citizens 27.7%; other Bumiputra 20.5%; Kadazan-Dusun 17.7%; Chinese 9.2%; and Malay 5.7%, and that of religion was: Islam 65.3%; Christianity 26.6%; and Buddhism 6% (The Department of Statistics Malaysia 2011: 92).¹⁰⁴ The majority group in the state of Sabah has become ‘non-Malaysian citizens’, but the Department of Statistics Malaysia has not explained the group category (who was included in the group category).

One possible contributory factor to this demographic change is a secret project called Project IC implemented in the state of Sabah – where an ethnic group called Kadazan-Dusun (their dominant religion is Christianity) was the majority group after the formation of Malaysia in 1963 – during the first Mahathir administration.¹⁰⁵ Under Project IC, genuine ICs (identity cards) that could enjoy all the privileges of citizenship, including the right to vote, were given to a large number of Indonesian and Filipino (Muslim) immigrants with illegal status in the early 1990s, allegedly to make Sabah a Muslim-majority state (Frank 2006; Chin 2012). The Head of Sabah PKR’s security, immigration and electoral reform bureau, Dr. Chong Eng Leong, estimated that “there were more than 700,000 Project IC citizens in Sabah as of 2012 of whom about 200,000 were on the state’s electoral roll of about 950,000 names” (Leong 2012).¹⁰⁶

¹⁰⁴ The government of Malaysia has never explained the category of ‘non-Malaysian citizens’ and ‘other Bumiputra’. Possibly, Indonesians and Filipinos could be included in ‘non-Malaysian citizens’, and several ethnic groups of natives of Sabah could be included in ‘other Bumiputra’.

¹⁰⁵ The first Mahathir administration is 1981-2003, and the second one is 2018-present.

¹⁰⁶ PKR (abbreviation of *Parti Keadilan Rakyat* in the Malay language: People's Justice Party) is a Malaysian political party whose President is Mr. Anwar Ibrahim, the seventh Deputy Prime Minister.

With the pro-natal policy and engineering by the government, Malaysia has undergone a change in demographic composition, particularly an increase in the presence of Malay. In the process of economic development, the emerging middle-class families, particularly Malay middle-class families, have preferred to hire Indonesian female live-in MDWs not only for supplementing domestic care labour but also for achieving the social status as a 'respectable' and successful family.

5.2.2 Family structure and care obligations

In view of the context of demographic transition described above, the family structure has been affected in many ways. The general trend is the decrease in three-generation families (grandparents-parents-children) and the increase in two-generation (parents-children) and one-generation families (Ibrahim et al. 2018), and as in many other developed countries, the dominant trend in Malaysia is towards the nuclear family. The statistics show that the average household size has gradually decreased: 5.2 in 1980; 4.8 in 1991, 4.7 in 1994; 4.6 in 2000; 4.2 in 2004; and 4.1 in 2018 (Population and Housing Census 1980, 1991 and 2000 cited by Mahari 2011; ArcGIS 2019). The trend of the nuclearisation of the family especially in urban areas was triggered by urbanisation and industrialisation policies (Embong 2002). Notable is that, during the implementation of the NEP, of the three ethnic groups, Malays experienced the highest rate of new urbanisation: for instance, Malays increased from 21.9% in the 1970s to 38.2% of the urban population in the 1980s, while Chinese decreased from 61.4% in the 1970s to 49.4% in the 1980s (Chin 1998: 49). Chin (1998: 200) points out that, the "nuclear family is/was considered as the most appropriate family structure for socialising members of the expanding middle classes to come to rely on or expect the capitalist market to be the major provider of consumer goods and services", which can contribute to achieving Vision 2020.

The evolution of the family structure has entailed changes in roles and identities of the family members, as manifested in the National Policy on Women (NPW) introduced in 1989 aiming "to ensure equitable sharing in the acquisition of resources and information as well as access to opportunities and benefits of development for men and women" and "to integrate women into all sectors of national development in line with their abilities and needs" (Ministry of Women and Family Development, Malaysia 2003:

20). This was the first government guideline for the ‘effective’ participation of women in the country’s development (ibid: 15). After the formulation of NPW, development planning for the advancement of women was introduced in the Sixth Malaysia Plan (1991-1995), which had a chapter on Women in Development.

In pursuit of further economic growth, the government has promoted higher education for both men and women, which has also affected women’s roles and identities in many households.¹⁰⁷ Women’s enrolment at all levels of higher education increased significantly between 1985 and 2008 (Yusof et al. 2012: 4). The enrolment of female students in universities and colleges outnumbered that of male students in 1995, and the female-male student ratio climbed from 30:70 in 1970 to 55:45 already in 2001 (Shuib 2005). It should be noted that although an increasing number of women are receiving higher education, gender stereotyping is still rooted in selecting courses, and thus many female students have still tended to enrol in traditionally female courses – non-technical and arts-based courses – due to conformity and avoidance of feelings of isolation (Shuib 2005; Yusof, et al. 2012).

The government also formulated a National Family Policy in 2010, which aims to develop prosperous, healthy and resilient families to ensure social stability. This policy was launched against the background of the government’s attempt to increase women’s participation into the labour force and can be seen as an attempt to counterbalance it. Following this Family policy, several initiatives have been taken to enable both men and women to reconcile the demands of work with those of the home (Noor and Mahudin 2016: 725).

Even though the position of women may have been ‘liberalised’ by gender equity and women’s empowerment initiatives, women have also been under pressure from the traditional familialism ideology which frames women primarily as wife/mother and caregiver in the household. The familialism ideology in Malaysia has been reinforced by, for example, the advocacy of ‘Asian values’ and ‘Islamic family values’ (Stivens 2006). Asian values is a political ideology advocated by some Asian political leaders including Dr. Mahathir and Lee Kuan Yew, the former Prime Minister

¹⁰⁷ Besides the Ministry of Education, the government set up the Ministry of Higher Education in 2004 with the aim of promoting higher education in Malaysia.

of Singapore, in the 1990s to counterbalance ‘Western values’, such as universal human rights and democracy. The key elements of Asian values, which such leaders proposed, are for example: “stressing the community rather than the individual; placing order and harmony over personal freedom; refusing to insulate religion from other spheres of life; and stressing family loyalty” (Milner 2000: 57). In the context of Asian values, Malaysia emphasized modernized Islam as an alternative to Western values, while Singapore stressed neo-Confucianism (Stivens 2006: 356).

In Malaysia, there is a widespread belief among Malay Muslims about appropriate gender roles in the family: men as father and head/protector of the family and women as wife/mother and caregiver (Ong 1990; Stivens 2003). For example, “the Malay sayings of *‘syurga letaknya di bawah tapak kaki ibu’* (literally translated as: heaven lies under a mother’s feet) and *‘sebijak mana pun perempuan itu, tempatnya tetap di dapur’* (literally translated as: regardless of how smart a woman is, her rightful place remains the kitchen) may illustrate the high status granted to a mother and the importance of domesticity of women” (Ibrahim and Hassan 2009: 398). These beliefs have sometimes created tensions with the Malaysian government’s gender equity and women’s empowerment initiatives. Under these pressures, Malay women have to strike a balance between roles as wife/mother/caregiver and as hired workers, including increasingly as well-educated skilled or professional workers.

5.2.3 Gendered labour market reform toward a knowledge-based economy

Under Vision 2020, the government also promoted labour market reform. The key areas in this reform are: (a) further labour market flexibility; (b) upgrading the skills and capabilities of the existing workforce; and (c) enhancing Malaysia’s ability to attract and retain top talent (The Economic Planning Unit of the Prime Minister’s Department (EPU) 2010: 229).¹⁰⁸ For example, the Tenth Malaysia Plan 2011-2015 (231-232) stated that:

¹⁰⁸ EPU, one of the most powerful government bodies, was under the Prime Minister’s Department, but since the restructuring of government bodies in 2018, due to the result of the fourteenth general election, it has been moved to the Ministry of Economic Affairs. The Malaysia Plan is a series of five-year national development plans in Malaysia. It has been published by EPU, which may suggest that Malaysia’s national development has chiefly been led by an economic body.

the trend towards double-income households has increased demand for more flexible working arrangements. In light of this, the Government will introduce Part-Time Work Regulations under the Employment Act 1955. This initiative is aimed at encouraging greater participation of the untapped talent workforce such as housewives, retirees and persons with disabilities. Arrangements for working from home, teleworking, and part-time or flex-time will be encouraged. In addition, to fully leverage the availability of women as a source of untapped labour, measures will be undertaken to increase the female labour force participation rate from 46% in 2010 to 55% in 2015.

The important point here is that the government views housewives, retirees and persons with disabilities as 'untapped talent workforce' and tries to incorporate them into the labour market. Moreover, the government attempts to upgrade their skills and capacities and to promote more flexible working arrangements, for further economic productivity and competitiveness.

Since the introduction of NEP and Vision 2020 in 1991, the female labour force participation rate increased, for example, from 37.2% in 1970 to 45.7% in 2008 (Mahari 2011: 6). Yet, this rate is still relatively low compared to other countries. According to statistics from the World Bank, it was actually the lowest among ASEAN member states for several years (see Table 5.1).

Table 5.1
Female labour force participation rate in ASEAN (% of female population age fifteen+)¹⁰⁹

<i>Country/Year</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Brunei Darussalam	56	56	56	56
Cambodia	79	79	79	79
Lao PDR	77	77	77	77
Indonesia	51	51	51	51
Malaysia	44	44	44	44
Myanmar	75	75	75	75
Philippines	49	49	50	50
Singapore	56	55	57	57
Thailand	65	63	64	64
Vietnam	73	73	73	73

Source: The World Bank (2013)

A recent Asian Productivity Organisation (APO) report (2018: 5) showed that the female labour force participation rate was: 44.3% in 2012; 44.4% in 2013; and 44.5% in 2014 which remained unchanged.

Importantly, in Malaysia, there is a tendency that women do not return to work after marriage and childbirth (Noor and Mahudin 2016: 719). According to the World Bank (2012: 45), Malaysia is the only country in ASEAN that has a single-peaked profile of women's labour force participation, which is unlike the double-peaked pattern or M-shaped curve, which indicates women's return to work after marriage and childbirth that is observed in countries such as Japan and South Korea.¹¹⁰

In order to increase the rate of women's labour force participation, the government has formulated the so-called work-life balance policies and

¹⁰⁹ Labour force participation rate is the proportion of the population ages fifteen and older that is economically active: all people who supply labour for the production of goods and services during a specified period (The World Bank 2013).

¹¹⁰ As for the M-shaped curve, "the 'M' refers to the pattern of employment over the course of a women's life: the percentage of women employed rises significantly for women in their 20s but, due to marriage and/or childbirth, declines as women fall out of the workforce in their 30s and then rises again as women gradually re-join the workforce throughout their 40s" (Draudt 2016).

initiatives especially after the implementation of the above-mentioned National Family Policy in 2010 (Noor and Mahudin 2015, 2016). These policies and initiatives can be divided into the following three categories: flexible work arrangements under the Employment Act 1955 including its Amendment 2012 (such as staggered working hours, working from home, reduced work hours, compressed workweeks, and job sharing and exchanges); childcare policies under the Childcare Act 1984 (establishment of worksite-based childcare centres); parental leave policies (such as sixty-to-ninety days paid maternity leave, paid paternity leave and unpaid leave for women for child-rearing) (Noor and Mahudin 2016).

Yet, only a few private companies have followed these policies and initiatives because the private sector is excluded from necessarily following the policies, and initiatives are also not mandatory (Noor and Mahudin 2016: 729). The public sector has also not followed these policies and initiatives fully due to the limited human resource capacities. Furthermore, as in many Asian countries, the work-life balance policies in Malaysia remain gendered. The policy makers tend to consider that women (not men) are the only ones in need of caregiving support, and the organisational cultures explicitly preclude men from utilizing these policies (Noor and Mahudin 2015: 227-228).

In parallel with workplace-based childcare centres, the government has promoted an increase in institution-based childcare centres (for more than ten children) and home-based ones (for less than ten children) since the introduction of the Child Care Centre Act 1984 and the Care Centres Act 1993 (Chiam 2008; Ibrahim et al. 2018).¹¹¹ Moreover, in view of the prevalence of the family form referred to as the 'sandwich family' (a couple that is 'sandwiched' between their children and parents) and demographic transition, the government has also promoted an increase in nursing homes and day-care centres for the elderly since the introduction of the National Policy for the Elderly in 1995. Yet, these care centres have covered only a limited proportion of the population in terms of affordability and accessibility. Actually, the number of licensed care centres has increased in the last decade, but these are concentrated in urban areas, and

¹¹¹ The Child Care Centre Act in 1984 is set to the minimal standards and requirements for child care services (Chiam, 2008: 34), and the Care Centres Act 1993 is more for the provision of child care services and quality control of child centres by both private and public sectors (Ibrahim et al. 2018: 71).

the price in real terms has tended to rise especially since the Najib administration (Ruban 2018).¹¹² Therefore, many middle-class families have depended on unlicensed and unregulated care centres (ibid).

In sum, considering the government policies under Vision 2020 – pronatal policy, national policy on women, national family policy and work-life balance-related policies – emphasis was placed on women’s productive and reproductive roles simultaneously. Women have been seen as an untapped talented workforce to be incorporated into the labour market for further economic productivity and competitiveness while their role as wife/mother and caregiver in the household continues to be emphasized. The recently introduced work-life balance initiatives have only partially worked for double-income families due to the economic cost and organisational culture. In comparison with other countries in the region, the continued relatively low rate of female labour force participation despite women’s now relatively high educational status may suggest that the policies and initiatives to promote women’s public position through formal employment remain unsuccessful.

It is possible to argue that the notion of a ‘caring society’ inscribed in Vision 2020 naturalises, or takes for granted, that ‘care’ obligations in the family would be fulfilled as a matter of moral duty. Finding substitutes to undertake such obligations is a matter of decision-making for households themselves. Under neoliberal reforms, the well-being and welfare of individual citizens are considered beyond the purview of the state. Care obligations, provision and arrangements become entrenched as duties of households. Under the Vision 2020, MDWs have increasingly taken on the socially reproductive work in Malaysia. Particularly Malay middle-class families tend to opt for Indonesian female live-in MDWs as care workers to ensure cultural compatibility in living habits and normative beliefs as well as to achieve the social status as a ‘respectable’ and successful family.

¹¹² Najib accelerated the privatisation of health care as one of twelve National Key Economic Areas under the slogan of ‘one care for one Malaysian’. In particular, medical tourism has been recognised as a high end of the health care industry for export of services. While the export of health care services including medical tourism has been promoted as a segment in the knowledge economy, the import of MDWs as a replacement for the national female workforce drawn into high-tech services has continued, including with the denial of the rights of MDWs.

5.3 Care service at the household level and structural dependence on MDWs

In the process of the Vision 2020, female live-in MDWs have increasingly played an important role in providing care services at the household level especially among middle-class families. Although the government did not provide detailed annual statistics on MDWs up until the 1990s, research since then has shown that the number of MDWs in Malaysia increased, for example, from 111,775 from 1992-1997 to 320,044 in 2005, nearly tripling in just over a decade (Ariffin 2001: 4; Kok 2013: 25). Indonesian female live-in MDWs as a category of care workers continue to be in demand especially for Malay families due largely to the multi-dimensional character of cultural proximity – kinship, language and Islam (see Chapter 4). Chin (1998) analysed the reasons behind Malay middle-class families' preference to hire Indonesian MDWs during the first Mahathir administration, finding the following: (a) the government's promotion, including subsidy, to hire Indonesian MDWs; (b) achievement of the social status of 'middle-class-hood'; and (c) reluctance to utilise care institutions and creches, which were traditionally stigmatised as 'working class'.

The protection mechanisms for MDWs have been weak, while surveillance on migrant workers has been increasing (Kaur 2015; ILO 2016b), and this can lead MDWs to live in a 'revolving door' situation. This combination has contributed to a decrease in the number of Indonesian MDWs into Malaysia through the formal channel in the last decade, and as such many Malaysian middle-class families are facing a care deficit at the household level (Elias and Louth 2016). On the face of it, the government has been struggling to cope with the continued demand for MDWs and has therefore diversified the procurement channels (Chin 2008).

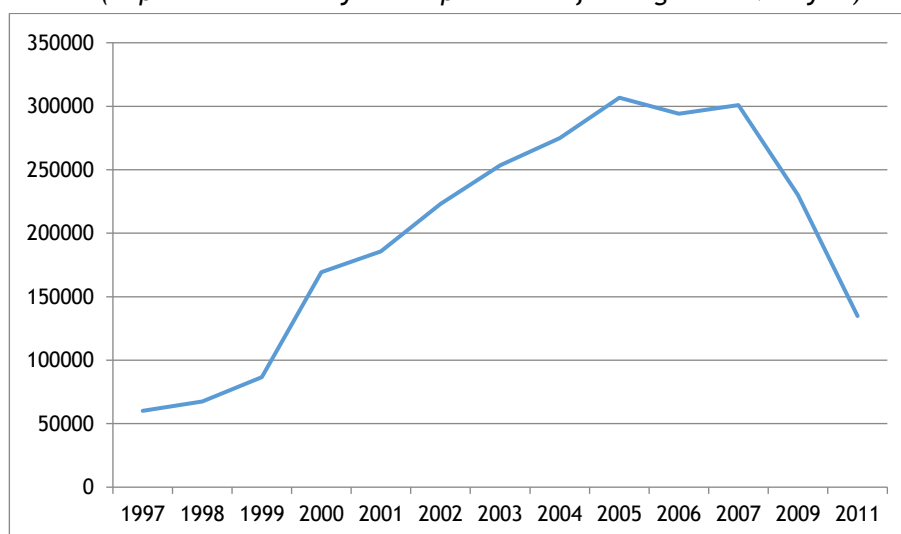
5.3.1 Continued demand for live-in MDWs as care workers and preference for Indonesian workers

Malaysia began the import of domestic labour as a form of live-in MDWs in the 1970s during the implementation of NEP (1971-1991) (Ariffin 2001), which consisted of a two-pronged strategy involving economic development and affirmative action to promote the interests of Bumiputra. The major source countries of MDWs have been Indonesia and the Philippines. The political reason behind the preference for labour import from Indonesia was that the government tried to enhance the presence of the

Malay-Indonesian ethnicity and Islam after the ‘May 13 incident of 1969’ in the Kuala Lumpur area (Liow 2003).¹¹³ The rapid industrialisation in the 1980s and 1990s entailed a large-scale inflow of Indonesian and other nationalities’ migrant workers, including MDWs, through legal and illegal channels. For example, it was estimated that, in early 1994, there were approximately 40,000 Indonesian MDWs and 30,000 Filipina MDWs with illegal status (Chin 1998: 104-105).

Due to the high demand for Indonesian MDWs from Malaysian middle class families, even after the government’s announcement of a ‘Hire Indonesians Last’ policy in 2002, which was a response to a clash between Indonesian migrant workers and Malaysian police in a riot at a textile factory in the state of Negeri Sembilan in Peninsular Malaysia, the number of Indonesian MDWs increased (see Figure 5.1).

Figure 5.1
Registered number of Indonesian MDWs in Malaysia, 1997-2011
(unpublished data by the Department of Immigration Malaysia)



¹¹³ The May 13 incident of 1969 was the worst racial riot in the history of Malaysia. Hundreds of people (official reports stated the number of deaths due to the riots was 196) were killed in clashes between Malays and Chinese, that continued to at least the end of July. The rioting began a few days after the third general election in which the ruling coalition suffered a setback in the polls (Soong 2008: 34).

Source: Balakrishnan (2013: 63)

One of the main reasons behind the middle-class families' dependence on MDWs, particularly Indonesian MDWs, was that they could employ MDWs as flexible care labour in the household at an affordable cost. The dominant form of MDW in Malaysia is live-in, which means residing in the household of the employer and providing domestic services, commonly including care practice (child and elderly care), on a full-time basis. Even the government rule on hiring MDWs (as of 2019) implies that live-in MDWs are required to provide care practices for their employers' family members, by stating that, as employer eligibility requirements, "the employer and his spouse should have 'children under fifteen years of age' or 'parents who are sick or ill'" (Immigration Department of Malaysia 2019). In this sense, the employers and live-in MDWs form a quasi-family relationship in the employer's household. As domestic care work requires a lot of human interaction, in particular, language and religion are very important in the everyday communication. One Malay employer hiring an Indonesian live-in MDW in Kuala Lumpur said:

...many Malays prefer to have Indonesian live-in MDWs in the household because of the cultural proximities and reasonable cost. Cambodians cannot speak either Malay or English language. Filipino can speak English, but they are expensive.¹¹⁴

The Malaysian national language and Indonesian national language are mutually communicable languages. Therefore, if Malay/Malaysian employers give instructions to their Indonesian MDWs in the Malay language, Indonesian MDWs can basically understand them despite some vocabulary differences which sometimes cause miscommunications.

When it comes to religion, as nearly all Malays are, in principle, Muslim, they require their domestic workers to cook halal food in the household. As majority of Indonesian MDWs are Muslim, they know how to cook halal food. It has been reported that some Indonesian MDWs were forced to cook pork, which is non-halal food in Islam, and take care of the pet dogs, which are typically seen as impure and unclean animals by Muslims,

¹¹⁴ Individual un-structured interview with one Malay employer hiring an Indonesian live-in MDW in Kuala Lumpur in July 2012.

in certain non-Malay employers' households (Human Rights Watch 2004: 44-45).

One of the other reasons behind the middle-class families' structural dependence on Indonesian MDWs is the government rule on hiring MDWs. Under the government rule (as of 2019), the approved countries for the import of MDWs are the following eight countries: Indonesia; Thailand; Cambodia; the Philippines; Sri Lanka; India; Vietnam; and Laos (Immigration Department of Malaysia 2019). There is an employer eligibility requirement that "employers who are Muslims are allowed to hire only Muslim MDWs (but employers who are non-Muslims are allowed to hire Muslim MDWs)" (ibid.). Among the approved countries, Indonesia is the only country in which the major religion is Islam. This government rule has contributed to the continued demand for Indonesian MDWs among Malay employers.

Furthermore, the affordable cost has also been a major reason for Malaysian middle-class families' preference to hire Indonesian MDWs. In Malaysia, for example, the average monthly wage for Indonesian MDWs was RM (Malaysian Ringgit) 400-600 (=USD 118-177) as of 2010, while that for Filipina MDWs was USD 400 (Human Rights Watch 2010). In the 2016 ILO survey, 62 Filipinas interviewed in Malaysia earned below RM 1,548 (USD 368), 11 earned RM 1,549-1,999 (USD 368-475), and 3 earned above RM 2,000 (USD 475); while 30 Indonesian women interviewed in Malaysia earned RM 899 (USD 213) or less, 68 earned RM 900-1200 (USD 214-285), and 31 earned above RM 1200 (USD 285) (ILO 2018: 8). The main reason for the wage difference is Indonesian MDWs' lower educational status and limited English ability (Human Rights Watch 2010: 21).

Nevertheless, the estimated number of MDWs through the official channel has sharply decreased since the introduction of Indonesia's ban on sending domestic workers to Malaysia in 2009, and the MOU in 2011 regarding the recruitment and placement of Indonesian domestic workers to Malaysia (see Figure 5.1). In response to a spate of abuse cases of Indonesian MDWs in Malaysia, the government of Indonesia imposed a ban on sending domestic workers in June 2009. After their diplomatic deadlock, an amended MOU was signed in May 2011 and the import/export of Indonesian MDWs resumed.

The national legal framework governing MDWs such as the Employment Act 1955 has not provided due recognition and adaptation for

MDWs, but the MOU in 2011 set some rules and regulations for the rights of MDWs. However, while there is a clause in the MOU in 2011 which specifically limits Indonesian MDWs' multi-task jobs to four specific jobs (cooking, housekeeping, clothes washing and ironing), there is no clause which imposes the minimum wage – RM 1,100 per month as of 2019 – on MDWs, even though international organisations, such as the ILO, and CSOs have pressured Malaysia's government to apply the minimum wage for domestic workers too. The estimated cost to hire MDWs in Malaysia through a recruitment/placement agency is between RM 12,000 and RM 18,000 (Lokman 2017), plus the expected monthly wage for MDWs is RM 1,100, if the minimum wage applies, which means RM 13,200 per year. This cost is not really affordable for many middle-class families, especially for lower-middle class families in Malaysia.

In short, since the introduction of new rules and regulations and growing pressures on the minimum wage, MDWs are becoming neither flexible nor docile nor cheap labour. The decrease in labour flexibility and rise in the wage payment to hire Indonesian MDWs, that affect the demand side, and a spate of abuse cases of MDWs (due to the weak protection mechanism) and low standard of salary for Indonesian MDWs in Malaysia, that affect the supply side, have led to the decrease in the number of MDWs in Malaysia through the official channel. Yet, there has been a continued demand for MDWs, for example, “up to thirty-five thousand Malaysian families were awaiting MDWs, with ‘waiting list’ times averaging seven months” in 2011 (Elias 2013: 396-397; Elias and Louth 2016: 836).

It is still a feasible option for Malaysian families to find MDWs within and beyond Malaysia through unofficial channels. The President of the Malaysian Association of Employment Agencies (Pikap), Datuk Raja Zulkeply Dahalan, stated that:

Many choose to hire undocumented maids because there is a shortage of maids at the moment so those who are desperate will hire the next person that comes along. Undocumented domestic workers are considered high risk workers as they do not undergo medical screening including the compulsory psychological evaluation. Employers choose to hire undocumented maids as it is cheaper than normal process (cited in Daniele 2014).

The immigration inflows through unofficial channels backed by transnational migration networks have continued even though the inflows may

be decreasing due largely to the government's measure to intensify the securitisation of immigration. Even in the last few years, it has been reported that a number of Indonesians have made illegal crossings across the straits of Malacca by boat and across the land border in the island of East Malaysia (Ungku 2016). The Executive Director of Migrant Care (Jakarta-based NGO with a branch in Kuala Lumpur), Ms. Anis Hidayah, estimated that more than 1 million Indonesian migrants, including MDWs, are living in Malaysia (ibid), while Hwok-Aun and Leng (2018) estimated that the total number of migrant workers in Malaysia, including MDWs, as of 2016 was 3.85 to 5.5 million.

5.3.2 Diversifying the procurement channel of MDWs

In the face of the deficit of MDWs, the government of Malaysia has been struggling to cope with the continued demand and to diversify the procurement channels of MDWs – in terms of source countries, recruitment/placement channels and forms of domestic work. Table 5.2 shows the change in the number of MDWs from the approved eight countries (under the state rule as of 2019) from the year 2007 to 2011, which is not including the number of irregular migrants.¹¹⁵

¹¹⁵ The government of Malaysia has not published the recent statistics on migrant workers, especially MDWs, including source countries and numbers, after 2011. A recent statistic by the Economic Planning Unit gave the number of MDWs in 2016 as 134,573 (Wai and Theng 2018).

Table 5.2
Statistics on MDWs into Malaysia (source countries and numbers) from year 2007 to 2011

<i>Country/Year</i>	2007	2008	2009	2010	2011
Indonesia	294,784	269,602	230,141	189,391	134,733
Cambodia	7,458	9,740	8,713	39,115	29,152
Philippines	10,443	11,118	10,004	14,868	16,932
Sri Lanka	883	926	769	1,224	1,110
Vietnam	31	1,020	858	1,268	996
India	128	256	224	497	504
Thailand	426	382	372	378	347
Laos	1	3	2	8	9
Others	141	312	272	320	309
Total	314,295	293,359	251,355	247,069	184,092

Source: Department of Labour, Peninsular Malaysia (2012)

While the number of Indonesian MDWs has decreased, that of the other source countries' MDWs, especially Cambodian MDWs, increased somewhat. Yet, like Indonesia, due to abuse cases the government of Cambodia also imposed a ban on sending domestic workers to Malaysia in 2011. After about a six-year moratorium, the government lifted the ban in 2017.

Other than the above eight approved countries, in 2011 the government of Malaysia also approved Bangladesh, Nepal, Myanmar, Pakistan and China for the import of MDWs (Balakrishnan 2013: 65). The government has changed the approved countries according to evolving diplomatic relations. It has looked into the possibility of opening up the market for East Timor, too (Bernama 2016). East Timor gained its independence from Indonesia in 2002, and many East Timorese can speak the Indonesian national language, similar to the Malaysian.

Not only source countries but also recruitment-placement channels of MDWs have been diversified. The government of Malaysia introduced a direct hiring rule in 2017 for the import of MDWs, which enabled employers to hire MDWs without going through recruitment-placement agencies (employers can obtain relevant permissions directly from the government bodies through an online system). The government allocated a budget for the direct hiring system for the 2018 budget, and then Prime Minister Najib (2017) made the following statements in the 2018 budget speech:

the government is aware of the high cost incurred in hiring foreign domestic helpers. Currently, the hiring cost of a foreign domestic helper could reach as high as RM 12,000 to RM 18,000. To address this issue, the government will review the cost of hiring foreign domestic helpers, with a view of reducing it in the future. For a start, the government will allow employers to hire foreign domestic helpers from nine selected countries directly without any agents.¹¹⁶ Subsequently, employers may apply for foreign domestic helpers' visa via online from the Immigration Department of Malaysia with the current levy and processing fees (NST Online 2017 (October 27)).

The aim of the direct hiring system is to increase the affordability and accessibility to hire MDWs. Through this system, employers can cut down the cost by up to 50% and shorten the recruitment-placement process which can be completed in eight days (Andria 2018). Yet, there is no third party to monitor the employers and MDWs in the household, and no policy discussions and decisions about the rights of MDWs have been made in this system. In that sense, the system has been developed at the expense of the rights of MDWs.

The form of MDWs has also been diversified. The live-in form is still dominant, but 'live-out' is also emerging. It was observed that live-out domestic work organised by cleaning companies emerged around the mid-2000s in Malaysia, and rapidly increased during the ban on MDWs from Indonesia and Cambodia.¹¹⁷ Regarding the situation of live-out MDWs, Dr. Fernandez (2012) stated that:

if you look at, for example, Hong Kong and Macao, the trend is not live-in. More and more families are opting for live-out domestic workers. The major reason is employers cannot really provide domestic workers with a decent living place.¹¹⁸ Domestic workers like live-out because they can have their own free time and social circle

¹¹⁶ Later on, Indonesia, the Philippines and Myanmar were omitted from this system.

¹¹⁷ Individual un-structured interview with Dr. Fernandez in Seremban, Malaysia in October 2012.

¹¹⁸ The state rule to hire MDWs states that "room amenities/accommodation provided for the FDH (foreign domestic helper) are equipped with basic facilities. The FDH should be given nutritious food and proper rest, including sleeping time" (Immigration Department of Malaysia 2019).

of friends. They have more freedom. It's fine for employers also because it can reduce the tension.¹¹⁹

In short, the procurement channels of MDWs have been diversified as one of the coping strategies for the care deficit at the household level. Many middle-class families continue to demand live-in MDWs as care workers in the household, but they have to find affordable and accessible options.

Although MDWs have been working as care workers in the employer's household, the rights of MDWs have been cared about only in a limited sense.

5.4 Experiences of female live-in MDWs inside and outside the workplace

The violence against female live-in MDWs inside and outside the workplace in Malaysia has been well-documented especially since the early 2000s. For example, Human Rights Watch published a report *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia* in 2004, and later *They Deceived Us at Every Step: Abuse of Cambodian Domestic Workers Migrating to Malaysia* in 2011. These highlighted the abuses against Indonesian and Cambodian live-in MDWs. In response to the problems of MDWs, MOUs on the recruitment and employment of domestic workers were signed between Malaysian and Indonesian/Cambodian governments in 2011 and 2017 respectively, but they have only partially worked for the protection of MDWs (Free Malaysia Today 2017 (May 18)).

The harrowing experiences of migrants with illegal status, including the undocumented, in the government's securitisation processes have also been reported (e.g. Suaram 2011). The securitisation of immigration in Malaysia has been enhanced especially since the overall authority for migrant workers' issues was moved from the Ministry of Human Resources to the Ministry of Home Affairs in 2007 (Chin 2008). Live-in MDWs are subject to not only physical invisibilisation by their employers (confined in the employers' household) but also securitisation and surveillance by

¹¹⁹ Individual un-structured interview with Dr. Fernandez in Seremban, Malaysia in October 2012.

the government authorities in their everyday lives. This section examines these trends.

5.4.1 Invisibilisation of live-in MDWs at the physical and legal levels

The abuse cases of MDWs have continued even since the MOU 2011 regarding the recruitment and placement of domestic workers to Malaysia was signed between Malaysia and Indonesia. For example, a twenty-one-year old Indonesian female domestic worker died of multiple organ failures in Penang in 2018. Reportedly, she was tortured for more than a month and forced to sleep outside the employer's house with the pet dog (The Strait Times 2018 (February 17)).

The nature and combination of the physical and legal locations of live-in MDWs has led to these abuse cases. As for physical location, live-in MDWs are tied to the employer's household due to the nature of their work, and, in many cases, they are explicitly confined in the household. As for legal location, domestic workers are not specifically covered by the Employment Act 1955 and are referred to as 'domestic servant' (see Chapter 4). Because of these factors, live-in MDWs are subject to not only labour problems, such as being unpaid/underpaid, confiscation of passport, no day off, excessive working hours, and disrespect for religious differences but also physical, mental, and sexual harassment and abuse (e.g. World Social Forum on Migration 2012).

Table 5.3 below summarises the major results of semi-structured interviews, which I conducted in Karawang, with 40 women returnees who worked as live-in MDWs in Malaysia about their experiences in their employer's household during the contract period.

Table 5.3
Experiences of Indonesian live-in MDWs in the employer's household

90% of the respondents were not allowed to keep their passport by themselves
87% of the respondents were not allowed to go out on their own
87% of the respondents were not allowed to take any day off
85% of the respondents were assigned child minding/baby sitting or minding the old, and therefore did not have fixed working hours
77% of the respondents did not have people (third person) who could help them in case of emergency
67% of the respondents were not allowed to have their own mobile phone

Created by the author

Table 5.3 shows that live-in MDWs' freedom of movement and ability to exercise their rights were severely restricted, and their personal safety and health rested entirely in the hands of their employers. One of the interviewees who worked as a live-in MDW in the state of Sarawak, East Malaysia spoke about her experiences as follows:

I was not allowed to go out by myself. My employer was keeping my passport. I had never seen my passport while working there. My employer did not pay me any salary. So, I ran away. I wanted to go home to Indonesia. After wandering, I moved to Kuala Lumpur. I saw many Indonesians in Sarawak and Kuala Lumpur. I got support from Tenaganita and IOM. They paid all the money to go back to Indonesia...Many Indonesian MDWs are not brave to speak about their problems and difficulties in Malaysia.¹²⁰

Although the MOU of 2011 between Indonesia and Malaysia states that "the passport shall remain in the possession of the domestic worker", it is still prevalent that employers keep their domestic workers' passport (Migrant Malaysia 2018). On this matter, one Malay employer hiring an Indonesian live-in MDW in Kuala Lumpur said:

¹²⁰ Individual semi-structured interview with returnee in Karawang in March 2012.

I keep my maid's passport. Maids don't care. My mom living in the other area is hiring Indonesian maid too, and she is also keeping her maid's passport. It's OK. If we were asked, we can give the passport back to our maids.¹²¹

In addition, MDWs' communication with their stay-behind family in Indonesia is also restricted because many of them are not allowed to have their own mobile phone. The above Malay employer also said:

Giving mobile phone to Indonesian maids is a big problem... Maids never go out, but sometimes Indonesian people come to this area. They get a chance to have their circle of friends. If Indonesian maids have mobile phone, they start to exchange information one another by SMS and so on. [If they feel unhappy about or unsatisfied with their employers and workplaces], then they start to run away.¹²²

In addition, the limited monitoring mechanism on employers and live-in MDWs in the household and for recruitment-placement agencies has led to the abuse cases. In fact, the MOU 2011 does not specify any monitoring mechanism. The recruitment-placement agencies have responsibilities for monitoring the employers and live-in MDWs, and they have to submit monitoring reports to the relevant-Malaysian authorities. Yet, it is not verifiable whether the agencies truly monitor the employers and live-in MDWs in the household.¹²³ Even though the Embassy of Indonesia in Kuala Lumpur can also function to some extent as a monitoring body, it is only active in an indirect way, such as creating a blacklist of agencies and employers. For it to monitor hundreds of thousands of MDW placements is totally unfeasible. Even in the case of the rescue of an Indonesian victim live-in MDW confined in their employer's household, the Embassy staff has to go with the Malaysian authorities (police).¹²⁴ In this situation, the clause in the 2012 MOU, which specifically limits Indonesian MDWs'

¹²¹ Individual un-structured interview with one Malay employer hiring an Indonesian live-in MDW in Kuala Lumpur in July 2012.

¹²² Individual un-structured interview with one Malay employer hiring an Indonesian live-in MDW in Kuala Lumpur in July 2012.

¹²³ Individual un-structured interview with official from the Embassy of Indonesia in Kuala Lumpur in September 2012.

¹²⁴ Individual un-structured interview with official from the Embassy of Indonesia in Kuala Lumpur in September 2012.

multi-task jobs to four specific jobs – cooking, housekeeping, clothes washing and ironing – cannot be implemented and has almost no effect.

Particularly in the case of direct hiring, there is no third party to monitor the employers and MDWs in the household. While the direct hiring system can be more affordable and accessible for the employers than hiring through recruitment-placement agencies, MDWs' safety and health are then fully under the control of the employers. Furthermore, the direct hiring rule requires an employer's consent in order for MDWs to change employers (International Domestic Workers Federation 2018). This inflexibility can lead to a situation where MDWs have no choice but to abscond and become undocumented (ibid).

5.4.2 Runaway MDWs and the surveillance of undocumented migrants

There has been a very large number of runaway MDWs in Malaysia as a result of the increasing inflow of MDWs since the 1990s given the conditions that have been documented (Ariffin 2001: 10). The ILO (2016b: 22) reported that 105,119 MDWs ran away from their employers' households between 2008 and 2013. The Malaysian Maid Employers' Association (MAMA) recently estimated that, at any one time, about one in twenty MDWs have gone missing, which can be an average of approximately 1,250 MDWs who run away every month (Tang 2017). The reasons for runaway can range from precarious working conditions to physical, mental and sexual abuse. Moreover, there were some cases where recruitment-placement agencies worked in cahoots with MDWs, encouraging running away after the warranty (free replacement) period of the first three months in order to deceive the employers (Singh 2008). After the warranty period, recruitment-placement agencies do not need to replace MDWs or return the placement-related fees for two years that the employer paid in a lump sum in advance.

These runaway MDWs who are undocumented are under surveillance by the government authorities in public spaces. The government of Malaysia has irregularly implemented amnesty programmes but also security operations on migrants with illegal status since the late 1980s. The government conducted the first amnesty programme for undocumented plantation workers from 1989 to 1991, followed by the second one for undocumented domestic workers from 1992 to 1994, to legalize them on a

selective basis (Nesadurai, 2013: 101). It has been observed that immigration and police officials have undertaken house-to-house searches for Indonesian MDWs with illegal status since the 1990s (Chin 1998: 90). In parallel to and after these early amnesty programmes, a security operation called *Ops Nyah I* to arrest all undocumented migrants who landed by sea in 1991, and *Ops Nyah II* to arrest and deport 'illegal' migrants already in the country in 1992 and again in 1997 to 1998 were conducted (Nesadurai, 2013: 101). Another security operation called *Ops Nyah Two Bersepadu* was conducted nationwide from 2002 to 2003, and repatriated approximately 400,000 undocumented migrants mostly to Indonesia and partially to the Philippines (ibid). These were huge operations, that confirm the large scale of undocumented migration and the routine reliance on such workers in Malaysia.

The 2002-3 operation was the largest single repatriation ever undertaken in Malaysia, and caused a humanitarian crisis in one of the receiving sites Nunukan in Indonesian, which was specifically known as the Nunukan crisis (Ford 2006). Almost 400,000 Indonesian undocumented migrants were deported to Belawan, Batam and Dumai in Sumatra, and Pontianak and Nunukan (a small island on Indonesia's border with the Malaysian state of Sabah with a permanent population of just about 40,000) in Kalimantan (ibid: 228). The sudden influx of deportees to Nunukan caused a lack of adequate food, housing, and medical provision, resulting in the deaths of about seventy people and the serious illnesses of hundreds of others (Arifianto 2009: 621). This ignited a dispute between Indonesia and Malaysia over the securitization of migrant workers. Malaysia treated the migrants as equivalent to security threats and hence as without normal human rights.¹²⁵

Later, 2,433 migrants were arrested after surveillance through the amnesty programme called 6P programme, which included giving a three-year work permit to irregular migrants as the amnesty (Bernama 2013). The *6p programme* – started in July 2011 – was a controversial package programme that included the following elements: registration, legalisation, pardons, monitoring, enforcement and deportation (*Pendaftaran, Pemutihan,*

¹²⁵ The use of securitisation here is based on the following definition: politicisation of an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure, in the military, environmental, economic, societal and political sectors (Buzan et al. 1998: 25).

Pengampunan, Pemantauan, Penguatkuasaan and Pengusiran in the Malay language). Through this programme, the government announced its political will to provide ‘illegal’ migrants with a legal status with some underpinning rationales: to obtain biometric data of and statistics on illegal migrants; to strengthen the management of foreign nationals in Malaysia; to remove the negative perception of people against the government; and to prevent crimes committed by illegal migrants (Ministry of Home Affairs, Malaysia, 2019). Although it was reported that a total of 2.3 million migrants had registered under the 6P programme – 1 million regular migrants and 1.3 million irregular migrants, a large number of the irregular migrants were not given a work permit by the Immigration Department and remained undocumented (ILO 2016b: 17).

Many undocumented migrants were arrested by a group called ‘Volunteers of Malaysian People’ or *Rela* (abbreviation of *Jabatan Sukarelawan Malaysia* in the Malay language) during the implementation of the programmes for securitisation and surveillance on migrants.¹²⁶ *Rela* was set up in 1972 under the Emergency Act 1964 primarily to assist security forces (police) with community services and emergency duties, and its authority and power were expanded considerably after the regulation was amended in 2005 (Suaram 2011). After the amendment, *Rela* was authorised to carry arms, enter homes and vehicles, search and arrest ‘illegal’ migrants and ‘suspected’ terrorists without commands from enforcement officers (police and immigration officers) (*ibid*). *Rela* members could patrol in workplaces, homes, shopping malls, plantation farms, factories, and construction sites to arrest ‘illegal’ migrants based on their own assessment of the situation. *Rela* was given cash rewards (RM 80/USD 21) for each illegal migrant apprehension (Kaur 2008: 15). This could be an incentive for *Rela* members to arrest ‘illegal’ migrants without a careful search. Although the government changed the role of *Rela* in 2012 and reduced it to only control street traffic, *Rela* members can still assist law enforcement and security forces in arresting ‘illegal’ migrants.¹²⁷

The number of registered members of *Rela* has increased, and they have played active roles in the surveillance of migrants, including MDWs,

¹²⁶ Individual un-structured interview with Migrant Care, Malaysia in Kuala Lumpur in September 2012.

¹²⁷ Individual un-structured interview with Dr. Fernandez in Seremban, Malaysia in October 2012.

in their everyday lives. Since the requirements for joining Rela are only to be a 'Malaysian citizen', 'aged sixteen and over', 'healthy' and to have 'attended a short-term training course' (Ministry of Home Affairs, Malaysia 2019), a large number of Malaysian citizens have registered. The total number of registered members of Rela as of 2017 reached more than 3 million, which is much larger than the total number of registered migrants in Malaysia. A striking contrast exists between the non-enforcement of MDWs' rights, for example, to retain their passports and to move outside the employer's house, and the scale and fervency of Rela's volunteer citizen surveillance and enforcement of immigration regulations.

5.5 Conclusion

During the implementation of Vision 2020, Malaysia has undergone changes in demographic composition – with an increase especially in the Malay population – and family size and structure, which together have entailed a significant change in gender relations and in care provision at the household level. Yet, the gender structure and care responsibilities in the households have been resiliently female-centred, despite the government's mobilisation of women's labour into economic production. The female labour force participation rate of Malaysia has been the lowest among the ASEAN member states for years, but in very many middle-class families educated women now have external employment and/or have newly adopted middle-class norms. The recently introduced work-life balance initiatives have worked for double-income families only in a limited way due to the economic cost, gender imbalance and organisational culture. Fulfilling multiple duties in income earning and family caring can turn these obligations and duties into actual burdens (time-use, financial and emotional). These are the dynamics behind Malaysian middle-class families hugely increased and now continuing demand for live-in MDWs to shoulder the burden in the household, one of the important ways for many more affluent Malay women to make a balance between their productive and reproductive roles. The government has struggled to gain 'domestic care labour' to meet the continued demand, even though it diversified the procurement channels of MDWs, and so middle-class families have had to find affordable and accessible options to cope with the 'care deficit' or 'care crisis' at the household level.

In order to analyse the continuity and change in modalities of care service provision, the care diamond proposed by Razavi (2007) – the organisation of care through a complex interplay of state, market, family/household and not-for-profit organisations – is still a relevant analytical tool. Yet, we must avoid assuming nation-state boundedness. In the case of Malaysia, especially since the gradual shift in care service provision from a welfare-oriented to a market-oriented set-up, care labour has been outsourced especially since the 1990s through transnational channels. A large number of MDWs, particularly Indonesian live-in MDWs, have been formally and informally used to supplement and reinforce the care service provision and served as care workers.

In pursuit of the ambitious national plans, migrant workers, especially Indonesian migrant workers, have played a vital role in the domains of Malaysia's economic production as well as social reproduction. Along with the geographical proximity and cultural affinity, another important reason behind the government's promotion of labour import from Indonesia has been Bumiputra politics. Historically, for outcompeting Chinese-Malaysians and Indian-Malaysians, Bumiputra, particularly Malay, have used Indonesian (and Filipino) immigrants as part of the Bumiputra advance. Similarly, in the case of Project IC (see 5.2.1), Indonesian and Filipino migrants were given 'special' Malaysian identity cards in order to support the Malay advance behind the scenes.

Even though the government has called for an ethos of care to establish a fully caring society and caring culture, this ethos is also bounded by the nation-state. On the matter of wealth distribution among ethnicities, Dr. Mahathir (2019), as the seventh Prime Minister, stated that:¹²⁸

There is no use being a wealthy country if the wealth is not shared or just given to a certain group of people. We have to share what we have together as we do not want to be seen as a rich nation but fail to take care of the minorities (CNA 2019 (January 14)).

It seems however that migrant workers are not included in this vision. As of 2017, the total registered number of migrant workers in Malaysia reached approximately 2.23 million, which is now more than the number of Indian-Malaysians. As of 2016, the total estimated number of migrant workers, including regular and irregular, was 3.85 to 5.5 million. It means

¹²⁸ Dr. Mahathir resigned as seventh Prime Minister on February 24th, 2020.

that migrant workers have become the third largest group after Bumiputra and Chinese-Malaysians. Whether or not the government could achieve Vision 2020, the ethos must be called into question if the government does not take due care of the third largest group.

The spatial movement of migrant workers is very much controlled by securitisation and surveillance. The low-skilled workers are on fixed-term contracts in Malaysia, and they have to go through a zone of legal ambiguity and a revolving door. If and when the government considers that the irregular migrants should be demonstratively publicly controlled, it takes deportation measures on an irregular basis.

When it comes to MDWs in particular, they are subject to invisibilisation at both the physical and legal levels. In many cases, live-in MDWs are explicitly confined in the household, and they are thus invisibilised by their employers. They are not physically visible in the public spaces of Malaysian society. The rights of MDWs have not been cared about by either the employer or government. Their legal identity remains 'domestic servant' rather than 'domestic worker'. Whereas flexible working arrangements for further economic productivity and competitiveness have been encouraged for the national untapped talent workforce, the same has not been applied to migrant workers, especially MDWs. The intersection of gender, ethnicity, migratory status, and social class has contributed to the formation of Indonesian female live-in MDWs' social identities capable of generating plural forms of vulnerability and insecurity inside and outside their workplace in Malaysia. The question must be raised 'who cares for the care worker (especially the live-in MDWs)?'.

The combination of physical and legal invisibilisation of live-in MDWs has affected the practice and maintenance of care for their stay-behind family in the home country, but it is left out of the domain of public discourse. This will be examined in Chapter 6, as part of the exploration of the structures and impacts of the MDWs system in an important origin area, Karawang in Java.

6

Karawang District: A Case-study of Gendered Labour Migration and Transnational Families in Indonesia

6.1 Introduction

When I was working in Malaysia as a domestic worker, I was just missing here [in her home]. It was lonesome, indeed. My husband and/or parents in law were taking care of my child. My husband was looking for a job. Therefore, my husband and parents in law tried multiple ways to take care of my child. Sometimes we had family problems [during her period of work in Malaysia]. (Indonesian woman returnee in Karawang who had worked as a live-in domestic worker in Malaysia; 2012 interview).¹²⁹

In West Java, Indonesia, the districts of Karawang, Indramayu, Cianjur, Cirebon and Sukabumi are recognised as the five major migrant sending sites (BNP2TKI 2011). While these districts have historically depended on the primary sector – agriculture, fishery and/or forestry, Karawang district, which lies in the periphery of the Jakarta metropolitan area, has rapidly expanded its industrial sector since the late 1980s. Yet, despite being industrialised on a large scale with manufacturing sectors and factories, Karawang district remains a major migrant sending site.

Among the people who out-migrate to destinations within and beyond the country, women constitute the largest group (Hugo 2002b; Listiani 2017). Women's long-term out-migration has significantly changed not only the formation of family but also the caring relations among the migrant family members in the transnational space. This emergence of transnational families has been observed not only in Karawang but also other

¹²⁹ Individual semi-structured interview with returnee in Karawang in April 2012.

migrant sending sites in Indonesia (Hugo 2002a; Silvey 2006; Graham et al. 2012; Rizky et al. 2017).

The objectives of this chapter are: (a) to analyse the socio-economic dynamics behind gendered labour migration in Karawang district, particularly how gender and class as social structures have shaped the specific pattern of inclusion into, and exclusion from, the labour markets in this industrialising area and how cross-border labour migration has become an option for villagers, especially village women; and (b) to examine the consequences for care arrangements – transformation of practices of organizing and delivering care – for family members who stay behind at the sending end of the global care chain (GCC). Seen from the perspectives of migrant mothers and stay-behind family members, especially fathers, grandparents and children; the circulation of women's care labour and the reconfiguration of caring relations in the household will be discussed.

This chapter is organized as follows. Section 6.2 presents some key points in the socio-economic transformations of Karawang district. Section 6.3 first provides the field research data concerning aspiring migrants, returnees and their family, and then analyses how women's circular cross-border migration as domestic workers has been structurally produced. Section 6.4 examines transnational families as a consequence of women's circular cross-border migration and (re)arrangement of care for stay-behinds. Section 6.5 concludes with a question regarding the social and human costs of forming transnational families by live-in MDWs.

6.2 Urbanisation of Jakarta metropolitan area and industrialisation of its peripheral area: shifting of the socio-economic landscape in Karawang

Since the 1970s, Karawang district located in the outskirts of the Jakarta metropolitan area (see Map 2.1 in ch. 2.3.2) has experienced a double socio-economic transformation involving, first, transformation of the agricultural sector and, second, the emergence of industrialisation and urbanisation owing to its geographical proximity to the capital. Being traditionally one of the centres of agriculture, producing rice, vegetables

and fruit, Karawang has been transformed in four decades into one of the most industrialised areas in Java.¹³⁰

The industrialisation was triggered by the structural adjustment programme initiated in 1984. The government adopted the guidelines of the IMF and World Bank in an attempt to overcome the heavy debts incurred by the decline in oil prices.¹³¹ Since then, the government accelerated deregulation, allowing a large number of multinational corporations to come into Indonesia's domestic market.

In parallel to the structural adjustment programme, the government of Indonesia began to implement a Master Plan for Jakarta in 1985, consisting of not only infrastructure – such as seaport, airport, roads, bridges, public transportation, water systems, sewage and waste management systems, and telecommunication – but also industrial estates and new towns. The investments in metropolitan Jakarta and its surrounding areas – Bogor, Tangerang, Bekasi and Depok – have turned these areas into an engine for national development (Goldblum and Wong 2000). Initially considered as *Jabotabek* (abbreviation of Jakarta, Bogor, Tangerang and Bekasi) in the 1980s, the expanded Jakarta metropolitan area has now become *Jabodetabek* with the addition of Depok as a new area of expansion since the 1990s. The inflow of international capital especially into property development has contributed to the urbanisation of the Jakarta metropolitan area and industrialisation of its peripheral areas. As a result, Jakarta itself has become one of the largest mega cities in the world with a population of more than 10 million and the national centre of finance and services.

In this connection, Karawang was declared an industrial zone in 1989 by Presidential Decree no.53/1989 (Hidayana 2012: 49). A large number of industrial estates have been established along the development corridor between Jakarta and Bandung, which connects the capital and the second most populous city in West Java. The industrial estates, such as Karawang

¹³⁰ Chosen for agricultural reforms – the Green Revolution – under the framework of the five-year plan of national development called *Repelita* (1969-99), Karawang benefitted from technological inputs – irrigation system, high-yielding varieties of rice, high-quality fertilizers, pesticides and planting methods (Manning 1988) – as well as financial inputs under the *Bimas-Inmas* programme that enabled farmers to make use of the special credit system for their fertilizers, insecticides, seeds and living allowances (Kern 1986: 110).

¹³¹ Until the early 1980s, Indonesia heavily relied on primary exports, such as oil and gas. For example, oil accounted for 82% of exports and 71% of government revenues in 1981/82 (Anwar et al. 1991: 101).

International Industrial City (KIIC) and Surya Cipta City of Industry, have attracted many international manufacturing companies seeking efficient productivity.¹³² Actually, big companies which have their main offices in Jakarta have built the manufacturing sectors and factories in the suburb areas, especially in Bekasi and Karawang, to maximize the efficiency in the production process, with regard to mobility of human resources, logistics and procurement.

Since the recovery from the Asian Crisis in 1998, more and more large-scale industrial estates have been established in the surrounding areas of Jakarta especially Bekasi and Karawang district. According to Firman (2009: 334), industrial estates in the Jakarta metropolitan region occupied a total land area of nearly 11,000 hectares by the end of 2005; approximately two-fifths of these industrial estates were located in Bekasi and one-third of them in Karawang. The government of Indonesia has eased the regulations on land-use rights, immigration services and import permission etc., to attract manufacturing companies into these industrial estates.

On the side-lines of the industrial estate building, residential areas and new towns have also been established for the workers of the industrial estates, which have caused a change in demographics. A number of large-scale residential areas and new towns have been developed in the Jakarta-Bandung Region (JBR) (Firman 2009: 332). The more large-scale industrial estates have been built, the more the residential areas and new towns have been established in the surrounding areas of the industrial estates to attract capable workers from other districts and abroad. Franjaya et al. (2017) es-

¹³² KIIC was jointly developed by Itochu Corporation, a Japanese major trading company, and Indonesia's Sinar Mas group (Itochu 2018). It is located in the sub-district of Teluk Jambe and covers 1,139 hectares, composed of Phase 1, 2, 3 and other facilities, such as a golf course, residence and gas station (ibid). It has attracted international manufacturing companies, especially automobile and motorcycle companies such as Toyota, Isuzu, Yamaha, and is occupied by 92 companies now (mostly Japanese companies) (ibid). Moreover, Surya Cipta City of Industry is located in the district of Ciampel and covers 1,400 hectares, composed of Phase 1, 2, 3 and other facilities, such as green open space and residence (Surya Cipta City of Industry 2018). It actually started its operation in 1995. It has also attracted international manufacturing companies, such as Bridgestone Tire and Levi Strauss, and is occupied by 25 companies now (ibid).

estimated that approximately 10,326 hectares of paddy fields – approximately 56% of the paddy fields – in Karawang were converted into industrial areas, residential areas and service sectors between 1994 and 2015.

As newcomers staying in the residential areas linked to the industrial estates create their own communities, often gated communities (Leisch 2002); they tend to stay there for a short period of time, and do not interact with the local population (Doyon 2009: 64). In addition, placed in a weak position for competition, the local population have to look for employment in other places. Therefore, it has affected many local communities in Karawang and the traditional value of *gotong royong*, meaning reciprocity or mutual aid in Indonesian language (ibid). These communities now do not really function to embrace vulnerable groups, such as landless peasants and village women with low income level and lower educational status, at the grassroots level.

6.3 Labour hierarchy in the industrial sector and gendered labour migration

Given the above-mentioned socio-economic transformations, transnational migration networks have flourished and contributed to changes in the gender and labour relations among the local communities in Karawang as more and more village women have been, and are, drawn into circular cross-border migration. In order to illustrate this trend (transnational circulation of women's care labour), the following section triangulates my major findings from the following field research conducted in Rawamerta locality of Karawang in 2012 with the other empirical research in Karawang and other districts in West Java (including local regulation of Karawang Regency about manpower management, *Karawang in Figures* (annual report), documents published by the industrial estates in Karawang, empirical literature based on fieldwork findings regarding labour migration in Karawang and Indramayu) (see 2.3):

- a. preliminary questionnaire survey with 100 aspiring migrants (information about characteristics of female migrants);
- b. semi-structured and unstructured interviews with 53 returnees from Malaysia;

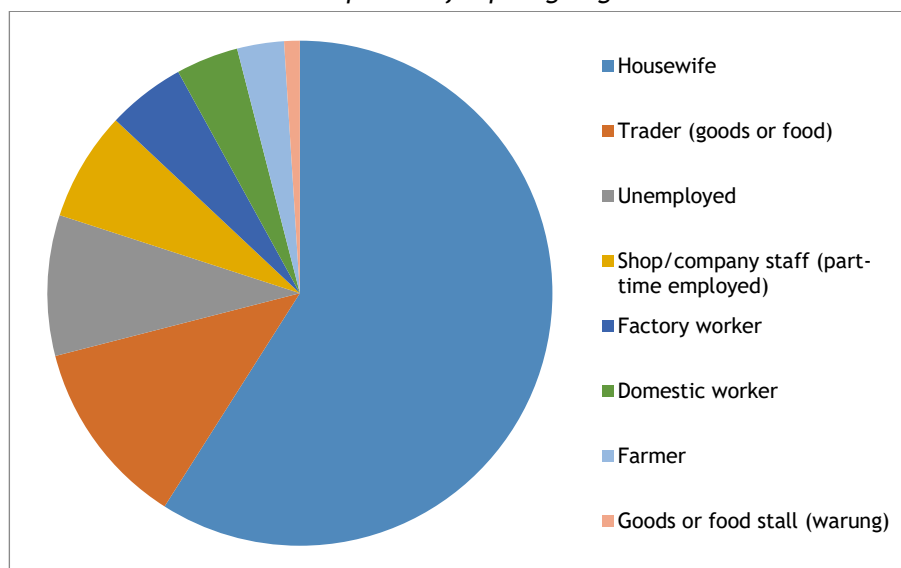
- c. informal conversations/chatting with the migrants' family members;
- d. participatory observation in the villages;
- e. in-depth interviews with Karawang local government, recruiter/*sponsor*, business advisor for the industrial estates in Karawang and local NGOs (Kaliaget and SBMK)

Geographically, Rawamerta, Karawang is located approximately 20kms north-east from KIIC, and approximately 20kms due north from Surya Cipta City of Industry, which is a commutable distance for the villagers by bus or motorcycle.

6.3.1 Research findings concerning aspiration for and knowledge about cross-border migration

This section outlines the result of the preliminary questionnaire survey and some reflections. In order to have socio-demographic information about aspiring migrants, returnees and their family, the topics of: (a) individual features (age, religion, ethnicity, marital status, occupation and educational status); (b) family background (housing, family size, household income and polygamy); (c) health condition (type of illness, physical impairments and access to health system); and (d) purpose of cross-border migration (preferred destination country, reasons, hopes/ambitions, worries and how to use the wage), were covered. Here, the particularly relevant items in: (a) individual features; (b) family background; and (d) purpose of cross-border migration will be illustrated.

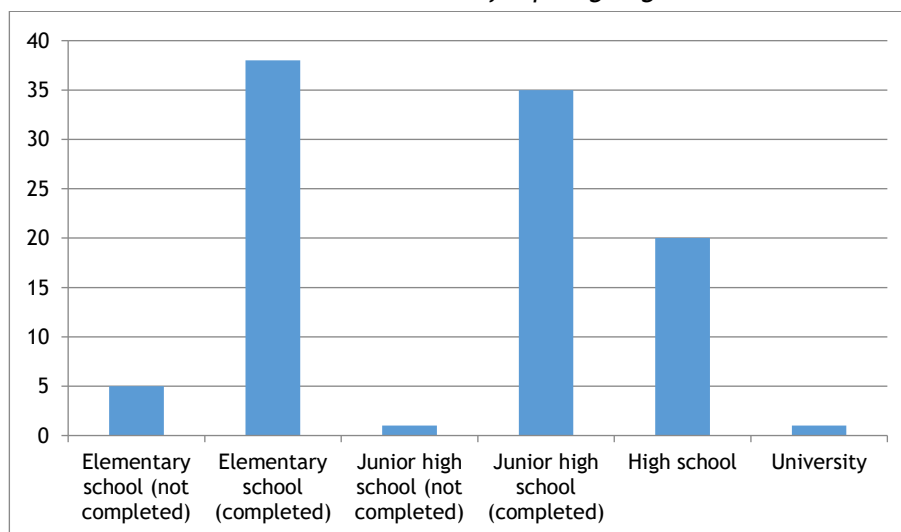
Figure 6.1
Occupation of aspiring migrants



Created by the author

This pie chart shows that more than half of the respondents (59%) were housewives (*ibu rumah tangga*) (married women who are providing domestic work in their household without monetary compensation). Only 4% were domestic workers (*pekerjaan rumah tangga*) (women, whether single, married or divorced, who are providing domestic service in their employer's household with monetary compensation). It means that there was limited opportunity to obtain a job of domestic workers in Rawamerta and its neighbouring sites. Farmers (full-time) were 3%, but many of the respondents fell into the category of housewife who was supporting farming especially during the harvest season. Overall, most respondents did not have a stable job.

Figure 6.2
Educational status of aspiring migrants

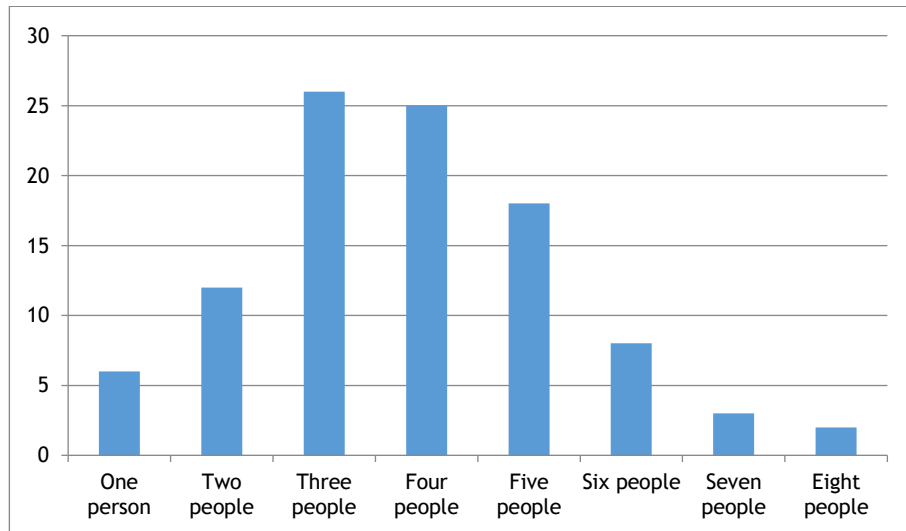


Created by the author

This bar graph shows that 43% of the respondents had not completed or had only completed elementary school (SD: *Sekolah Dasar*), and 36% had only completed or dropped out of junior high school (SMP: *Sekolah Menengah Pertama*). While 20% had graduated from full high school, only 1% (of the 100 respondents) had graduated from university. According to BPS Karawang Regency (2011), in Karawang as a whole, about 56% of the total population (1,178,930) did not complete or only completed elementary school, and about 13% (287,902) (only) completed junior high school as of 2010. The educational level in Rawamerta locality was a little higher than the average educational level of Karawang district, but compared to other districts, the educational level of Karawang was clearly relatively low as compared to the rest of Indonesia.

As was shown in section 4.5 (see Figure 4.2 Educational status of returnees from Malaysia who used a *sponsor*), 87.5% of the interviewed returnees did not complete or had only completed elementary school. The figure is much higher than that amongst the interviewed aspiring migrants (43%) (more than double). It can be interpreted that while the educational status of female aspiring migrants in Karawang is relatively low, that of female returnees (especially from Malaysia) in Karawang is much lower.

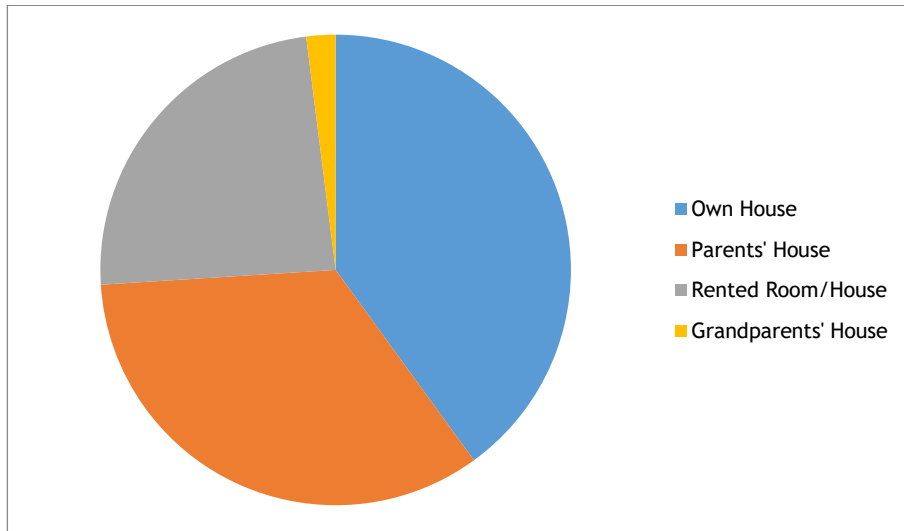
Figure 6.3
Number of family members in a household (including the respondent)



Created by the author

This bar graph shows that on average the respondents in Rawamerta did not have a big family, meaning that the average of the number of family members living in one household was not large. The average (modal) number of family members in one household was three to four. This means that the nuclear family was the dominant family form. There was a small proportion of three generation households, composed of children, parents and grandparents. Our findings for Rawamerta are consistent with the fact that the nuclear family (not a three generation household) was the most common among Sundanese (Indonesia's second most populous ethnic group after Javanese), who are concentrated in West Java (to be elaborated in 6.4.1).

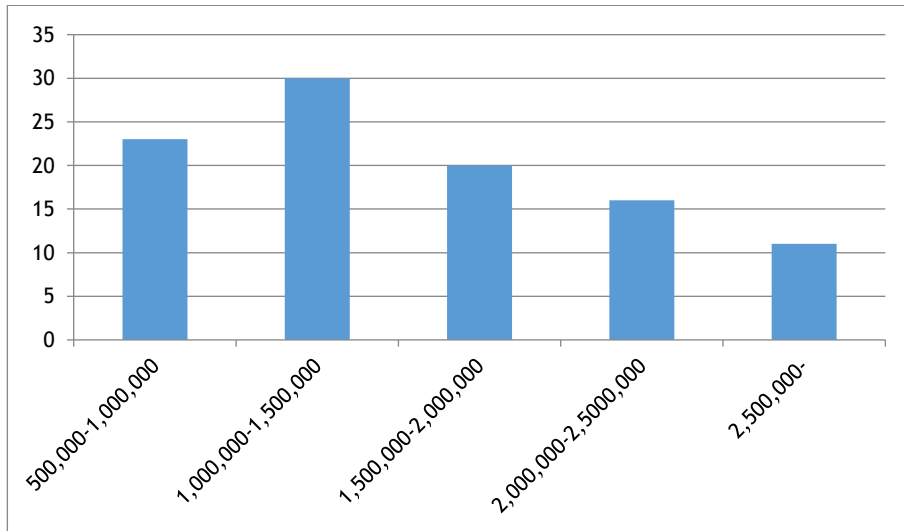
Figure 6.4
Housing



Created by the author

This pie chart shows that 40% of the respondents were living in their own house, and 34% was living in their parents' house. While 24% was living in rented room/house, 1% was living in their grandparents' house. Since the family form was predominantly nuclear family in Karawang, the majority lived in their own house or rented room/house and managed a household by themselves (parents and children). This has been commonly observed among Sundanese families (and will be elaborated in 6.4.1).

Figure 6.5
Monthly household income (IDR)

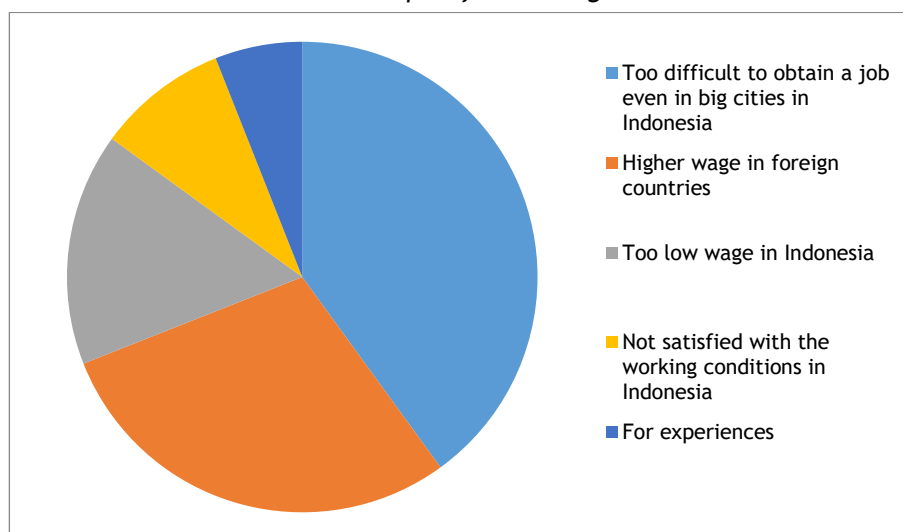


Created by the author

Note: 1 USD = 14,723.21 IDR (XE: 2020 (October 8th, 2020))

This bar graph shows that the modal monthly household income of the respondents was IDR (Indonesian Rupiah) 1-1.5 million (equivalent to USD 67.9-101.8). It was much lower than the monthly minimum wage for individual workers in Karawang. In recent years, the minimum wage has been increased across Indonesia. The district of Karawang set a monthly minimum wage of IDR 2,987,000 in 2015 which represented a 4.4 times increase from the one in 2010, and the new monthly minimum wage became the highest in Indonesia as of 2015 (MarkLines, 2015). One of the reasons for the sharp increase was the strong labour union in Karawang. In 2019, the district of Karawang further increased it to IDR 4,234,010 in response to the increased number of multinational corporations in the industrial estates. This may suggest the very large income gap between workers in industrial estates and those outside industrial estates. But only few Karawang residents who do not have such a job already have a serious chance of accessing one.

Figure 6.6
Reasons to aspire for working abroad¹³³



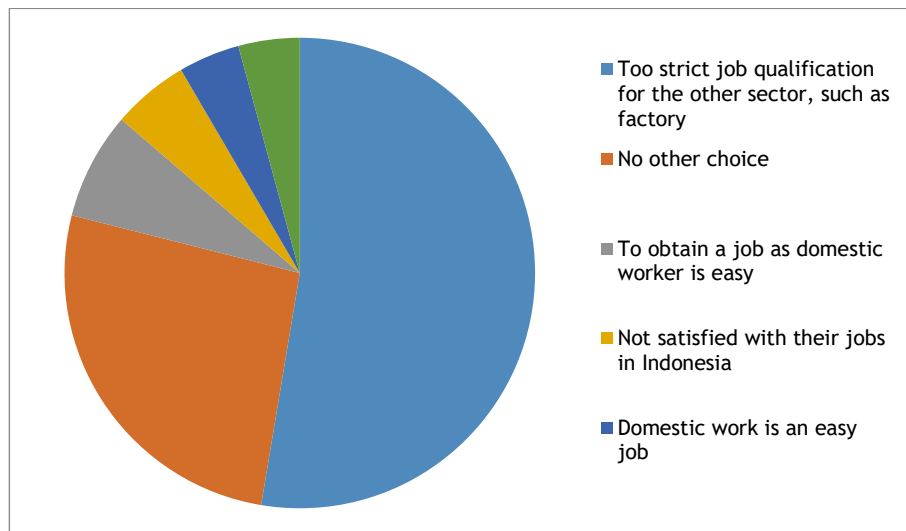
Created by the author

This pie chart shows the major reason given to aspire for working abroad; difficulty in obtaining a job was not only in Karawang but also in Jakarta and other big cities in Indonesia. The second major reason was the higher wage in working abroad, followed by too low wage in Indonesia. It implied even though there are many factories in the large-scale industrial estates in Karawang, these offer very limited job opportunities for villagers, especially village women. Taking the small proportion of ‘for experiences’ into consideration, most respondents did not aspire to working abroad for its own sake.

In relation to this item, it is interesting to note that none of the respondents’ husbands had an experience of working abroad. This is an important point to be reflected on later in subsection 6.3.3.

¹³³ For this item multiple answers per person were allowed in the preliminary questionnaire survey.

Figure 6.7
*Reasons to choose domestic work in working abroad*¹³⁴

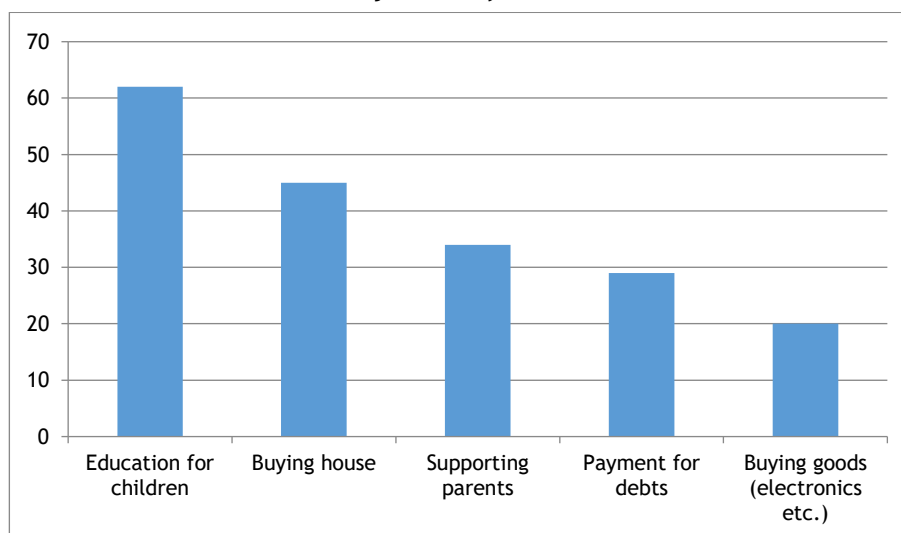


Created by the author

This pie chart shows that the major reason for choosing domestic work in working abroad was difficulty in obtaining a job in the other sectors, such as factory, both in Indonesia and abroad, due to their strict job qualification requirements. To their knowledge, they could not meet the job requirements. The second reason was ‘no other choice’, which means that the respondents thought domestic work was the only option in working abroad.

¹³⁴ For this item multiple answers per person were allowed in the preliminary questionnaire survey.

Figure 6.8
Priority in use of remittance¹³⁵



Created by the author

This bar graph shows the top priority in use of remittance was education for children. This prioritisation possibly reflected the strict requirements for working in a factory in Karawang (to be elaborated in 6.3.2). It might also reflect the promotion of education by the local government of Karawang. The local government said that education is one of the priority areas and promoted the privatisation of schools under decentralisation (Novianty 2015).¹³⁶

Supporting parents was also an important priority for many villagers because there were few elderly care services which were affordable and accessible in Karawang. Payment of debts was the fourth priority. 64% of the respondents answered that they had debts in the questionnaire.

¹³⁵ For this item multiple answers per person were allowed in the preliminary questionnaire survey.

¹³⁶ According to the local government of Karawang (2013), while the number of elementary school was: 1,003 (public) and 21 (private) in 2008; 849 (public) and 173 (private) in 2012, that of junior high school was: 58 (public) and 39 (private) in 2008; 88 (public) and 81 (private) in 2012 (Novianty 2015: 79). It shows that there was a sharp increase in the privatisation of public schools (elementary and junior high) in 2011/2012.

In short, the key findings from this survey were:

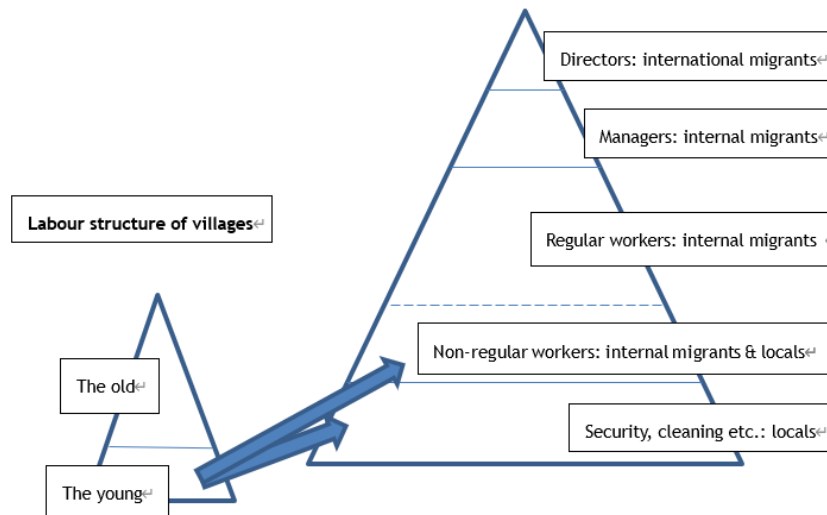
- a. The majority of aspiring migrants were housewives and did not have a stable job in the village. The educational status was lower than the average in Indonesia.
- b. The predominant family form was nuclear family. The majority were living in their own house or rented a room/house, and managed a household by themselves.
- c. The monthly household income was much lower than the minimum wage for individual work in industrial estates in Karawang.
- d. The majority had great difficulties in obtaining a job in Karawang and big cities in Indonesia. They chose domestic work abroad because of the difficulties in obtaining a job in other sectors compared to the ease of obtaining a job in domestic work.
- e. Many aspiring migrants prioritised 'education for children' in the use of remittances.

On the basis of these findings, the following two parts of the chapter are reflections on the changes in gender, labour and migration in Karawang, with regard to the village women's circular cross-border migration.

6.3.2 Limited chances for local workers in the industrial sector

Although vast areas of agricultural land were replaced by the industrial estates and the related infrastructure and facilities in Karawang, the industrial estates absorbed the local labour force only in a limited manner. The industrial sector is labour intensive, but the manufacturing companies in the industrial estates hardly employed the local population. Some empirical research on Karawang pointed out that most jobs in the industrial estates were taken by international and internal migrants (Naito 2007; Arai 2011: 183). Naito (2007: 96) illustrated the labour structure of the industrial estates as follows:

Figure 6.9
Labour structure of the industrial estates in Karawang



Source: Naito (2007) modified by the author

The top of the structure (directors) was composed of international migrants based in Jakarta, and the manager level was composed of internal migrants, who hold a bachelor's degree, also based in Jakarta. The actual factory workers were regular workers (on fixed-term contract) and non-regular workers (daily employment and part-time), who had completed at least high school. The bottom of the structure was security and cleaning employees who had completed high school or junior high school. The local population of Karawang (but only the young men and women) were thus situated at the bottom of the labour structure of the Industrial Estates.

The job requirements for applicants not only for the positions of directors, managers and regular workers but also for non-regular workers were highly demanding, including with regard to exams, interviews, age, educational status, eyesight, height and weight (Manpower Department, Karawang 2013). An application fee of more than IDR 1 million was also required, which was very high for the local population of Karawang. In spite of setting these highly demanding job requirements, the companies

in the industrial estates usually did not employ regular workers for a long period of time as the labour law (No.13/2003) does not encourage long-term employment, to maintain labour fluidity (Arai 2011: 186). Particularly, these companies avoided employing the local population of Karawang as regular workers.

One business advisor for the industrial estates in Karawang shared the following perspective:

the industrial estates are reluctant to employ the local population of Karawang because Sundanese people (including Karawang people), especially men, are very lazy. The industrial estates are willing to employ Javanese people because they are much more hardworking than Sundanese.¹³⁷

Though this statement reported labour discrimination based on ethnicity, one of the possible reasons was that the big manufacturing companies located in suburban areas tried to avoid employing the local population because of the prospect of them exercising collective bargaining power. Even the opportunities in non-regular work, security and cleaning were limited exclusively to the younger generation in Karawang. Collective action by labour unions and local workers is well known in Indonesia, as in the case of the manufacturing companies in the industrial estates in Bekasi and Karawang. These workers often hold large demonstrations against their working conditions, on the main street in Jakarta city *Jl. M.H. Thamrin*, which can temporarily block the traffic flows and logistics in the heartland of Jakarta.

The local government of Karawang established an ordinance on employment of the Karawang population in 2011, stipulating that companies have an obligation to prioritise the local labour force; with at least 60% of the labour force being locally sourced (article 25) (Perda Kabupaten Karawang 2011), but it does not stipulate the measures to enforce this article. The local NGOs in Karawang estimated that the local government of

¹³⁷ Individual un-structured interview with business advisor for the industrial estates in Karawang in Karawang in January 2013.

Karawang did not carefully monitor the employment practices of the companies in the industrial estate.¹³⁸ The article in the ordinance would remain on paper only.

One of the main reasons behind the Karawang local government's limited authority and capacity was that even though the decentralisation policy (law 22/1999) limits the authority of the central government to five public arenas – international affairs, defence, monetary policy, religion and the judiciary – some areas in Karawang, such as manpower, were under the control of the central government (Doyon 2009: 37). Regulations on labour in Karawang were defined and managed by the central government, and the authority of the Karawang Manpower Department was limited to supervision and warning on violations (*ibid*). The central government has strategically implemented the projects of industrial estate development in Karawang and earned a lot of tax revenue from the projects. On the matter of manpower management, one local official in the Manpower Department, Karawang said “we are just following the instructions and working like robots!”¹³⁹

So, whereas some stakeholders could benefit from the industrial estates under these policies, the local population of Karawang, especially landless peasants and the villagers with low income level and low educational status, could benefit from it only in a limited way.

6.3.3 Men's double marginalisation from local and international labour markets and women's inclusion into international labour markets as MDWs

In Karawang, most of the returnees from abroad are women. Only a limited number of men have experiences as migrant workers. It means that village women have been in demand as MDWs in the international labour market while village men have been marginalized from both local and international labour markets.

¹³⁸ Individual un-structured interviews with local NGOs – Kaliaget and SBMK – in Karawang in 2012 and 2013.

¹³⁹ Individual un-structured interview with a Karawang local government official in Karawang in January 2013.

As explicated in Chapter 4, the transnational migration network system has facilitated women's cross-border migration to respond to the high demand for care labour and domestic labour in the global market. Gender-based differential treatment in the recruitment process regarding the recruitment fee and procedure – especially brokered networks to recruit women as MDWs and the introduction of the combination of the deduction rule and allowance rule – worked mainly to the advantage of village women. In the semi-structured group interview with migrants including men and women, one woman returnee from Saudi Arabia said, in response to my question ('why are more women than men migrating abroad from Karawang?'):

The reason is recruitment cost for women is low. Women also don't need to show a school certificate to work abroad as domestic worker. Recruitment cost for men is way more expensive. It is sometimes 4 million Rupiah, sometimes 5 million Rupiah. It is too expensive for villagers. Also, only men have to pay in cash.¹⁴⁰

Considering the respondents' average monthly household income IDR 1-1.5 million (Figure 6.5 above), the recruitment cost IDR 4-5 million is a high barrier for village men to enter the international labour market.

According to one *sponsor* in Karawang, the commission fee they receive to recruit women is much higher than the one to recruit men.¹⁴¹ This suggests that recruiting women becomes lucrative business for *sponsors* and recruitment agencies due to the high demand for MDWs in the global migration industry.

Concerning gender-based differential treatment in the recruitment process, in the above semi-structured group interview, a man returnee from Malaysia said:

if the recruitment cost for men is the same as the one for women, definitely, more men will migrate abroad. Yes, I'm sure of it! You

¹⁴⁰ Semi-structured group interview among migrants including male returnee from Malaysia in Karawang in April 2012.

¹⁴¹ Individual un-structured interview with *sponsor* in Karawang in April 2012.

should see the economic condition of the villages... A lot of men must want to work abroad.¹⁴²

In addition to the recruitment fee, there are age restrictions regarding work abroad. For example, to work in Malaysia through the official channel, only an age of not less than eighteen years and not more than forty-five years at the time of application is permitted for work in manufacturing, construction, plantation, agriculture and service sectors (not including MDWs) (Immigration Department of Malaysia 2019). Therefore, male migrant workers aged more than forty-five years old are excluded from the main international (i.e. Malaysian) labour market.

Listiani's empirical research (2017) on gendered labour migration in Indramayu district, West Java showed similarly that the common choices among the villagers were men's internal migration and women's international migration. In my field research in Karawang, the common choices among the villagers were: men stay in the village and work as farmers, motorcycle taxi drivers called *ojek*, construction workers or street vendors, while women work abroad as MDWs. On the matter of men's internal migration, one village man – a short-term contract factory worker in Karawang and his wife who had experienced circular cross-border migration four times for, in total, nine years and four months in Saudi Arabia – said:

To find a job in Jakarta is not easy. I first need to build a network of friends who can help find a job there... Even if I can obtain a job in Jakarta, the salary is low whereas the living expense is high. If I pay for food, drink and housing all by myself in Jakarta, the money left is only a little. I cannot remit much money to my family in Karawang. My wife's working abroad is much more money-making. As she worked as a live-in domestic worker in Saudi Arabia, she did not have to pay for food, drink and housing. She could remit her whole salary to us.¹⁴³

Furthermore, in recent years, internal migration to Jakarta has become more difficult for these villagers. The government has tried to control new entries by rural migrants to reduce overpopulation in Jakarta, which

¹⁴² Semi-structured group interview among migrants including male returnee from Malaysia in Karawang in April 2012.

¹⁴³ Individual un-structured interview with a village man, short-term contract factory worker in Karawang, in April 2012.

reached more than 10 million as of 2019 and had one of the worst traffic congestion situations in the world. The government has sometimes announced a 'return to village' message to rural migrants and urged those without an official permit to go back home (Kirk 2016).

The above stated voices of the stakeholders suggest that the combination of Karawang men's multiple marginalisation in labour markets and gender-based differential treatment in the recruitment process has created women's circular cross-border migration.

6.4 Transnational families and (re)arrangement of care for stay-behinds

This section examines transnational families' relations and (re)arrangement of care relations in the household in Karawang, one of the sending ends of the GCC. It first briefly discusses the concept of womanhood and family in the context of the Sundanese people in West Java. And then, in line with the 'care triangle' ((a) migrant parent(s), (b) stay-behind family members, and (c) co-present carers) (see Chapter 3, 3.4.2), it dissects the care relations among them and reflects on the practice of being a transnational family.

It should be noted that this research can be said to represent adult perspectives given that there was little involvement of the migrants' children due to the problems of access, including the complexity of obtaining adults' approval to work with children to gain insight into their qualitative perspective, and the inevitably limited time available to study any one aspect of this transnational MDWs migration system. I had some chances to talk not only with children of aspiring migrants and returnees but also stay-behind children. However, there was difficulty in 'interviewing' children because they sometimes could not verbalise their feelings and thoughts.

Although only a limited insight of these children was gained from participatory observation in the village, these insights contribute to better understanding the systems of transnational MDWs migration and identifying areas that need further research and policy attention.

6.4.1 The concept of womanhood and family: ideational and material change and continuity

In the history of the Republic of Indonesia, one of the most powerful state gender ideologies was *Panca Dharma Wanita* (the five duties of woman) under the Suharto regime (1967-1998). It was a patriarchal set of principles introduced by the government, that defined woman as having five roles: first, wife, standing by her husband; second, household manager; third, mother, responsible for reproduction and education of children; fourth, supplementary wage earner; and fifth, citizen of Indonesia (Aripurnami 2000: 58). Suryakusuma (1996) referred to this state gender ideology as “state ibuism” (*ibu* means mother in the Indonesian language).¹⁴⁴ Even though the status and role of women have changed somewhat in the post-Suharto era called *reformasi*, the notion of womanhood constructed by the state gender ideology has continued to be recognised as a foundational model in many parts of Indonesia including Karawang and has contributed to the naturalisation of women’s domestic work in the household at the cognitive level.

In addition, the family planning programme introduced during the Suharto regime triggered changes in family structure due to the use of the idea of a nuclear family as a template for policy implementation (Smyth 1991).¹⁴⁵ The government implemented population and birth control through contraception, such as intrauterine devices (IUDs), injectables and implants (*ibid*). The heavily populated islands – Java and Bali – were targeted at the first stage (1969-73), and the outer islands were also included at the second (1974) and third stages (1979) (Warwick 1986: 454). As a result, the number of children per woman dropped from 5.6 in 1971 to 2.6 in 2002/3 at the national level (CBS et al. 1998, 2002/3 cited by Herartri 2005: 89). It was highly appreciated by the UN, and Suharto and the Family Welfare Education Programme were awarded the United Nations Population Award in 1989 (Smyth 1991: 781).

¹⁴⁴ Ibuism was firstly proposed by Djajadiningrat-Nieuwenhuis (1987), but it was based on the Javanese context.

¹⁴⁵ After re-joining the United Nations in 1966 (Sukarno withdrew from the UN in 1965 due to conflicts between the US and Malaysia), the government signed the World Leaders’ Declaration in 1967 and then set up the Family Planning Programme.

In the case of Karawang, although the family forms are diverse, the nuclear family has become the most common form due largely to the family planning programme and urbanisation/industrialisation. According to Herartri (2005: 157), the nuclear family is the basic unit among Sundanese, including among Karawang people. The family form in the district of Rawamerta in Karawang is also predominantly nuclear family, typically composed of three to four family members in one household (see Figure 6.3). The three-generation household (children, parents and grandparents) is rare. As many newlywed Sundanese couples set up the new household in the neighbourhood of their parents, especially in the female line (Herartri 2005: 157), they are living in the same or a neighbouring community. So, it is very common that parents ask for help from grandparents to care for children but live-in grandparents who take the lead responsibility for children are exceptional.

Mugniesyah and Mizuno (2007: 521) analysed four types of kinship in the Sundanese community: patrilineal, matrilineal, bi-lineal, and bilateral principles of descent. While the male line receives inheritance in the patrilineal descent, the female line receives inheritance in the matrilineal descent (ibid.). The male line receives a certain number of rights while the female line receives other rights in the bi-lineal descent, and the inheritance system passes through the male as well as female lines in bilateral descent (ibid.). The kinship in Karawang is complex because the ethnicity of the local population is mixed with Javanese due to the geographical location. It is not matrilineal-based, like Minangkabau in Sumatra, but not exclusively patrilineal either.¹⁴⁶ Possibly, it is a mix of patrilineal, bi-lineal and bilateral.

As in many parts of Indonesia, the population in Karawang typically operates as an extended family within their local community, which means grandparents, siblings and relatives are living in separate households but in the same community. As a marriage unites not only the bride and groom but also the two families in the Sundanese community, it could form a new kin group which functions as an extended family (Herartri 2005: 158).

¹⁴⁶ Minangkabau is recognised as the largest matrilineal ethnic group in Indonesia: property, such as land and house, is inherited through the female line. Yet, Minangkabau is arguably a mix of matrilineal and bi-lineal because religious (Islam) and political affairs are responsibilities of the male line.

They maintain close relationships with each other and could have influence even in decision making processes on family matters.

6.4.2 Managing transnationally-bonded families with extended family members

Here, the care triangle will be used as an analytical tool to examine the reconfiguration of caring relations among the migrant's family members to maintain their family bonds in the transnational space, and their diverse experiences. This research particularly examines migrants' type of occupation and condition of workplace because it can significantly affect the frequency of contacts and communications with their stay-behind family members and therefore changes the quality of caring (parental and marital) relationships.

Transnational parenting: relations between migrant parent(s) and stay-behind children

Transnational parenting can be classified into the following three types: (a) transnational mothering; (b) transnational fathering; and (c) transnational mothering and fathering (both mother and father migrate abroad at the same time). In all types, the migrant parent is expected to continue his/her parental role across the transnational space. He/she attempts to assume the roles by communicating with the stay-behind children in the form of telephone calls, letter writing, text messages (short message service (SMS) and/or gift exchanges (Yeoh and Lam 2007). More recently, communication can take place through Social Networking Services (SNS), such as Facebook, Instagram, Skype and WhatsApp etc., which can show family members on the screen. With the use of information and communication technology, migrant parents can provide emotional and psychological caring to their stay-behind children in place of their physical hands-on caring (Rizky et al. 2017: 41-55).

The migration of either or both parents often results in the reorganisation of parental roles within the family which can particularly affect their childcare, and the migration of mothers requires greater adjustments in caregiving roles than the migration of fathers (Yeoh and Lam 2007: 132; Graham et al. 2012: 795). For example, some research pointed to a trend in the Philippines that migrant Filipinas continued to bear most of the responsibilities for childcare even after leaving the country (Parrenas 2005; Hoang et al. 2015: 266). It can though bring reductions in the frequency

of contacts and communications between transnational mothers or fathers and their stay-behind children. Stay-behind children generally described feelings of abandonment especially when their mothers migrate abroad and do not continue to show their care through frequent contacts and communications (Graham et al. 2012: 805-806).

The most common type of transnational parenting in my field research in Karawang was transnational mothering. One of the most important field research findings was that the workplace conditions of live-in MDWs made it extremely difficult to make contacts and communications with their stay-behind children. As illustrated in Chapters 4 and 5, almost all of my respondents in Karawang worked as live-in MDWs in Malaysia (and/or Saudi Arabia), and only a few of them were allowed to have their own mobile phone. The major reason was that employers attempted to limit MDWs' freedom and mobility so that they could not run away. The communication channel with their stay-behind children was limited to telephone calls only from their employers' phone and letter writing. If the mother migrates abroad as live-in domestic worker under limited legal protection, transnational mothering on a regular basis is almost impossible.

In the case of MDWs who moved through Indonesian recruitment agencies, they have to sign a two-year contract. It means that migrant mothers cannot meet their children in person for at least two years. Moreover, circular cross-border migration is proliferating in the migrant sending sites in Indonesia. If MDWs want to renew their contract, in principle, they have to come back to Indonesia. For example, in my field research in Karawang, there was a woman returnee from Saudi Arabia with two children who circulated four times and worked in total ten years in Saudi Arabia. She neither had a chance to meet her children nor made regular contacts and communications through disembodied means during the contract period of ten years. This case showed that women's circular cross-border migration as domestic workers can drastically limit their mothering role for a very long period of time.

According to my local informants, transnational mothering and fathering at the same time has rarely been observed in Karawang. In the case of transnational mothering and fathering, even if migrant mothers and fathers can assume their parental roles in a transnational space, the care arrangements in the household have to rely on extended family members with grandparents, especially grandmothers, and female siblings being the main surrogate carers (Graham et al. 2012: 799).

Relations between migrant parent and non-migrant parent/surrogate carers

In a transnational family, the migrant parent also maintains a marital relation and/or family bond with the surrogate carers (the major surrogate carers are typically grandparents) in a transnational space. Compared to the interactions between migrant mother and stay-behind children, the interactions between migrant parent and non-migrant parent/surrogate carers through disembodied means tends to be more irregular. The varying effects of transnational migration on the marital relations and family bonds have been well documented (Yeoh and Lam 2007: 135). While some couples experienced conflict, emotional distance and divorce, others developed stronger emotional ties during their separation (ibid.). Also, there were some cases where a migrant parent disputed with his/her own parents or parents-in-law over remittance-receiving and differences in caring practices between the generations (Hoang et al. 2015: 266).

In my field research in Karawang, the interactions between the migrant mother and the stay-behind father were limited due largely to the precarious working conditions of live-in MDWs. Migrant mothers maintained their marital relations particularly through remittance. It has become one of the most common practices in Indonesia that the migrant mother transfers remittance and the stay-behind father receives it through a financial agency, such as Western Union. In this connection, ‘problems’ can happen after transferring remittance. Some stay-behind fathers did not fully pass on the remittance to the family expenses. A woman returnee from Malaysia said:

Man uses remittance from his wife to get married to another woman. Polygamy is still kind of common in villages.¹⁴⁷...if his wife comes home from work abroad, he has a new baby with his other wife.¹⁴⁸

According to my local informants, the opposite case (stay-behind mother uses the remittance from migrant father for extra-marital affairs) scarcely happens.¹⁴⁹

¹⁴⁷ In my preliminary questionnaire survey in Karawang, polygamy was 6%.

¹⁴⁸ Individual semi-structured interview with woman returnee from Malaysia in Karawang in March 2012.

¹⁴⁹ The area of caring relations among polygamist families is an open question and can be a topic of future research.

The interactions between migrant mothers and surrogate carers were also limited for the same reason (the workplace situation of live-in MDWs), although surrogate carers especially grandparents were often very important in managing a transnational family.

Another important field research finding in Karawang was that grandmothers also migrated abroad as MDWs (live-in MDWs) and shared the remittance with their stay-behind family members. If a mother is pregnant or sick and needs to stay home, the grandmother may migrate abroad as MDW in lieu of her. It was one of the common coping strategies for childcare in my fieldwork site. A great demand for women MDWs in global labour markets makes it possible even for both mother and grandmother to work abroad. For example, in Malaysia, migrant women who are not less than twenty-one years old and not more than forty-five years old are eligible to work as domestic workers (Immigration Department of Malaysia 2019). Therefore, even grandmothers can go to work in Malaysia as MDWs if their age is not more than forty-five years old. Consequently, one woman (mother or grandmother) was often missing in the extended family in Karawang.

Relations between non-migrant parent/surrogate carers and stay-behind children

The absence of parent(s) during cross-border migration is compensated by cooperation among stay-behind family members – non-migrant parent, grandparents, siblings and children – with the support from outside including friends, neighbours, schools (if the child is school-aged), and religious circles. While childcare vacated by an absent father tends to require little compensation in the household as stay-behind mothers remain the main carer, those households marked by an absent mother tend to require much more compensation, especially if stay-behind fathers ‘become’ the main carer. In Indonesia as well as Vietnam, childcare vacated by an absent mother is commonly compensated by cooperation between stay-behind fathers and grandparents (Hoang 2012). One of the most common patterns is that children stay with their grandparents during the day and go back to their fathers at night (ibid: 738).

The changes in fathering due to mothers’ cross-border migration have been widely observed in migrant sending sites (Graham et al. 2012: 795). In Indonesia, the Philippines, Bangladesh and Sri Lanka, stay-behind fathers tend to be involved more in childcare and domestic work while

mothers migrate abroad, albeit to varying degrees (Yeoh and Lam 2007: 132).¹⁵⁰ As absence of the mother lasts for a long period of time due to her circular cross-border migration, stay-behind fathers are expected to make active commitments in childcare and domestic work.

These types of cooperation and changes were observed in my field research in Karawang, too. On this matter, a woman returnee from Saudi Arabia said:

While I worked abroad, my husband and grandmother usually take care of my babies. She is my own mother, not mother-in-law. They care for babies together as my husband has to work outside. It is no problem.¹⁵¹

This narrative suggests not only changes in fathering but also roles of the grandmother especially in the matrilineal line as a key carer in managing transnationally-bonded families. Grandmothers tend to serve as essential carers for children before, during and/or after the mother's cross-border migration especially if they live together in one household or live separately but in the same community. Before the mother's cross-border migration, if mothers participate in paid work, grandmothers play a role as a 'supplementary carer' for children and other family members. During the mother's cross-border migration, grandmothers serve as 'surrogate carer' for children. After the mother's cross-border migration, if mothers become pregnant or sick at home, grandmothers may migrate abroad as MDWs and take roles as 'remote carer' to send remittance for the child and family care.

The decision-making process regarding a grandmother's active involvement in child and family care could be analysed in terms of obligation and reciprocity (Hoang et al. 2012). In particular, reciprocity is an important concept to understand the changes in care relations in a transnational family because the villagers in migrant sending sites still, to a large extent, make a living based on reciprocal relationships within their extended family. In developing countries, like Indonesia, as social welfare is limited especially

¹⁵⁰ In relation to this, a global fatherhood campaign named 'MenCare' has been promoted in many countries and areas including Indonesia and Malaysia by CSOs such as Promudo, Sonke Gender Justice and Rutgers WFP.

¹⁵¹ Individual semi-structured interview with woman returnee from Saudi Arabia in Karawang in April 2012.

in rural areas, reciprocal relations are vital especially in child and elderly care. If a grandparent provides care for mother and children, they are supposed to return it to her/him later on. In Karawang, I did not find a case where a grandmother received monetary reward for child and family care while the mother was absent. This was how villagers in the migrant sending site operated family relationships before, during and/or after a mother's cross-border migration.

The decision-making process in the extended family's (siblings and relatives) involvement in childcare also could be analysed in terms of the above-mentioned concepts - obligation and reciprocity. In Indonesia, there are some embedded cultural values, such as *Rukun* and *Gotong Royong*, to care for others. While *Rukun* is a value for living in harmony developed among Javanese (Hoang 2012: 736), *Gotong Royong* is a value for mutual aid developed in many parts of Indonesia, meaning "rendering aid to the community for the common benefit" (Herartri 2005: 158). These moral values have been changing in this digital era, but they could still function as care norms and guide Indonesians toward not only mutual assistance among family members and neighbours but also conflict avoidance. In Karawang also, it is common that stay-behind fathers ask for help from brothers, sisters and relatives living in the same or a neighbouring community, and that they support child and family care.

In short, the notable findings from Karawang about managing transnationally-bonded families are:

- a. Working conditions of live-in MDWs make contact and communication through disembodied means with stay-behinds extremely difficult, and thus affect the quality of parental and marital relationships.
- b. Long-term absence of mothers due to circular cross-border migration affects the position of the father in the household and sometimes leads to his active commitment in childcare and domestic work.
- c. Childcare labour vacated by an absent mother is compensated by cooperation among extended family members, particularly between stay-behind fathers and grandmothers.

- d. Some grandmothers also work abroad as live-in MDWs, and thus one woman (whether grandmother or mother) is oftentimes missing in the family.
- e. Grandmothers especially in the matrilineal line usually make an active commitment in childcare before, during and/or after the mother's cross-border migration out of reciprocity.

Taking these findings into consideration, the reasons and motivations behind forming transnationally-bonded families can be reviewed here to better understand the social and human costs of the continued outmigration of women as live-in MDWs. The main motivation for the migrant family in Karawang was education for children (see Figure 6.8). This motivation possibly comes partly from the hope to work for a factory in the industrial estates, which is one of the highest paying jobs in Karawang. As it requires the status of high school graduation for regular and also non-regular jobs, the local population of Karawang hardly obtains a job there because of their lower educational status. Even if they hold a high school diploma, the industrial estates are reluctant to employ the local population. Furthermore, due to the family affairs, such as loans/debts and husbands' extramarital affairs, the remittances tend not to be used for children's education fully. For these various reasons, the reality is that even though women have repeatedly migrated abroad as live-in MDWs and sent remittance to stay-behinds, the local population of Karawang have been unable to obtain jobs in the industrial estates.

The motivation might also come from the promotion of education by the local government of Karawang. Even though the local government introduced, for example, a tuition free policy on nine-year-old compulsory education in recent years, a number of school-age children (from the age of six to fifteen) have dropped out of elementary or junior high. Some of the respondents in Karawang said that due largely to increases in other prices, parents could not pay for the school education costs, such as transportation fee, necessary supplies (pen, notebook and textbook etc.) and socialisation activities, unless they have a remittance income.¹⁵² Sending

¹⁵² Individual semi-structured interview with woman returnee from Malaysia in Karawang in March 2012.

children to higher-level schools can be a possible future financial resource for the families.

For a child's education to obtain a job in the industrial estate and/or a higher qualification, many village women in Karawang have migrated abroad as live-in MDWs at the expense of not only security and safety of themselves in the process of cross-border migration but also their direct care to stay-behind children for a long period of time. Village women may choose or be chosen to migrate abroad and form a transnational family without understanding the social and human costs for the family members.

In addition, it should be noted that so far there is no consensus in the previously published research on transnational families about the effects of forming transnational families (as a result of the absence of mothers) on stay-behind children. Positions can be classified into the following four groups (Lutz 2018: 580):

- a. 'studies that emphasise the children's higher educational achievements due to the remittances from their migrant parent(s) (mothers);
- b. studies that underline the negative effects of the care drain, in particular the absence of mothers, for under-aged children, in terms of cognitive ability, physical growth and psychological conditions;
- c. studies that reject the characterisation of transnational parenthood/motherhood as exclusively negative or positive';
- d. studies that highlight the children's age during their mothers' absence as a critical factor for the effects (e.g. SMERU 2017)

If migrant mothers can make contacts and communications with their stay-behind children on a regular basis and if the absence of mothers' hands-on caregiving can be compensated by the non-migrant parent, surrogate carers, siblings, neighbours and local communities etc., the characterisation of transnational mothering as exclusively negative should be rejected. Yet, in the case that mothers migrate abroad as live-in MDWs in a repetitive manner and they cannot make contacts and communications with their stay-behind children on a regular basis, the negative characterisation of transnational mothering especially for under-aged children could

be corroborated, such as a happiness deficit. This area is still to a considerable extent an open question, and needs further research and policy attention.

6.5 Conclusion

A combination of socio-economic transformations, including the expansion of the Jakarta metropolitan area, transnational migration networks and the ill-defined legal system for MDWs, has structurally produced a circulation of women's care labour in Karawang, one of the sending ends in global care chains. One of the notable characteristics of Karawang district is that it has functioned as both a migrant sending and receiving site. While Karawang district has received both international and internal Indonesian migrants into the industrial sector, it has sent a lot of villagers, particularly village women, abroad.

Women's circular cross-border migration as domestic workers has caused the emergence of transnational families bonded by socio-economic, cultural and emotional ties across transnational spaces that entail changes in care relationships among the family members – migrant parent(s), stay-behind family members, co-present carers – as demonstrated by using the care triangle model. Importantly, women's labour circulation has resulted in care gains in the employer households in the destination countries and areas (Chapter 5), and changes of the family formation as well as care drain from migrant households at home (this chapter). As observed in many migrant sending sites, the care drain is covered by cooperation among extended family members with support from outside (including friends, neighbours, schools and religious circles).

Families/households are a vital institutional sector in care organisation, as the Care Diamond shows (see Chapter 2). Yet, the diversity of families/households form needs to be reflected on. This chapter illustrated, in Karawang, the extended family, particularly grandmothers living in separate households but in the same community, are the significant carers in maintaining transnationally-bonded families and intergenerational caring.

Regardless of the changes in caring relations among family members, in the case of Karawang, many village women choose or are chosen to migrate abroad for the sake especially of their children's education. Many amongst the local population of Karawang want their children to obtain a

greater degree of education in order to work for the factories in the industrial estate or to rise via other channels. In many cases, migrant families do not really count the costs of cross-border migration (in terms of security and safety as well as emotional burdens) and childcare (care deficiency of children in the absence of their mother). One village man with two children – a short-term contract factory worker in Karawang whose wife spent four successive periods in Saudi Arabia for a total of nine years and four months – said that “I just do not want my children to end up like me”, in other words on a treadmill of short-term contracts.¹⁵³ How the children grow up in the absence of a mother is, however, a matter for reflection.

Research on transnational families need to take into account, especially: (a) who migrates abroad (mother, father, both parents or grandmother); (b) how long and often he/she/they migrate abroad; and (c) the migrant’s type of occupation, condition of workplace and level of wage. These features can impact heavily on the conditions of transnational parenting and marital relationships in terms of access to disembodied communication means, especially mobile phones, and the chance and frequency in use of the means. Particularly, female live-in MDWs have limited access to disembodied means due to their limited freedom and mobility in the employer’s household.

It is important for policy makers to recognise that beyond the market value of care visible through the migration of domestic services and subsequent remittances, there is also the intrinsic value of care in family bonding and intergenerational support. The market value instrumentalises care and overshadows the intrinsic value of care in family bonding and intergenerational support. The Indonesian government’s policy on labour export particularly of MDWs should take into account both these sets of values, for a more appropriate and balanced governance of migration and care.

¹⁵³ Individual un-structured interview with a village man, short-term contract factory worker in Karawang, in April 2012.

7

The Defence of the Rights of Indonesian MDWs in and to Malaysia and Those of Their Family Members: The Roles of ASEAN and of CSOs' Transnational Activism

7.1 Introduction

Domestic workers may be invisible in the ASEAN official documents and discourses, but it is discussed hundred times in our meetings. It is not reflected in the official documents and discourses. ASEAN member states have not reached consensus on domestic workers due to the disagreement [raised] from migrant receiving countries, such as Malaysia and Singapore. For these countries, MDWs are not part of the migrant workers. Domestic workers are not recognized as workers even though they are workers. (Mr. Rafendi Djamin, Indonesian human rights activist, then Representative of Indonesia to the ASEAN Intergovernmental Commission on Human Rights (AICHR), 2012 interview).¹⁵⁴

In the last three decades, the involvement of CSOs in debates around human rights and migrant workers' rights has substantially increased in Malaysia and Indonesia (Piper and Uhlin 2002, 2004; Ford 2013).¹⁵⁵ One of the salient examples in bringing change was CSOs' challenge to the first

¹⁵⁴ Individual un-structured interview with Mr. Djamin in Jakarta, in December 2012.

¹⁵⁵ Definition of civil society varies widely, and it tends to mirror the history of state formation and its relationship with the market (Hydén 1997; Ford 2013: 9). The understanding of CSOs today includes a wide range of non-market and non-state organizations outside of the family in which people organise themselves to advance their shared interests through collective actions in the public domain. CSOs now cover NGOs, labour union, self-help groups, and community-based organisations and so forth.

round of the Asian values debate in the late 1980s and early 1990s, which tended to justify a form of authoritarianism together with social order and to obliterate the debate on human rights as a universal value (see Chapter 5). Subsequently, the end of the authoritarian regime of Mahathir (1981-2003) in Malaysia and that of Suharto (1967-1998) in Indonesia triggered CSOs' deeper active commitment to human rights and migrant workers' rights issues supported by international organizations such as USAID, the ILO and IOM (e.g. Rosenberg 2003).

These CSOs have also benefited from regional cooperation and have applied pressure to governments through the channels of ASEAN (e.g. Acharya 2003). Especially since the adoption of the ASEAN Charter in 2008, CSOs have increased their participation in the ASEAN Community building process, which is under the slogan of 'One Caring and Sharing Community' and 'People-oriented, People-centred Community', operating through their transnational networks (Igarashi 2011; Gerard 2014). Against the backdrop of development of information and communication technology as well as inexpensive international travel, CSOs have conducted various activities – such as spreading information, influencing mass media, raising awareness, lobbying, protesting and supplying services to a constituency – with higher speed and at a larger scale (Porta and Tarrow 2005; Porta and Marchetti 2010).¹⁵⁶

These CSOs' transnational activism has contributed to a gradual diffusion of norms such as human rights and democracy at multiple levels, including ASEAN at the regional level, and Malaysia and Indonesia at the national levels, as well as at the grassroots level (Keck 1999). As for the rights of migrant workers, CSOs' transnational activism has responded to the slow progress in policy making which stems largely from the politics between migrant sending states and receiving states (Rother and Piper 2015; Rother 2018). In spite of their activism, the legal protection for migrant workers, especially those labelled as 'low-skilled', remains limited. When it comes to the rights of MDWs, a campaign for 'decent work for domestic workers' proposed by the ILO has been widely conducted since

¹⁵⁶ Transnational activism can be defined as the mobilisation around collective claims that are: (a) related to transnational/global issues; (b) formulated by actors located in more than one country; and (c) addressing more than one national government and/or international governmental organization or another international actor (Porta and Marchetti 2010: 428).

2013. Many CSOs have played a vital role in enhancing the recognition for the rights of domestic workers through their campaigns. Yet, the implementation of protection measures remains within the bounds of nation-states, therefore while the rights of national domestic workers tend to be prioritised, those of MDWs, especially live-in MDWs, tend to remain out of sight.

The objectives of this chapter are: to analyse (a) ASEAN's slow progress in policy-making for the rights of migrant workers including MDWs; (b) the dynamics behind CSOs' transnational activism in response to the gap between the reality of rapidly increasing intra-regional migration (through both regular and irregular channels); and (c) the scope and limitations of the CSOs' transnational cooperation at the regional, national and grassroots levels.

This chapter is organized as follows. Section 7.2 examines the ASEAN policy on the rights of migrant workers and the political and cognitive barriers to 'One Caring and Sharing Community' and to cross-border migration. Section 7.3 first explicates the way in which CSOs have responded to ASEAN's policy making and implementation. Thereafter, Section 7.3 illustrates the collaborative efforts of the CSOs in Indonesia as a sending side and Malaysia as receiving side, and the specific challenges the CSOs have faced for the protection of the rights of MDWs and the maintenance of their caring relations with their family members in Indonesia.

7.2 The rights of MDWs and their family members in ASEAN Community building

Since the adoption of the ASEAN Charter in 2008, ASEAN has facilitated three major ASEAN Community building programmes – composed of the ASEAN Political-security Community (APSC), the ASEAN Economic Community (AEC) and the ASEAN Socio-cultural Community (ASCC) – under the slogan of 'One Caring and Sharing Community' and 'People-oriented, People-centred Community'. Through ASEAN connectivity projects – including physical infrastructure development (physical connectivity), effective institutions, mechanisms and processes (institutional connectivity), and empowered people (people-to-people connectivity), intra-regional labour mobility has been enhanced (ASEAN 2011). Efforts to enhance connectivity have led to a sharp increase in the number

of migrant workers within and beyond ASEAN, but the legal protection for migrant workers, especially those labelled as ‘low-skilled’ including MDWs and most undocumented migrant workers remains very limited (Chavez 2007, 2015).

7.2.1 ASEAN policy on the rights of migrant workers: politics between migrant sending and receiving states

In view of the increase in intra-regional migration, in the process of ASEAN Community building, ASEAN has gradually enhanced the recognition for the rights of migrant workers and their family members. Table 7.1 below shows the increase in the total population and number of migrant workers within ASEAN from 1970 to 2013, which is not including the number of irregular migrant workers.

Table 7.1
Total population and number of regular cross-border migrants within ASEAN

	<i>Total Population</i>	<i>Number of Migrants</i>
1970	280 918 400	812 500
1980	357 528 100	707 900
1990	444 925 000	1 336 600
2000	525 331 600	2 729 900
2010	595 650 700	3 954 500/ 5 871 300 ¹⁵⁷
2013	617 594 400	6 788 100

Source: The World Bank (2011, 2015) cited by ILO (2016a: 1)

A recent IOM report (2020a) shows that, in Malaysia, the number of documented migrant workers is around 2.2 million, and the estimated number of undocumented migrant workers is 2 to 4 million, and the registered number (with UNHCR) of refugees and asylum seekers is around 163,000 as of 2018. Moreover, the Thailand Migration Report 2019 shows that, in Thailand, the number of migrant workers including those with irregular status is 4,612,758 as of 2018 (Harkins 2019: 12). These reports

¹⁵⁷ While the World Bank (2015) showed 3,954,500, the United Nations Department of Economic and Social Affairs (UN DESA) (2013) showed 5,871,300 (see 2013 Figure).

also show how the proportion of migrant workers in the ASEAN member states has greatly increased.

As an important official recognition, the member states signed the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007, and established an ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) in 2008 to review the actual implementation. In order to facilitate the process, two subsidiary organizations were also set up: ASEAN Forum on Migrant Labour and ACMW Instrument Drafting Team (ACMW-DT). While the purpose of the ASEAN Forum on Migrant Labour was to provide an open platform for discussion and exchange of views and ideas among stakeholders (including CSOs and UN organisations) on labour migration issues,¹⁵⁸ the role of ACMW-DT was to prepare draft key principles of an ASEAN instrument on the protection and promotion of the rights of migrant workers for consideration by ACMW.

However, due to the politics between the migrants-sending states (mainly Indonesia and Philippines) and receiving states (Malaysia, Singapore and Thailand), ACMW remained in deadlock for almost a decade (Rother and Piper 2015: 42). The positions on the rights of migrant workers are different between sending and receiving states; while the sending states claim rights for migrant workers, the receiving states are reluctant to guarantee their rights. For example, among the member states, as of 2019, the Philippines and Indonesia are the only states which ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Cambodia signed in 2004, but has not ratified yet. When it comes to the ILO Convention concerning Decent Work for Domestic Workers (No. 189), the Philippines is the only state which ratified among the ASEAN member states. Regarding the Global Compact on Migration of 2018, the ASEAN members states except Singapore and Brunei Darussalam have endorsed it (Singapore abstained in voting, and Brunei Darussalam did not vote). In ACMW, the sending and receiving states could not reach a consensus on the following three points:

¹⁵⁸ For example, the 5th ASEAN Forum on Migrant Labour was held in October 2012 in Cambodia, and the ILO, IOM, UN Women and the Task Force for ASEAN Migrant Workers (TFAMW) participated in the Forum.

legal status of commitments (legally binding or not); coverage of undocumented and irregular migrants in the definition of migrants; and coverage of migrant workers' family members.¹⁵⁹

In addition, the politics between migrant sending and receiving states have impacted on the AICHR projects. According to the Five-Year Work Plan of AICHR 2010-2015, AICHR was supposed to initiate thematic studies on issues relating to human rights, covering at least one issue per year, from corporate social responsibility, migration, trafficking in persons particularly women and children, child soldiers, and women and children in conflicts and disasters etc., in close consultation with sectoral and other relevant ASEAN bodies.¹⁶⁰ When Indonesia was chair of ASEAN in 2011, the representative of Indonesia to AICHR proposed a study on women MDWs for AICHR's 2011 thematic study on migration and human rights, with the understanding that women MDWs are one of the most vulnerable groups among migrant workers in ASEAN. In November 2011, the representative of Indonesia to AICHR hosted a round table discussion and the first coordination meeting of the AICHR thematic study on migration and human rights. The concept note he wrote was, however, rejected by some of the migrant receiving states due to the political sensitivity of the theme.¹⁶¹

After a long period of fruitless negotiations between the migrant sending states and receiving states, the member states signed the ASEAN Consensus on the Protection of the Rights of Migrant Workers in Manila in 2017. One of the main reasons behind reaching the consensus was the Philippines' active diplomatic push as the chair country (Elemia 2017).¹⁶² Actually, when the member states signed the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007, the

¹⁵⁹ Individual un-structured interview with ACMW-DT (Directorate of ASEAN Functional Cooperation, Ministry of Foreign Affairs, Republic of Indonesia, in charge of ACMW-DT) in Jakarta in January 2013.

¹⁶⁰ Article 4.12 of AICHR TOR states that one of the mandates and functions of AICHR is to prepare studies on thematic issues of human rights in ASEAN.

¹⁶¹ Individual un-structured interview with then Representative of Indonesia to AICHR in Jakarta in December 2012.

¹⁶² According to Article 31 of the ASEAN Charter, the chairmanship of ASEAN shall rotate annually, based on the alphabetical order of the English names of member states.

Philippines played an active role as chair country for the Declaration. Notable is that this 2017 Consensus covers the rights of not only migrant workers but also their children. On this matter, the Consensus states that:

migrant workers may be visited by their family members for purposes and length of time that the national legislations, regulations and policies of the Receiving State may allow. (Article 8: Fundamental Rights of Migrant Workers and the Members of Their Families)

(Member states will) take into account the fundamental rights and dignity of migrant workers and family members already residing with them without undermining the application by the Receiving States of their laws, regulations and policies. (Article 44: Commitments of ASEAN Member States)

Yet, this Consensus is not legally binding, and covers undocumented migrant workers only with very restrictive conditions. Its Article 2 (General Principles) states that:

this Consensus only covers migrant workers who are documented and those who become undocumented through no fault of their own.

Although it is estimated that at least thirty to forty percent of all migration in ASEAN is through undocumented channels, (Larsen 2010: 2), (for example, estimated forty-five to sixty-two percent of all migration in Malaysia is through undocumented channels (IOM 2020a)), the rights of those migrant workers and their family members have rarely been recognised yet.¹⁶³

7.2.2 Political and cognitive barriers to ‘one caring and sharing community’ and to cross-border migrants

Despite policy-making on the rights of migrant workers shaped under the slogan of ‘One Caring and Sharing Community’ and ‘People-oriented, People-centred Community’, there are several political and cognitive barriers which can undermine the rights-based approach and narrow the interpretation of universal norms. The first barrier is that the principles of

¹⁶³ It should be noted that, in contrast, all the member states ratified both the UN Convention on the Rights of the Child (CRC), and CEDAW.

non-interference in internal affairs and of consensus among all the member states can be barriers to creating ‘one caring and sharing community’. These principles have been followed by the member states since the beginning of ASEAN in 1967, to respect the different cultural and political backgrounds.¹⁶⁴ They have been underpinned by major political accords, such as the ASEAN Declaration in 1967, the Zone of Peace, Freedom and Neutrality Declaration (ZOPFAN) in 1971, and the Treaty of Amity and Cooperation in Southeast Asia (TAC) in 1976 (Masilamani and Peterson 2014).

The principles of non-interference and consensus are used to define the ‘ASEAN Way’ (e.g. Katsumata 2003). Actually, there is no term ‘ASEAN Way’ in the ASEAN official documents, but the concept was proposed to help understand the regional context of the political economy.¹⁶⁵

There were some historical experiences behind the principles, for example, the failure in establishing the Greater Malayan Confederation for Malaya, the Philippines, and Indonesia in 1963 called Maphilindo, and the Indonesia-Malaysia confrontation between 1963 and 1966 called *konfrontasi* (ibid 114-115).¹⁶⁶ Furthermore, during the Cold War, the national security and domestic stability of Southeast Asian countries were under threat of intervention and interference by outside powers of the communist bloc and capitalist world. From these experiences, the member states agreed on the importance of non-interference and consensus.

These principles are included in the ASEAN Charter. The ASEAN Charter is the foundation for achieving the ASEAN Community by providing legal status and an institutional framework for ASEAN, and codifies ASEAN norms, rules and values. Since its entry into force in 2008

¹⁶⁴ Indonesia, Malaysia, the Philippines, Singapore and Thailand are the original member states. Brunei Darussalam joined in 1984; Vietnam joined in 1995; Laos and Myanmar joined in 1997; and Cambodia in 1999.

¹⁶⁵ The four interrelated elements in the supposed ‘ASEAN Way’ can be: non-interference in the internal affairs of other members; quiet diplomacy; non-use of force; and decision-making through consensus (Katsumata 2003: 106).

¹⁶⁶ The Indonesia-Malaysia confrontation stemmed from Indonesia's opposition to the creation of Malaysia, which was an amalgamation of the Federation of Malaya, Singapore and North Borneo (today's Sabah) and Sarawak in September 1963.

as a legally binding agreement among the member states, ASEAN has operated under this legal framework. It means that all the policies of ASEAN should be made based on the ASEAN Charter including the principles of non-interference and consensus.

Therefore, even human rights are translated in an ASEAN Way. Although human rights are universal norms accepted by ASEAN members, there have been intense debates over their interpretation among the member states, such as in the Asian values debate (Ciorciari 2012). The member states adopted an ASEAN Human Rights Declaration in 2012 as the first declaration on human rights in ASEAN, but some of the articles need to be critically examined. For instance, with regard to the rights of migrant workers, Article 14 states:

the rights of migrant workers as inalienable, integral and indivisible part of human rights and fundamental freedoms.(Article 14)

However, it is also stated in Articles 7 and 8 that:

the realization of human rights must be considered in the regional and national context (Article 7); and

the exercise of human rights and fundamental freedoms shall be subject only to meet the just requirements of national security, public order, public health, public safety and public morality. (Article 8)

These articles could limit the norm of human rights. Though the implementation of human rights norms is generally context-bound, in the case of ASEAN the tendency is to overemphasise context over the validity of the claims to rights, especially when it comes to female MDWs whose social profile is perhaps at the lowest level.

Another barrier is that ASEAN is building an ‘economy-centred’ community with a single market and production base. The member states adopted in 1997 the ‘ASEAN Vision 2020’ to envision the entire region to become an ASEAN Community by the year 2020, but in the 2007 Cebu Declaration they committed to accelerate the establishment by the year 2015 of the ASEAN Community comprised of three pillars. Later, taking into account requests from the business community involved in AEC and low feasibility of the establishment of all three communities by 2015, the member states decided to first establish AEC by the end of 2015 without setting a clear target for establishing APSC and ASCC.

For building a market-driven economic community, ASEAN has made policies in relation to Mode 4 negotiations within the GATS framework and promoted the free movement of natural persons since the 1990s (Bhatnagar and Manning 2005). ASEAN has adopted the WTO-GATS framework for reform under the ASEAN Free Trade Agreement (AFTA) in 1992, and allowed for Mode 4 (presence of natural persons) liberalisation for trade in services under the ASEAN Framework Agreement on Services (AFAS) in 1995 (Bhatnagar and Manning 2005; Fukunaga and Ishido 2015).¹⁶⁷ In this vein, ASEAN signed an Agreement of the Movement of Natural Persons (MNP) in 2012. The scope of natural persons under MNP is: (a) business visitors; (b) intra-corporate transferees; and (c) contractual service suppliers. It is a new instrument which can facilitate the free flow of goods, services, investment, and skilled labour but only on a strictly selective basis for building AEC.

In this process, ASEAN has created a market with a built-in hierarchical classification of labour. Importantly, although AEC is promoting the free flow of skilled labour, it is exclusively for particular types of skilled labour – engineers, architects, surveyors, accountants, nurses, doctors, dentists and tourist professionals.¹⁶⁸ The current ASEAN agreement did not extend its benefits even to the manufacturing sector although that sits at the core of AEC (Fukunaga and Ishido 2015: 32). It means that the policy of the ASEAN Community does not include into its framework the flows of ‘semi-skilled’ and ‘low-skilled’ labour, which are the largest flows in the region. In this built-in hierarchical classification of labour, for instance, even though MDWs provide care and domestic services, they are categorically excluded from the framework of the policy.

¹⁶⁷ GATS provide a multilateral framework to liberalize trade by way of four modes: cross border supply (Mode 1); consumption abroad (Mode 2); commercial presence (Mode 3); and temporary movement across borders of natural persons (Mode 4).

¹⁶⁸ ASEAN developed Mutual Recognition Arrangements in 2005 for these eight professions.

7.3 The roles of CSOs' transnational activism in ASEAN for the rights of MDWs and their family members: scope and limitations of their cooperation in Malaysia and Indonesia

In response to the gap between ASEAN's talk and its practice, CSOs have become increasingly institutionalised to participate in the ASEAN Community building processes and have strengthened their cooperation and coordination in the transnational space through use of information and communication technology.

Drawing on transnational cooperation on multiple levels, CSOs in Malaysia and Indonesia have strengthened their activism for the rights of migrant workers including MDWs and their family members, and addressed the challenges of both the migrant sending and receiving sides. In Malaysia, since the protest movement called *reformasi* which began in September 1998 after the sacking of Anwar Ibrahim as deputy Prime Minister and the subsequent resignation of Dr. Mahathir as Prime Minister in 2003, CSOs have made deeper commitments to political and social issues, such as migrant workers' rights (Piper 2006). The CSOs' commitment to the rights of migrant workers, especially MDWs, is important because self-organising among migrant workers themselves is nearly impossible under the government restrictions in Malaysia (Rother 2018: 107). In Indonesia, since the period of reform called *reformasi* following the resignation of Suharto as President in May 1998, CSOs have increased their influence on political and social issues, such as MDWs' rights, with support from international aid agencies and intergovernmental agencies (Rudnyckyj 2004: 424-430).¹⁶⁹ The CSOs have gradually expanded their activities not only for the rights of migrant workers but also for those of their stay-behind family members especially stay-behind children, and have supported making caring connections between them (Rizky et al. 2017).

7.3.1 CSOs' participation in the ASEAN Community building processes: transnationalisation of their activism

Since 2008, ASEAN has increased its political space to engage with CSOs in the ASEAN Community building processes, but the space for CSOs is still limited (Rother 2018). ASEAN has selected which CSOs and agenda

¹⁶⁹ Both Malaysia and Indonesia experienced *reformasi* but in a different context.

can be included in the processes, and these selection processes are not democratic but highly political. It has been argued that ASEAN has provided a 'sanctioned space' for CSOs' participation, to prevent them from contesting policy (Gerard 2014).

In this regard, ASEAN has developed three different tracks of diplomacy - Track 1, 2 and 3 – and controlled its political spaces (Chavez 2015).¹⁷⁰ Track 1 is the official track for diplomacy based on government-to-government relations including AICHR; Track 2 involves academic, think-tank and business sectors, such as in the ASEAN Inter-parliamentary Organization (AIPO) and the ASEAN Institute of Strategic and International Studies (ASEAN-ISIS); Track 3 facilitates interfaces between the inter-governmental ASEAN structure and citizens represented by CSOs, such as Solidarity for Asian People's Advocacy (SAPA) Working Group on ASEAN, Task Force on ASEAN and Human Rights, and Task Force on ASEAN and Migrant Workers (ibid: 4-5).¹⁷¹ Among these tracks, both Tracks 2 and 3 involve CSOs, but different types of CSOs. While Track 2 CSOs are mainly government-supported ones, Track 3 CSOs are independent from government. Moreover, ASEAN employs a registration system for accredited CSOs (Igarashi 2011: 18). Only those that can meet the criteria set in *Guidelines for ASEAN Relations with Civil Society Organizations* developed in 2006 can receive an accreditation from ASEAN. There were 52 CSOs registered as ASEAN accredited CSOs as of 2015, and most of them fall under the category of Track 2 or government organized NGOs (GONGOs). ASEAN differentiates CSOs in Track 2 and 3 and controls them in the sanctioned space.

In order to expand the political space, CSOs in Track 3 have developed platforms to engage with ASEAN bodies and in institutionalised dialogues with the states. At the platform, CSOs in Track 3 have gained opportunities for direct dialogues with ASEAN leaders, such as heads of state, the Committee of Permanent Representatives (CPR), the ASEAN Ministers

¹⁷⁰ ASEAN has further segmented them into Track 1.5 between Tracks 1 and 2, including ASEAN Inter-Parliamentary Assembly (AIPA), ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC), ASEAN Inter-Parliamentary Caucus on Good Governance (AIPCGG), and Track 1.5-2.5 between Tracks 1 and 3, which is a Working Group for an ASEAN Human Rights Mechanism.

¹⁷¹ SAPA is a network of approximately one hundred organizations, which pressured ASEAN leaders and contributed to the creation of AICHR in 2009 (Geiger 2015: 194).

Meeting (AMM), the ASEAN Secretary General (ASG) and the Senior Officials Meeting (SOM) (see Table 7.2 below).

Table 7.2
CSOs platforms to engage with ASEAN¹⁷²

<i>Name</i>	<i>Frequency</i>	<i>Counterpart</i>
ASEAN Civil Society Conference (ACSC)/ ASEAN People's Forum (APF)	Annual	ASEAN-Summit: Head of States/Government
ASEAN Disability Forum (ADF)	Annual	
ASEAN Youth Forum	Annual	
ASEAN Grass-root People Assembly	Annual	
ASEAN Community Dialogue	Annual	CPR
Civil Society Forum to AMM on Human Rights	Annual	AMM: Foreign Ministers
Informal Dialogue between CSO and ASG on Human Rights	Annual	ASG
Jakarta Human Rights Dialogue in ASEAN	Annual	AICHR, ACWC
GO-NGO Forum on Social Welfare & De- velopment	Annual	ASEAN SOM on SWD: SOM Members

Source: Wahyuningrum (2012)

ACSC/APF is the main platform for CSOs in Track 3, started in 2005 to discuss a wide variety of issues, such as labour, migrants, refugees, indigenous people, women, children, youth, Lesbian Gay Bisexual Transgender/Transsexual Intersex and Queer (LGBTIQ), adult sex workers and persons with disabilities. At ACSC/APF, CSOs in Track 3 can be given the chance to directly negotiate with the heads of state/government right before the ASEAN Summit, in what is called the Interface Meeting. These spaces are particularly important for CSOs in Track 3 to affect the standard-setting, norm-creating and decision-making process.

Actually, the provision of physical and political space for the CSOs' participation very much depends on the chair country (Rother and Piper 2014: 41). There are some cases where the chair country rejected holding

¹⁷² AMM is ASEAN Foreign Ministers' Meeting. ASG is the Secretary-General of ASEAN. GO-NGO is government-organised NGO. CPR is Committee of Permanent Representatives to ASEAN. ASEAN SOM is ASEAN Senior Officials' Meeting. SWD is Social Welfare Development.

meetings between ASEAN leaders and CSOs. For example, when Vietnam was chair of ASEAN in 2010, the government, directed by the communist party, not only limited the spaces for participation of CSOs but also asserted rigorous control over them.¹⁷³

CSOs in Track 3 have also increased their transnational networks through information and communication technology, and developed platforms for advocacy on the protection and promotion of the rights of migrant workers, such as Asia Pacific Women, Law and Development (APWLD), Asia Forum for Human Rights and Development (FORUM-ASIA), SAPA, and Migrant Forum in Asia (MFA) etc.¹⁷⁴ They organized the Task Force for ASEAN Migrant Workers (TF-AMW) in 2006, and enhanced transnational cooperation by using SNS and Social Media etc. TF-AMW publicised civil society proposals on the *ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers* in 2009. They have also participated in the ASEAN Forum on Migrant Labour, in which international organizations such as the ILO, IOM and UN Women were involved, and proposed recommendations for ACMW. These CSOs' transnational activism contributed substantially to the adoption of the above-mentioned ASEAN Consensus on the Protection of the Rights of Migrant Workers signed in 2017.

7.3.2 Conflicting views among CSOs on the rights of female live-in MDWs and challenges of their limited accessibility in Malaysia

One of the main attention areas of CSOs in Malaysia in the context of the rights of MDWs and their family members is to challenge the exclusive legal framework for MDWs. CSOs in Malaysia tend though to narrow the scope of the rights of MDWs down to their actual (physical) presence, and tend to exclude the rights of migrant workers' family members who stay behind in their home country.

For the protection and promotion of the MDWs' rights, which are an intersection of various rights including migrant's rights, (domestic) worker's rights and women's rights, various CSOs – such as Tenaganita (a

¹⁷³ Individual un-structured interview with HRWG Indonesia, in Jakarta in January, 2013.

¹⁷⁴ MFA is a network of migrant advocacy and support groups based throughout Asia, established in 1994 (Piper and Uhlin 2002: 180).

women's and migrants' rights NGO), Women's Aid Organisation (WAO) (a women's rights NGO), Coordination of Action Research on AIDS and Mobility (CARAM Asia), Suara Rakyat Malaysia (SUARAM) (a human rights NGO) and the Malaysian Trade Union Congress (MTUC) – have taken collective action with their transnational networks. In particular, they have campaigned for the amendment of the Employment Act 1955 which refers to domestic workers as 'domestic servant' (see Chapter 4). They have argued that the Employment Act 1955 is one of the root causes of not only multiple-abuses (physical, mental and sexual) of MDWs but also of the difficulties in self-organizing among MDWs themselves.

Yet, as the majority of MDWs in Malaysia consists of female live-in MDWs, the complex position of these female live-in MDWs has created conflicting views among CSOs and sometimes hampered their cooperation. There are diverse strata in the category of domestic workers – such as 'national (Malaysian) domestic workers/MDWs', 'male domestic workers/female domestic workers', 'live-out domestic workers/live-in domestic workers'; and relatively speaking, female live-in MDWs can be the most vulnerable group in this category. In fact, as we saw, a large number of female live-in MDWs have run away due to labour problems and physical, mental, and sexual harassment and abuse by their employers, and have thus fallen into the undocumented category (see Chapter 5). In this regard, human rights-based NGOs and MTUC have taken conflicting views (Piper 2006: 367).¹⁷⁵ The executive director of Tenaganita, Ms. Glorene Dass, stated that:

...domestic workers are in a bind. The Employment Act doesn't protect them and if they choose to get away from their abusive employers by running away, they are automatically declared as undocumented workers – this denies them access to justice. They are then criminalised and can be prosecuted under the Immigration Act. It seems like the authorities, enforcement agencies and even the judiciary continue to punish the victims who really are powerless. This is what we are trying to change (Tenaganita 2019).

¹⁷⁵ MTUC has worked for the protection of migrant workers since 1999 and established a MDWs desk in 2005 in partnership with their transnational networks of, for example, American Centre for International Labour Solidarity (ACILS), International Trade Union Confederation (ITUC), ILO and FNV (Federation of Dutch Trade Unions).

In contrast, using nationalistic notions of labour protectionism, MTUC has drawn a sharp line between documented and undocumented migrant workers (Elias 2010: 852).

Critically speaking, even though MTUC has promoted decent work for domestic workers in Malaysia in collaboration with the ILO, it has faced a challenge in mobilising female live-in MDWs and gaining membership from them.¹⁷⁶ While MTUC has been able to mobilise a number of migrant workers in other sectors, such as the factory sector, it has been unable to mobilise many female live-in MDWs due to the nature of their physical as well as legal location (physical and legal level invisibilisation). The chance for access to female live-in MDWs, who are confined in the employer's household and not allowed to take days off, is extremely limited.

In order to examine the complex position of MDWs, some NGOs including Tenaganita, WAO, and CARAM Asia have formed the Domestic Workers Coalition. In cooperation with human and legal rights experts and ILO in Geneva, the coalition drafted a Domestic Workers Draft Bill in 2016. The bill has been under consideration since the seventh Prime Minister Dr. Mahathir's administration. It was expected to be tabled in parliament in 2019 (Pillai 2019), but still remains in the preparation stage.

Even though these CSOs have played an important role in enhancing the protection and recognition of the rights of MDWs, they can only provide livelihood support to MDWs, especially female live-in MDWs, in a limited manner. When it comes to Indonesian migrants, there are a number of informal groups of Indonesian migrants in Malaysia which support runaway Indonesian MDWs and undocumented Indonesian migrants.¹⁷⁷ They have established transnational support networks within and beyond Malaysia. In addition, the Indonesia-based NGO Migrant Care has a branch office in Kuala Lumpur. Migrant Care Malaysia has links with informal groups of Indonesian migrants and shares relevant information with them.¹⁷⁸ The cooperation among the informal groups and Migrant

¹⁷⁶ Individual un-structured interview with then domestic workers project coordinator of MTUC in Kuala Lumpur in October 2012.

¹⁷⁷ Individual un-structured interview with county officer of Migrant Care Malaysia in Kuala Lumpur in September 2012.

¹⁷⁸ Individual un-structured interview with one informal group of Indonesian migrants in Kuala Lumpur in September 2012.

Care Malaysia has contributed to enhancing livelihood support for Indonesian migrant workers.

7.3.3 Gap in CSOs' activities for the rights of MDWs and those of their family members in Indonesia: creating caring connections at the grassroots level

The scope of activity of CSOs in Indonesia, the migrant sending side, is to defend not only the rights of Indonesian MDWs in the destination countries but also those of their stay-behind family members in Indonesia, and to provide direct and indirect support to them.

In order to enhance the recognition and protection of the rights of Indonesian migrant workers, including MDWs, and their family members, various CSOs – such as Solidaritas Perempuan (a Jakarta-based NGO for women's solidarity for human rights, established in 1990) and Migrant Care (a Jakarta-based NGO, an Indonesian association for migrant workers' sovereignty, established in 2004) – have built cooperation with transnational networks within and beyond Indonesia especially since the 1990s (Ford 2004; Ford and Susilo 2010; Raharto and Noveria 2012).¹⁷⁹ For better legal recognition and protection, these CSOs have appealed to the government of Indonesia, for example: to establish a comprehensive law regulating the country's labour export programme (Law No. 39/2004 Concerning the Placement and Protection of Indonesian Workers Abroad); for later replacing the Law No. 39/2004 with a revised one giving more weight to protection (Law No. 18/2017 on the Protection of Indonesian Migrant Worker); and for ratifying the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), which the government had signed in 1993 (see Chapter 4). The ICRMW was ratified by the government in 2012 after almost two decades of these CSOs' collective efforts (Raharto and Noveria 2012: 3), but it has not yet been fully implemented.

In spite of the increased transnational cooperation among CSOs, there has been a gap between their activities and campaigns for the rights of MDWs and for those of their stay-behind family members. A number of Jakarta-based CSOs have actively worked for the rights of MDWs, but

¹⁷⁹ The cooperation between migrants' rights NGOs and trade unions has been weak in Indonesia as trade unions tend to prioritise labour issues at home (Ford and Susilo 2010).

only a limited number of them have expanded their activities to the stay-behind family members in migrant sending sites, where it is harder to reach out a hand. The reasons are not only their limited funding, capacity and knowledge but also ideological differences, internal conflicts and competition among CSOs.¹⁸⁰ The actual activities for the rights of MDWs' stay-behind family members, especially the stay-behind children, in migrant sending sites have been chiefly carried out by grassroots CSOs on a voluntary basis (Rizky et al. 2017).

Over the last decade, in some migrant sending sites, grassroots CSOs try to support making caring connections between MDWs and their stay-behind family members. For example, in Banyumas district in central Java and Lombok districts, training programmes for stay-behind families – training in fathering and in management of remittances, and communication link building between MDWs and their stay-behind families by means of SNS – have been carried out in collaboration among grassroots CSOs, local government and private institutions (Rizky et al. 2017). These grassroots CSOs have served as an intermediary between MDWs and their stay-behind family members on the ground.

In the case of Karawang district, a grassroots CSO called Kaliaget has played a significant role in intergenerational caring for MDWs' stay-behind families.¹⁸¹ Kaliaget, started in 2006 as an informal community school for village children and has provided economic and social opportunities for stay-behind families, including job creation for stay-behind fathers, aspiring migrants and returnees. In this connection, the founder of Kaliaget, Ms. Tati Krisnawaty (2011: 3), stated that:

exposure to harmful pesticides and mountains of debt are now the daily reality for most of Indonesia's family farmers. Many of the 'young generation of the Green Revolution' now work abroad as MDWs in Saudi Arabia. (Through organic farming), the next generation on can be reconnected to agriculture and to the paddy eco-system.

¹⁸⁰ Individual un-structured interviews with grassroots CSOs – Kaliaget and SBMK – in Karawang in 2012 and 2013.

¹⁸¹ Ms. Krisnawaty was a chairperson of the Working Group on Migrant Workers and commissioner at Komnas Perempuan from 2003 to 2006.

Kaliaget has also provided places for socialisation and human relations for stay-behind children. The facilitator of Kaliaget, Mr. Paul ter Weel (2011: 13), stated that:

many of the children, having their mothers working abroad in the Middle East as domestic workers, joined the school on Sundays to master Indonesian language. The local language is Sundanese. They started to make compost, to sow and grow vegetables, but also learn to play music on the *Gamelan* instruments, and *Angklung* music on bamboo instruments.

The activities of Kaliaget have connected different realms and expanded the meaning of care at the grassroots level.

7.4 Conclusion

In the ASEAN Community building, policy-making on the rights of migrant workers has been shaped under the slogan of ‘One Caring and Sharing Community’ and ‘People-oriented, People-centred Community’. In particular, the signing of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007) and the ASEAN Consensus on the Protection of the Rights of Migrant Workers (2017) mark notable progress in the ASEAN leaders’ talk. The gradual parallel emergence of a peoples’ ASEAN has potential for counteracting the multiple invisibilisation of MDWs. Yet, several political and cognitive barriers in the ASEAN Community – including ‘ASEAN Way’ principles, historical mistrust between the member states (such as Indonesia-Malaysia confrontation), building of an economy-centred community, and identity insecurities in the member states (UNDP 2014; Gasper 2020) – can slow the implementation processes.

In the defence of the rights of Indonesian MDWs in and to Malaysia, the CSOs in ASEAN including those in Indonesia on the migrant sending side and Malaysia on the migrant receiving side have increased their transnational networks through information and communication technology and have taken collective actions against the invisibilisation of MDWs, especially live-in MDWs, at the legal, physical and cognitive levels. The ASEAN Community can function as platforms for discussions among

CSOs from both migrant sending and receiving sides and as channels to apply pressure to the governments.

In addition, as both Indonesia and Malaysia signed the Global Compact on Migration of 2018, it can offer a potential new dynamic. CSOs in Indonesia, Malaysia and ASEAN can use it as a campaigning tool for the rights of migrant workers, including MDWs and their family members.

CSOs in Malaysia have challenged the exclusive legal framework for MDWs which can cause not only multiple abuses of MDWs but also difficulties in self-organizing among MDWs themselves. Under Dr. Mahathir's second-time administration (since 2018), which was more open to CSOs than his first-time administration (1981-2003) and the Najib Razak administration (2009-2018), CSOs gained momentum to appeal to the government for improving legal frameworks. In terms of family relationships between MDWs and their stay-behind family members at home, CSOs' further action is necessary, at least, to enable MDWs to have mobile phones with SNS, such as Facebook, Instagram, Skype and WhatsApp etc., on their own. Even showing their presence on the screen means a lot to their stay-behind family members, especially stay-behind children, for emotional and psychological caring.

CSOs in Indonesia have made progress in enhancing the recognition and protection of the rights of Indonesian MDWs and their family members, in the democratisation processes after the end of the Suharto administration in 1998. Notable is that after almost two decades of the CSOs' collective efforts, ICRMW was finally ratified by the government in 2012. Yet, while the rights of MDWs have been debated intensively, those of their stay-behind family members have been debated still only partially even among CSOs. Instead, only the grassroots CSOs in the migrant sending sites have championed the rights of MDWs' stay-behind family members and played a role as a 'supplementary carer' for them, especially stay-behind children, on a voluntary basis.

As the Care Diamond shows (see Chapter 2), CSOs (not-for-profit) are a vital institutional sector in care organisation. While states tend to adopt a narrowly defined concept of care (care obligations, provision and arrangements as duties of households), CSOs can expand the understanding of care and connect different realms. The meso-level involvement of CSOs not only in the protection and promotion of the rights of MDWs and their family members but also in the provision of support for them is

significant in terms of the legal and physical locations of MDWs, particularly live-in MDWs. Unless their rights are guaranteed, it is extremely difficult for live-in MDWs to make contact and communicate with their stay-behind children on a regular basis and maintain the quality of caring (parental and marital) relationships. On top of that, the caring relationships in a transnational family are maintained not only by the stay-behind family members and extended family members but also by the grassroots (local community-based) CSOs.

8

Conclusion

This concluding chapter synthesises the major findings and insights of the study in relation to methodology, theory and empirical analyses, and reflects on some implications for policy-making and civil society interventions and for future research concerning migration, gender and care.

8.1 The problematique of cross-border migration of domestic labour and its multi-level invisibilisation: review of main arguments and findings

This study has analysed the relations between transnational women's labour migration and transformation of care systems at multiple levels under neoliberal restructuring in the 21st century, with a focus on Indonesian women MDWs to Malaysia. It placed the research problem at the nexus between three thematic debates –care, gender, and cross-border migration, and provided an empirical analysis of the systems of Indonesian women MDWs to and in Malaysia, situated in the historical, geographical and cultural contexts of the two countries.

The study examined the multi-level system of cross-border migration, covering both migrant sending and receiving sides in the migration processes. It has done this by drawing on the data collected from the following major sources: (a) multiple literature surveys on women's labour migration during the past fifteen years; (b) multi-sited fieldwork in Karawang, Jakarta and Kuala Lumpur from February 2012 to January 2013; (c) fieldwork (mainly to observe the government's policies and CSOs' responses) while living in Kuala Lumpur from March 2016 to April 2018; and (d) my continuing monitoring of migration-related issues including during my earlier stays in Indonesia (including fieldwork for my MA programme from 2004 to 2006 and while working there from 2008 to 2010. The data

collected and insights gained in each fieldwork site and each research channel are substantial but limited in several ways. Therefore, as Chapter 2 discussed, this research has applied the triangulation principle with regard not only to data interpretation but also to theoretical understandings, methodological reasoning and environmental context. The findings from one fieldwork site or research channel have been connected with reports from the other fieldwork sites and research channels, to reduce the limitations of first-hand data when taken at face value. Insights gained through fieldwork (methodological, theoretical and empirical) have been combined with those offered by other researchers, for the macro-meso-micro level analyses.

Borrowing insights from feminist debates about the concept of domestic labour, this study tackled the research problem by using care as one of the main analytical concepts. Chapter 3 showed how domestic labour can be used as a sub-concept within the broader concept of reproduction and care – defined as the re-creation of human societies, including in their biological, social, cultural and ideational aspects. Caring activities in a household have been framed as domestic labour, and it has been transformed into ‘domestic work’ as an occupation in the formal classification of professions. Under neoliberal restructurings, economic production has been overvalued while social reproduction and care have been undervalued. The marketisation of care services and commodification of care and domestic workers have been facilitated in a global labour market. State rules concerning care and domestic labour have changed, allowing labour import and export in a more flexible manner. This study demonstrated that the market-based care service provision for national development in Malaysia has worked as a causative force for the cross-border migration of care labour in the form of live-in MDWs particularly from Indonesia (Chapter 4 and 5).

Considering debates about gendered labour migration, this study addressed the effects of cross-border migration of domestic labour by applying the concept of circulation. As several migration studies revealed, migration is not merely an individual matter of migrant workers. The study of women’s (especially married women’s) cross-border migration cannot be separated from the debates about migrants’ left-behind family members. In the context of Indonesia and Malaysia, the historically-constructed transnational migration networks, based on a multi-dimensional character of proximity – geography, kinship, language and Islam as a religion – has

enhanced transferability and circularity of domestic labour between the two countries. These transnational migration networks have promoted the processes of turning Indonesian women into ‘would-be MDWs’ and increased the circularity of their cross-border migration between Indonesia and Malaysia. The study illustrated that women’s labour circulation has resulted in care gains in the employer households in Malaysia (Chapter 5), and changes of the family formation as well as care drain from migrant households in Indonesia (Chapters 4 and especially 6).

Furthermore, in light of the conventional feminist debates over invisibility of domestic labour, related to the public-private divide (PPD), this study examined the problems of MDWs’ oppression by further using a concept of MDWs invisibilisation at the legal, physical and cognitive levels. Even though the boundaries of PPD have been deconstructed and reconstructed under the restructuring of the world economy, this dichotomy has continued to mask and naturalise gender inequality in various ways. Domestic workers including MDWs have recently formally become rights-holders due largely to international efforts such as CEDAW (from 1979) and the 2011 ILO Convention concerning Decent Work for Domestic Workers, but the rights of MDWs have for decades in practice been invisibilised through different layers of power relations in the processes of cross-border migration. This study demonstrated how the combination of only partial legal recognition, cultural attitudes toward domestic workers, and the physical location of live-in MDWs has left them invisible and caused labour problems as well as the physical, mental, and sexual harassment and abuse of Indonesian female live-in MDWs in Malaysia. Chapter 6 illustrated that this multi-level invisibilisation has resulted in difficulties in maintaining the quality of caring (parental and marital) relationships with their stay-behind family members in Indonesia. The study also showed the role that CSOs’ transnational activism in ASEAN, Indonesia and Malaysia has played and the gradual emergence of a peoples’ ASEAN for counteracting the invisibilisation of MDWs, including by reference to ASEAN’s declared principles of caring and sharing (Chapter 7).

8.2 Transnational care circulation between Indonesia and Malaysia: methodological, theoretical and empirical reflections

This study aimed to contribute to migration research through using the lenses of ‘gender’ and ‘care’ to provide a multi-layered understanding about Indonesian women’s cross-border migration to and in Malaysia as domestic workers in the 21st century.

Guided by transnationalism as a concept and a set of research perspectives distinctively different from methodological nationalism, the focus of this research has been the cross-border migration of domestic labour in the context of transformation of care systems. The study dealt with the following research agenda: transnational migration network (including transnational brokerage); transnational families; transnational communication; and transnational activism of CSOs. Cross-border migration policies are usually framed within nation-states, but organisational systems and practices of the migration processes (before and after the border crossing) take transnational forms.

As the relevant methodological approach for transnational migration research, multi-sited fieldwork using a mixture of qualitative methods was adopted for this study. For a multi-layered understanding of the cross-border migration of domestic labour from Indonesia to Malaysia, fieldwork was conducted in multiple sites: a migrant sending site (the district of Karawang, West Java province, Indonesia), a migrant departure site (Jakarta, Indonesia), a migrant receiving site (Kuala Lumpur, Malaysia), and a regional policymaking institution (ASEAN) on migrant workers and on CSOs cooperation (Jakarta, Indonesia). The benefit of a multi-sited fieldwork approach in this study is it could connect the dots of the relevant social actors’ plural perspectives in the migration process, so that comprehensive insights could be gained about the migration system at macro, meso, and micro levels as well as the social actors’ intersectionality in practice. The methodological lesson drawn from this multi-sited fieldwork is however that it requires a long-term time-budget and financial-budget.

Going beyond the scope of this study, one methodological challenge in studying transnational families concerns how the effects of forming transnational families (as a result of the absence of mothers) on stay-behind children should be researched. So far, there is no consensus in the previously published research on transnational families about the effects. This

area is still to a considerable extent an open question, and future research on the effects requires, at least, long-term participant observation in the migrant sending site.

The theoretical lens of transnational care circulation can connect the insights offered by the three research models: 'global care chain (GCC)', 'care diamond' and 'care triangle in transnational families'; and thus better captures the dynamics of cross-border migration of domestic labour between Indonesia and Malaysia. GCC is a helpful model to explicate cross-border outsourcing of care work; it sheds light on the social division and inequalities between developed and developing countries. Yet, in using the model, caution must be exercised to avoid assumptions of unidirectional flow and narrow interpretation (the idea that it is mainly about domestic workers and nannies) of care. The view of unidirectional transfer of care labour from a poorer family to a richer family in the model could lead to a consequent neglect of 'care crisis' in the migrants' families. Therefore, GCC needs to be formulated so as to capture the multidirectional paths of care flow that concern transnational families (and so to include care circulation among migrants' family members and surrogate carers in a transnational space).

In this connection, the care diamond is a useful model to help us understand how care is organized and delivered through a complex interplay of state, market, family/household and not-for-profit organisations. The combination of these institutions can function as a buffer against the erosion of caring relations or care crisis in migrants' families. Yet, we should avoid assuming nation-state boundedness and simplified categories of 'family/household' and 'not-for-profit'. For example, in the case of Malaysia, care labour has been outsourced through transnational channels especially since the gradual shift in the care service provision from a welfare-oriented to a market-oriented system. In the case of Karawang, Indonesia, childcare labour vacated by an absent mother (migrant mother) is compensated by cooperation among the non-migrant parent, the extended family members and grassroots CSOs. Therefore, the care diamond has to be modified from the perspective of a transnational care provision and intra-categorical complexity and diversity.

The care triangle in transnational families is a relatively new model which enables us to see care circulation among the migrant's family mem-

bers ('migrant parent(s)', 'non-migrant parents/other carers', and 'stay-behind children') to maintain their family bonds in the transnational space by economic, social, cultural and emotional ties. The features, such as 'who migrates abroad', 'length and frequency of the migration', and 'the migrant's type of occupation', can heavily affect their transnational parenting and marital relationships in terms of access to disembodied communication means, especially mobile phones, and the chance and frequency in use of the means. As Lutz (2018: 582) pointed out, the ubiquitous accessibility of new technology that facilitates computer-mediated communications among transnational families should not be assumed. This study emphasised that, in particular, female live-in MDWs have limited access to the disembodied means due to their limited freedom and mobility in the employer's household. The working and living conditions of Indonesian female live-in MDWs in Malaysia limit and hinder the care-sharing and care-circulation arrangements with their stay-behind family members at home.

In addition to these points for future research, various features of non-migrant parent and surrogate carers (including their psychological condition and behaviour, and (in case they have occupations) type of occupation, condition of workplace and level of wage) and of stay-behind children (including their age when parent(s) migrate abroad) need to be considered, because they too can influence the quality of parental and marital relationships in transnational families.

In relation to transnational care circulation between Indonesia and Malaysia, one of the important empirical findings of this study is the strength of the transnational migration network system across the two countries turning Indonesian women into would-be MDWs and facilitating their cross-border migration to Malaysia. Notable is that the introduction of the 'allowance rule' in the recruitment stage in Indonesia has significantly enhanced the transferability and circularity of domestic labour to Malaysia. Under this new rule, a *sponsor* gives some advance allowance to village women to help them prepare for their departure after signing a contract, so that village women do not need to collect money to prepare for the migration by themselves. The combination of the already conventional deduction rule regarding repayment out of wages and this new rule has considerably eased the process of cross-border migration. This recruitment-placement system for MDWs has enabled village women with a low income level and low educational status, including even the illiterate, to

migrate from Indonesia to Malaysia as domestic workers in a repetitive way. Further empirical research may be needed to confirm how widespread this new rule is in Indonesia besides Karawang (observed by this study) and Lombok (observed by Lindquist 2010).

Another striking empirical finding of this study is that there were some cases in Karawang where not only mothers but also grandmothers migrated abroad as live-in MDWs and sent remittances to their stay-behind family members. A great demand for women MDWs in global labour markets makes it possible for even grandmothers' care to be circulated. For example, in Malaysia, migrant women who are not less than twenty-one years old and not more than forty-five years old are eligible to work as domestic workers (Immigration Department of Malaysia 2019). Therefore, even grandmothers can go to work in Malaysia as MDWs if not more than forty-five years. Future research could observe how common this grandmothers' care labour circulation is in Indonesia and what are its effects.

8.3 Recognition of rights for MDWs and their family members as a societal obligation: policy implications

In the accelerated transnational care circulation, states tend to naturalise or take for granted that care obligations in the family will be fulfilled as a matter of moral duty. Finding substitutes to undertake such obligations is a matter of decision-making for households themselves. Consequently, many families have to find affordable and accessible options by themselves to cope with the care gap at the household level and so increase their structural dependence on MDWs.

In the case of Malaysia, in the processes of social transformation under Vision 2020, the combination of: (a) policies to increase the rate of fertility, plus rising life expectancy; (b) nuclearisation of the family triggered by urbanisation; (c) mobilisation of women into the labour market in both industrialisation and deindustrialisation; and (d) underdevelopment of the care sector at the institutional level, has structurally reinforced middle-class families' dependence on live-in MDWs. As domestic work requires a lot of human interactions, in particular, language and religion are significant in everyday communications. Therefore, Indonesian female live-in MDWs as 'domestic care workers' continue to be in demand especially for

Malay families due largely to the multi-dimensional character of the two countries' cultural proximity.

In spite of the MDWs' significant contributions to the domains of economic production and social reproduction, as seen in Chapter 4, the governments of Malaysia and Indonesia have played politics over the recognition of rights of domestic workers, especially MDWs, in the dominant socio-cultural norms regarding PPD. In both Malaysia and Indonesia, the situation of non-recognition of live-in MDWs as care workers and only partial protection of live-in MDWs as workers has continued for many decades. On the one hand, in Malaysia, the Employment Act 1955, inherited from the legal framework for migrant labour drawn up by the British colonial administration, is still the main labour law. From the enactment in 1955 to the present, the legal framework for MDWs has remained the same; where they have been categorized as servants not as workers, and have only partially been accorded rights and protection. On the other hand, in Indonesia, there are discrepancies between the government's regulations for domestic workers within Indonesia and for their MDWs abroad. In response to the continuing labour problems as well as physical, mental, and sexual harassment and abuse of Indonesian MDWs in Malaysia, the two governments signed a series of MOUs from 1984 to 2011. Despite the fact that domestic work continued to be defined within Indonesia as informal work with limited national legal rights and protections, the government of Indonesia has promoted Indonesian MDWs as formal workers and helped them claim their workers' rights in these MOUs. Although the 2011 MOU includes a clause which specifically limits Indonesian MDWs' multi-task jobs to four specific jobs – cooking, housekeeping, clothes washing and ironing – these (or other) delimitations have not been stipulated in the national legal framework on domestic work in Indonesia.

Unless the rights of MDWs are guaranteed, it is extremely difficult or even impossible for Indonesian live-in MDWs to maintain not only their own security and safety in the destination country Malaysia but also an adequate quality of caring relationships with their stay-behind children at home. How MDWs, especially live-in MDWs, in this legal, physical and cognitive position arrange care duties for their stay-behind family members at long-distance, across-borders is an important issue in the study of intergenerational care. In this sense, the rights for MDWs and their family members should be recognised as a societal obligation across time and space.

As explicated in Chapter 7, CSOs have problematised the governments' politics of recognition and have attempted to influence policymaking at multiple levels (global, regional, international, national and grassroots). For the recognition of rights of Indonesian MDWs in Malaysia and their family members, CSOs in ASEAN including those in Indonesia on the migrant sending side and those in Malaysia on the migrant receiving side have increased their transnational networks through information and communication technology and have taken collective action. CSOs from both migrant sending and receiving sides have used the ASEAN Community as one important platform for discussions and as a channel to educate and apply pressure on governments.

Although the ASEAN principles of non-interference in internal affairs and of consensus among all the member states have been challenges for the CSOs activism, they have strategically pushed the main migrant sending countries – the Philippines and Indonesia – especially when such a country is chair of ASEAN, because these two countries have potentially much greater interest in the issue. For example, the Philippines' active diplomatic negotiations as the chair country in 2006 and 2017, pushed by the transnational CSOs, led to the signing of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007) and the ASEAN Consensus on the Protection of the Rights of Migrant Workers (2017). As Indonesia is due to be chair of ASEAN in 2021, it could be expected that Indonesia in collaboration with transnational CSOs will move forward the discussions on the ASEAN Consensus on the Protection of the Rights of Migrant Workers.

All but two ASEAN members endorsed the Global Compact on Safe, Orderly and Regular Migration of 2018 (the Global Compact on Migration 2018), resting on the purposes and principles of the Charter of the United Nations as well as several globally negotiated agreements including the Convention on Decent Work for Domestic Workers of 2011. The Global Compact on Migration 2018 can be an overarching multilateral regulatory framework for the rights of migrant workers including the rights of MDWs and their family members in ASEAN, and directly relevant also with regard to the Indonesia-Malaysia migration corridor. It offers an instrument for CSO actions, as well as in inter-governmental interactions, both bilaterally and in regional (ASEAN, IOM, UNESCAP, etc.) and global fora.

To take just one important example, one of the notable policy commitments the Global Compact on Migration 2018 has underlined is ‘portability of social security entitlements and earned benefits’ (Objective 22 of the Global Compact on Safe, Orderly and Regular Migration 2018). The policy for portability of entitlements and earned benefits can aim to guarantee the rights of transnational migrant workers to access social protection rights they have accrued in the countries of destination even after they have returned to their home countries. Although ASEAN has made a policy regarding portability of entitlements and earned benefits, in the Agreement on the Movement of Natural Persons in 2012 (see 7.2.2), it is only for the free flow of goods, services, investment, and ‘high skilled labour’ – including: (a) business visitors; (b) intra-corporate transferees; and (c) contractual service suppliers – on a strictly selective basis. There is a need for the ASEAN Community to implement the Global Compact on Migration 2018’s Objective 22 and make a policy regarding portability of entitlements and earned benefits, to protect the rights of migrant workers at all skill levels including, where relevant, MDWs.

Among the ASEAN member states, Indonesia and Malaysia have endorsed the Global Compact on Migration 2018, as did all other member states with the exceptions of Singapore who abstained in voting and Brunei Darussalam who did not vote. Therefore, at least, the governments of Indonesia and Malaysia can integrate provisions on, for example, the portability of entitlements and earned benefits into their national frameworks of social security. If the government of Indonesia becomes a chair of ASEAN in 2021, it can make progress in promoting an ASEAN consensus on the portability of entitlements and earned benefits and other issues.

The present multi-level study aimed to contribute towards counteracting multi-level invisibilisation of MDWs and of the provision of care. The study, hopefully, will be useful especially to the CSOs and other social actors who try to inform and influence governments and publics to improve the situation of those in and affected by the transnational MDWs migration system.



Appendices

Appendix 1 *Angket untuk calon TKW*

Nomor angket_____
tanggal_____

1. Data pribadi

- Nama Anda_____
- Asal dari mana?_____
- Tinggal di mana sekarang? (nama kampung)_____
- Apakah Anda punya HP? Ya_____ Tidak_____
- Umur_____
- Agama
Islam_____ Katolik_____ Protestan_____ Buda_____ Hindu_____
Lain-lain (jelaskan)_____

- Suku
Orang Jawa_____ Orang Sunda_____ Orang Cina Indonesia_____
Campuran_____ Lain-lain (jelaskan)_____
- Status perkawinan: sudah menikah atau belum?
Lajang_____ Sudah menikah_____ Cerai_____
Menikah tetapi tinggal terpisah_____
- Apa pekerjaan Anda sekarang?_____
- Status pekerjaan di Indonesia:
Karyawan tetap_____ Karyawan tidak tetap_____
Wiraswasta_____ Ibu rumah tangga_____ Tidak bekerja_____
- Apa tingkat pendidikan Anda?
Lulus SD_____ Lulus SMP_____ Lulus SMU_____
Lulus sekolah kejuruan_____ Sarjana S1_____ Sarjana S2_____
Tidak ada_____
- Berapa lama Anda belajar di sekolah?_____

2. Jumlah keluarga dan tingkat ketergantungan

- Anda tinggal di rumah siapa sekarang?
Di rumah sendiri_____ Di rumah orang tua/keluarga_____
Mengontrak rumah_____ Lain-lain (jelaskan)_____
- Berapa orang yang tinggal bersama Anda?:
Tidak ada_____ Satu_____ Dua_____ Tiga_____
Lebih dari tiga_____
- Siapa tinggal bersama Anda, berapa umurnya dan apa jenis kelamin?_____

- Apakah suami Anda punya isteri yang lain selain Anda? _____
- Siapa yang mencari uang di rumah Anda? (jelaskan) _____
- Kira-kira berapa pendapatan Anda/suami/orang tua per bulan? _____
- Apakah Anda punya hutang? Ya _____ Tidak _____
 Kalau ya, pinjam uang dari mana?
 Orang tua _____ Tetangga _____ Saudara Kandung _____
 Teman-teman _____ Bank _____ Lain-lain (jelaskan) _____
- Apakah ada bantuan sosial dari mesjid atau LSM (Lembaga Swadaya Masyarakat) kepada Anda?
 Ya _____ Tidak _____
- Apakah suami Anda sudah pernah menjadi TKI?
 Ya _____ Tidak _____
 Kalau tidak, apa alasannya? _____

3. Kondisi kesehatan

- Apakah Anda merasa sehat di Indonesia? Ya _____ Tidak _____
 Kalau tidak, jelaskan:
 Jenis penyakit _____
 Cacat tubuh _____
- Apakah Anda mendapat fasilitas kesehatan di Indonesia?
 Ya _____ Tidak _____
 Kalau tidak, siapa yang menolong Anda jika Anda sakit? Dan apa bentuk bantuannya? _____

4. Tujuan sebagai TKW

- Berapa pendapatan yang Anda harapkan sebagai TKW di luar negeri (bulanan/rupee)?

0 – 500,000 _____
500,000 – 1,000,000 _____
1,000,000 – 1,500,000 _____
1,500,000 – 2,000,000 _____
Lebih dari 2,000,000 _____

- Berapa yang ingin Anda bayarkan sponsor? _____
- Negara tujuan Anda yang mana dan berapa lama Anda ingin bekerja di sana? _____
- Mengapa Anda mau bekerja di luar negeri? Mengapa tidak bekerja di kota-kota di Indonesia? (Jelaskan) _____
- Mengapa Anda memilih menjadi pembantu rumah tangga? Apakah tidak ada pilihan pekerjaan yang lain, misalnya bekerja di pabrik? _____
- Apakah ada orang-orang yang akan membantu Anda bila Anda menghadapi kesulitan di negara tujuan? Ya _____ Tidak _____
Kalau ya, siapa mereka? _____
- Apa harapan utama dan keinginan Anda selama di negara tujuan? _____
- Apa kekhawatiran utama Anda selama di negara tujuan? _____
- Sesudah Anda pulang ke Indonesia, bagaimana Anda menggunakan gaji yang Anda dapat dari bekerja di negara tujuan?
Untuk membeli rumah _____
Untuk membeli barang-barang yang lain(jelaskan) _____
Pendidikan anak _____ Untuk membantu orang tua _____
Untuk bayar hutang _____ Lain-lain(jelaskan) _____

Appendix 1 (English translation)
Questionnaire for aspiring migrants

Questionnaire number_____

Date_____

1. Individual feature

- Your name_____

- Where are you from?_____

- Where are you living now? (name of village)_____

- Do you have a mobile phone? Yes_____ No_____

- Age_____

- Religion
 Islam_____ Catholic_____ Protestant_____ Buddhism_____ Hin-
 duism_____ Other (explain)_____

- Ethnicity
 Javanese_____ Sundanese_____ Chinese-Indonesian_____
 Mixed_____ Other (explain)_____

- Marital status: married or not yet?
 Single_____ Married_____ Divorced_____
 Married but separated_____

- What is your current job?_____

- Occupational status in Indonesia
 Permanent employee_____ Non-permanent employee_____

Entrepreneur_____ Housewife_____ Not working_____

- What is your educational level?
Completed elementary school_____
- Completed junior-high school_____
- Completed high school_____ Completed vocational school_____
- University (Bachelor)_____ University (Master)_____ None_____
- How long did you study at school?_____

2. Number of families and dependency level

- In which house do you live in now?
In own house_____ In parent/family's house_____
- Rented house_____ Other (explain)_____
- How many people are living together with you?
None_____ One_____ Two_____ Three_____
- More than four_____
- Who are you living with? How old are they? What is their gender?_____
- Does your husband have another wife/wives besides you? _____
- Who earns the income in your household? (explain)_____
- Around how much income do you/your husband/your parents earn every month? _____
- Do you have debt? Yes_____ No_____
- If yes, who did you borrow the money from?
Parents_____ Neighbours_____ Sibling_____ Friends_____
- Bank_____ Other (explain)_____

- Do you receive social assistance from the mosque or an NGO?
Yes_____ No_____

- Has your husband become a migrant worker?
Yes_____ No_____
- If not, what is the reason?_____

3. Health condition

- Do you feel healthy in Indonesia? Yes_____ No_____
- If no, explain:
Type of disease_____
- Disability_____

- Is there a medical facility you can use in Indonesia?
Yes_____ No_____
- If not, who helps you when you get sick? What is the help system?_____

4. Purpose of becoming a migrant worker

- How much income do you want to earn as a migrant worker (per month/ Indonesia Rupiah)?
0 – 500,000_____
- 500,000 – 1,000,000_____
- 1,000,000 – 1,500,000_____
- 1,500,000 – 2,000,000_____
- More than 2,000,000_____
- How much do you want to pay for the *sponsor*?_____
- Which country is your destination country and for how long do you want to work there?_____

- Why do you want to work abroad? Why not work in cities in Indonesia? (explain) _____
- Why do you choose to become a migrant domestic worker? Isn't there any other job choice, for example factory job? _____
- Is there any person who will help you if you face difficulties in your destination country? Yes _____ No _____
If yes, who are they? _____
- What is your main hope in your destination country? _____
- What is your main concern in your destination country? _____
- After returning to Indonesia, how do you use the income you earned in your destination country?
To buy a house _____ To buy other goods (explain) _____
Children's education _____ To support parents _____
To pay a debt _____ Other (explain) _____

Appendix 2
Angket untuk mantan TKW

Nomor angket_____

Tanggal_____

1. Data Pribadi

- Nama Anda_____

- Asal dari mana?_____

- Tinggal di mana sekarang? (nama kampung)_____

- Apakah Anda punya HP? Ya_____ Tidak_____
Kalau ya, nomor HP?_____

- Umur_____

- Agama
Islam_____ Katolik_____ Protestan_____ Buda_____ Hindu_____
Lain-lain (jelaskan)_____

- Suku
Orang Jawa_____ Orang Sunda_____
Orang China Indonesia_____ Campuran_____
Lain-lain (jelaskan)_____

- Status perkawinan: Sudah menikah atau belum?
Lajang_____ Sudah menikah_____ Cerai_____
Menikah tetapi tinggal terpisah_____

- Apa pekerjaan Anda sekarang?_____
- Apa pekerjaan Anda sebelum pergi ke Malaysia?_____

- Status Pekerjaan di Indonesia:
Karyawan tetap_____ Karyawan tidak tetap_____ Wiraswasta_____
Ibu rumah tangga_____ Tidak bekerja_____
- Apa tingkat pendidikan Anda?
Lulus SD_____ Lulus SMP_____ Lulus SMU_____
Lulus sekolah kejuruan_____ Sarjana S1_____ Sarjana S2_____
Tidak ada_____
- Berapa lama Anda belajar di sekolah?_____

2. Jumlah Keluarga dan Tingkat Ketergantungan

- Anda tinggal di rumah siapa sekarang?
Di rumah sendiri_____ Di rumah orang tua/keluarga_____
Mengontrak rumah_____ Lain-lain (jelaskan)_____
- Siapa tinggal bersama Anda, berapa umurnya dan apa jenis kelamin?_____
- Apakah suami Anda punya isteri yang lain selain Anda?
Ya_____ Tidak_____
- Siapa yang mencari uang di rumah Anda? (jelaskan)_____
- Kira-kira berapa pendapatan Anda/suami/orang tua per bulan?_____
- Apakah Anda punya hutang? Ya_____ Tidak_____
Kalau ya, pinjam uang dari mana?
Orang tua_____ Tetangga_____ Saudara Kandung_____
Teman-teman_____ Bank_____ Lain-lain (jelaskan)_____
- Apakah ada bantuan sosial dari Mesjid atau LSM (Lembaga Swadaya Masyarakat) kepada Anda?

Ya_____ Tidak_____

- Apakah suami Anda juga sudah pernah menjadi TKI?

Ya_____ Tidak_____

Kalau tidak, apa alasannya?_____

- Waktu Anda bekerja di Malaysia, siapakah yang menjaga anak-anak Anda di Indonesia?

Orang tua_____ Suami_____ Saudara Kandung_____

Teman-teman_____ Tetangga _____ Lain-lain (jelaskan)_____

3. Kondisi Kesehatan

- Apakah Anda merasa sehat di Indonesia dan Malaysia?

Ya_____ Tidak_____

Kalau tidak, jelaskan:

Jenis penyakit_____

Cacat tubuh_____

- Apakah Anda mendapat fasilitas kesehatan di Indonesia dan Malaysia?

Ya_____ Tidak_____

Kalau tidak, siapa yang menolong Anda jika Anda sakit? Dan apa bentuk bantuannya? _____

4. Pengalaman sabagai TKW

- Apakah Anda mempunyai sponsor di sini untuk bekerja di Malaysia?

Ya_____ Tidak_____

- Bagaimana status sponsor Anda?

Resmi (legal)_____ Tidak resmi(illegal)_____

- Berapa Anda membayar sponsor?_____

- Apakah ada pelatihan-pelatihan untuk TKW sebelum berangkat?

Ya_____ Tidak_____

Kalau ya, di mana Anda dapat pelatihan-pelatihannya dan berapa lama itu?_____

- Mengapa Anda mau bekerja di luar negeri (Malaysia)? Mengapa tidak bekerja di kota-kota di Indonesia? (Jelaskan)_____
- Mengapa Anda memilih menjadi pembantu rumah tangga? Apakah tidak ada pilihan pekerjaan yang lain, misalnya bekerja di pabrik?(Jelaskan)_____
- Berapa lama Anda bekerja di Malaysia (dan negara yang lain)? Tahun berapa?_____
- Anda bekerja di kota yang mana di Malaysia?_____
- Apakah Anda punya surat kontrak kerja? Ya_____ Tidak_____
Kalau ya, berapa lama masa berlaku kontrak? Apakah bisa diperpanjang?_____
- Apakah Anda tinggal bersama majikan? Ya_____ Tidak_____
Kalau tidak, Anda tinggal di mana?_____
- Waktu Anda di Malaysia, apakah Anda bekerja untuk satu majikan saja atau untuk beberapa majikan?_____
- Majikan Anda berasal dari suku apa?
Keturunan Melayu_____ Keturunan Cina_____
Keturunan India_____ Lain-lain(jelaskan)_____
- Agen Anda di Malaysia berasal dari suku apa?
Keturunan Melayu_____ Keturunan Cina_____
Keturunan India_____ Lain-lain(jelaskan)_____

Jenis kelamin? Laki-laki_____ Perempuan_____

- Siapa yang menyimpan paspor Anda di Malaysia?
Anda sendiri_____ Majikan_____ Agen_____
Lain-lain(jelaskan)_____
- Apa pekerjaan majikan Anda?_____
- Siapa saja yang tinggal di rumah majikan Anda? Berapa umur mereka masing-masing? Apa jenis kelamin mereka?_____
- Apakah ada pembantu rumah tangga selain Anda yang bekerja di rumah majikan Anda?
Ya_____ Tidak_____
Kalau ya, ada berapa orang dan mereka dari negara mana?_____
- Apakah pekerjaan rumah tangga yang Anda lakukan waktu Anda di Malaysia?
Cuci (baju, piring, mobil dan lain-lain)_____ Setrika_____
Bersih kamar_____ Berbelanja_____ Masak_____
Jaga anak-anak_____ Bantu-bantu kakak atau nenek_____
Lain-lain (jelaskan)_____
- Biasanya Anda mulai bekerja dari jam_____ sampai jam_____?
- Apakah Anda mendapat hari libur? Ya_____ Tidak_____
- Berapa gaji yang Anda dapat di Malaysia setiap bulannya?
0 – 500,000_____
500,000 – 1,000,000_____
1,000,000 – 1,500,000_____
1,500,000 – 2,000,000_____
Lebih dari 2,000,000_____

- Apakah Anda bawa gaji ke Indonesia sendiri atau transfer dari Malaysia?
Bawa_____ Transfer_____(Melalui bank?)

- Siapa yang memberi gaji kepada Anda melalui Majikan atau melalui agen?
Majikan_____ Agen_____ Lain-lain(jelaskan)_____
- Apakah dia membeli gaji setiap bulan? Ya_____ Tidak_____
- Kalau tidak, bagaimana?(jelaskan)_____

- Apakah majikan Anda memperbolehkan Anda ke luar rumah sendiri?
Ya_____ Tidak_____

- Bagaimana komunikasi dengan keluarga Anda di Indonesia?_____
- Apakah boleh menelepon ke Indonesia? Ya_____ Tidak_____
- Apakah Anda punya HP di Malaysia? Ya_____ Tidak_____

- Apakah Anda pernah mendapatkan perlakuan pelecehan, penyiksaan atau diskriminasi oleh majikan atau agen? Ya_____ Tidak_____
Kalau ya, jelaskan_____

- Apakah ada orang-orang yang membantu Anda waktu Anda menghadapi kesulitan di Malaysia? Ya_____ Tidak_____
Kalau ya, siapa mereka? _____

- Apakah ada informasi mengenai lembaga bantuan resmi di Malaysia? (contohnya kedutaan besar Indonesia di Kuala Lumpur) Ya_____ Tidak_____

- Menurut Anda, bagaimanakah cara untuk memperbaiki situasi TKW Indonesia di Malaysia? _____

- Sesudah Anda pulang ke Indonesia, bagaimana Anda menggunakan gaji yang Anda dapat dari bekerja di Malaysia?

Untuk membeli rumah_____

Untuk membeli brang-barang yang lain(jelaskan)_____

Pendidikan anak_____ Untuk membantu orang tua_____

Untuk bayar hutang_____ Lain-lain(jelaskan)_____

- Apakah migrasi kerja dari kampung membuat Anda lebih mandiri dan meningkatkan kapasitas diri? Ya_____ Tidak_____
Kalau ya, bagaimana?_____

- Apakah ada rencana untuk bekerja di Malaysia lagi?
Ya_____ Tidak_____

Appendix 2 (English translation)
Questionnaire for returnees

Questionnaire number _____

Date _____

1. Individual feature

- Your name _____

- Where are you from? _____

- Where are you living now? (name of village) _____

- Do you have a mobile phone? Yes _____ No _____
If yes, what is your mobile phone number? _____

- Age _____

- Religion
Islam _____ Catholic _____ Protestant _____ Buddhism _____ Hin-
duism _____ Other (explain) _____

- Ethnicity
Javanese _____ Sundanese _____ Chinese-Indonesian _____
Mixed _____ Other (explain) _____

- Marital status: married or not yet?
Single _____ Married _____ Divorced _____
Married but separated _____

- What is your current job? _____
- What was your job before going to Malaysia? _____

- Occupational status in Indonesia
Permanent employee_____ Non-permanent employee_____
- Entrepreneur_____ Housewife_____ Not working_____
- What is your educational level?
Completed elementary school_____
- Completed junior-high school_____
- Completed high school_____ Completed vocational school_____
- University (Bachelor)_____ University (Master)_____ None_____
- How long did you study at school?_____

2. Number of families and dependency level

- In which house do you live now?
In your own house_____ In parent/family's house_____
- Rented house_____ Other (explain)_____
- Who are you living with? How old are they? What is their gender?_____
- Does your husband have another wife/wives besides you?
Yes_____ No_____
- Who earns the income in your household? (explain)_____
- Around how much income do you/your husband/your parents earn every month? _____
- Do you have debt? Yes_____ No_____
- If yes, who do you borrow the money from?
Parents_____ Neighbours_____ Sibling_____
- Friends_____ Bank_____ Other (explain)_____

- Do you receive social assistance from the mosque or an NGO?
Yes_____ No_____
- Has your husband become a migrant worker?
Yes_____ No_____
If not, what is the reason?_____
- When you worked in Malaysia, who was/were taking care of your child in Indonesia?
Parent(s)_____ Husband_____ Siblings_____
Friends_____ Neighbours _____ Other (explain)_____

3. Health condition

- Do you feel healthy in Indonesia? Yes_____ No_____
If not, explain:
Type of disease_____
Disability_____
- Is/was there a medical facility you can/could use in Indonesia and Malaysia?
Yes_____ No_____
If not, who helps you when you get sick? What is the help system?_____

4. Experiences as a migrant worker

- Did you have a *sponsor* in this village to work in Malaysia?
Yes_____ No_____
- What was the status of your sponsor?
Legal_____ Illegal_____
- How much did you pay for your *sponsor*?
- Did you receive migrant worker job training before departure?

Yes_____ No_____

If yes, where did you have the job training and how long was it? _____

- Why do you want to work abroad (Malaysia)? Why not work in cities in Indonesia? (explain) _____
- Why do you choose to become a migrant domestic worker? Isn't there any other job choice, for example factory job? _____
- How long did you work in Malaysia (and another country)? In which year/s? _____
- In which city in Malaysia did you work? _____
- Did you have a employment contract? Yes_____ No_____

If yes, how long was the validity of the contract? Was it renewable? _____
- Did you live together with your employer? Yes_____ No_____

If not, where did you live? _____
- When you were in Malaysia, did you work for only one employer or more than two employers? _____
- What was the ethnicity of your employer?

Malay_____ Chinese-Malaysian_____ Indian-Malaysian_____

Other (explain)_____
- What was the ethnicity of your recruitment-placement agency in Malaysia?

Malay_____ Chinese-Malaysian_____ Indian-Malaysian_____

Other (explain)_____

Gender? Man_____ Woman_____

- Who was keeping your passport when you were in Malaysia?
Yourself_____ Employer_____ Agency_____
Other (explain)_____
- What was your employer's job?_____
- Who was living in your employer's house? How old were they? What was their gender?
- Was there any other migrant domestic worker besides you working in your employer's house? Yes_____ No_____
- If yes, how many migrant domestic workers were there, and which countries did they come from?_____
- What was your job as a domestic worker when you were in Malaysia?
Washing (clothes, dishes, car and other)_____ Ironing_____
Room cleaning_____ Shopping_____ Cooking_____
Taking care of children_____ Taking care of grandparents_____
Other (explain)_____
- Normally you worked from _____ o'clock to _____ o'clock.
- Did you take a day-off? Yes_____ No_____
- How much was your salary every month in Malaysia? (Indonesian Rupiah)
0 – 500,000_____
- 500,000 – 1,000,000_____
- 1,000,000 – 1,500,000_____
- 1,500,000 – 2,000,000_____
- More than 2,000,000_____
- Did you bring your salary to Indonesia by yourself or transfer it from Malaysia?

Bring_____ Transfer_____(through a bank?)

- Who gave you your salary, employer or recruitment-placement agency?
Employer_____ Agency_____ Other (explain)_____
- Did he/she give you your salary every month? Yes_____ No_____
- If not, how did he/she pay? (explain)_____

- Did your employer allow you to go out by yourself?
Yes_____ No_____

- How did you communicate with your family in Indonesia?_____
- Were you allowed to call your family in Indonesia? Yes_____ No_____
- Did you have a mobile phone in Malaysia? Yes_____ No_____

- Had you suffered harassment, torture or discrimination from your employer or recruitment-placement agency? Yes_____ No_____
- If yes, explain_____

- Was there anyone who supported you when you faced difficulties in Malaysia? Yes_____ No_____
- If yes, who were they? _____

- Did you obtain information about the official aid institute in Malaysia? (for example, Embassy of the Republic of Indonesia in Kuala Lumpur)
Yes_____ No_____

- In your opinion, how can the situation of Indonesian female migrant domestic workers in Malaysia be improved?_____

- After you returned to Indonesia, how did you spend the salary you earned in Malaysia?
To buy a house_____ To buy other goods (explain)_____

Children's education_____ To support parents_____
To pay a debt_____ Other (explain)_____

- Did migrant work from your village make you more independent and increase your capacity? Yes_____ No_____

If yes, how?_____

- Do you have a plan to work in Malaysia again?
Yes_____ No_____

Appendix 3

Interview list: multi-sited fieldwork in Karawang, Jakarta and Kuala Lumpur, 2012-2013

Date/Month/Year	Organization/Occupation	Name
February 15 th , 2012	Ministry of Manpower, Indonesia	Mr. Henky Irzan
March 13 th , 2012	National Commission on Violence against Women, Indonesia (Komnas Perempuan)	Ms. Yuniyanti Chuzaifah
March-June 2012	Kaliaget Organic Farm and School	Ms. Tati Krisnawati
March-June 2012	Solidaritas Buruh Migran Karawang (SBMK)	Mr. Dadang Muchtar
March-June 2012	53 returnees from Malaysia (including men and women) who worked as MDWs, factory workers, shop staff etc.	
April 2012	Group interview with 4 returnees from Malaysia (including 1 man and 3 women) who worked as factory worker and MDWs	
April 2 nd , 2012	Manpower Department, Karawang (Disnaker Karawang)	Mr. Tatang Jumhana
April 29 th , 2012	Recruitment agency (<i>sponsor</i>) Karawang	
May 2012	5 returnees from Saudi Arabia who worked as MDWs	
August 23 rd , 2012	Indonesian MDW in Kuala Lumpur who was supported by Tenaganita	

September 12 th , 2012	Embassy of the Republic of Indonesia in Kuala Lumpur	Mr. Agus Triyanto
September 12 th , 2012	Runaway Indonesian MDWs who were protected at the Embassy of the Republic of Indonesia in Kuala Lumpur	
September 14 th , 2012	Recruitment-placement agency in Kuala Lumpur	
September 20 th , 2012	Migrant Care, Malaysia	Mr. Alex Ong
September 21 st , 2012	Malaysian Association of Foreign Maid Agencies (PAPA)	Mr. Jeffrey Foo
September 25 th , 2012	Forum Komunikasi Muslimah Indonesia in Malaysia (FOKMA Malaysia)	Ms. Ellina Supendy
September 29 th , 2012	Recruitment-placement agency in Kuala Lumpur (Sentosa)	Ms. KC Lau
October 1 st , 2012	Academia	Dr. Diana Wong
October 2 nd , 2012	National Association of Employment Agencies (Pikap)	Dato' Raja Zulkepley Dahalan
October 7 th , 2012	Employer of Indonesian MDW in Kuala Lumpur	
October 9 th , 2012	Women's Aid Organization (WAO)	Ms. Su Zane
October 10 th , 2012	Malaysian Trade Union Congress (MTUC)	Ms. Parimala Moses
October 15 th , 2012	Caram Asia	Ms. Musarrat Perveen
October 16 th , 2012	Medical Doctor and Member of Parliament	Dr. Michael Jeyakumar

October 16 th , 2012	The Human Rights Commission of Malaysia (Suhakam)	Mr. James Nayagam
October 16 th , 2012	Department of Labour, Malaysia	Mr. Wan Ismail
October 18 th , 2012	The Coalition to Abolish Modern-day Slavery in Asia (CAMSA), Malaysia	Mr. Daniel Lo
October 21 st , 2012	Recruitment-placement agency in Penang (Inter)	Mr. Michael
October 23 rd , 2012	Suara Rakyat Malaysia (Suaram)	Ms. Sarah Devaraj
October 24 th , 2012	Lawyer	Mr. Charles Hector
October 25 th , 2012	ILO, Malaysia	Ms. Annie Santhiago
October 25 th , 2012	Tenaganita	Ms. Glorene Das
October 26 th , 2012	Transparency International, Malaysia	Ms. Josie Fernandez
October 26 th , 2012	Tenaganita	Ms. Aegile Fernandez
October 26 th , 2012	Tenaganita	Dr. Irene Fernandez
December 19 th , 2012	ASEAN Secretariat	Ms. Marisna Nina Yulianti
December 20 th , 2012	ASEAN Inter-governmental Commission on Human Rights (AICHR)	Mr. Rafendi Djamin
December 21 st , 2012	University of Indonesia, Researcher	Ms. Iva Kasuma
December 24 th , 2012	Human Rights Resource Centre	Mr. Marzuki Darusman
December 26 th , 2012	Indonesian's NGO Coalition for International Human Rights Advocacy (HRWG)	Mr. Ali Akbar Tanjung
December 28 th , 2012	Indonesian's NGO Coalition for International Human Rights Advocacy (HRWG)	Ms. Yuyun Wahyuningrum

December 31 st , 2012	University of Indonesia, Researcher	Ms. Tirtawening Parikesit
January 3 rd , 2013	Solidaritas Perempuan	Mr. Topik
January 4 th , 2013	Migrant Care	Ms. Anis Hidayah
January 7 th , 2013	National Board for the Placement and Protection of Indonesian Overseas Workers, Indonesia (BNP2KTI)	Mr. Jumbuh Hidayat
January 7 th , 2013	Peduli Buruh Migran (PBM)	Ms. Lily Pujiati
January 9 th , 2013	Ministry of Manpower and Transmigration, Indonesia (Kemenakertrans)	Ms. Roostiawati
January 9 th , 2013	ILO, Indonesia	Mr. Bonasahat Albert
January 10 th , 2013	Ministry of Foreign Affairs, Indonesia (Directorate of ASEAN Functional Cooperation)	Mr. Armin Rachmat and Mr. Dicky Yunus
January 11 th , 2013	Indonesian Manpower Services Association (APJATI)	Mr. Elyas
January 12 th , 2013	Indonesian Migrants' Union, Malaysia (Unimig)	Mr. Iqbar
January 14 th , 2013	National Commission on Violence against Women, Indonesia (Komnas Perempuan)	Ms. Yuni Asriyanti
January 15 th , 2013	Serikat Buruh Migran Indonesia (SMBI)	Mr. Bobi
January 15 th , 2013	Asosiasi Serikat Pekerja Indonesia (ASPEK Indonesia)	Mr. Sabda Pranawa Djati
January 16 th , 2013	Legal Aid Institute (LBH) Jakarta	Ms. Restaria Fransisca Hutabarat

January 16 th , 2013	Legal Aid Foundation Apik (LGH Apik)	Mr. Rinto Tri Hasworo
January 17 th , 2013	Jala PLT	Ms. Lita
January 22 nd , 2013	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)	Ms. Rita Serena Kolibonso
January 22 nd , 2013	Ministry of Foreign Affairs, Indonesia (Protection of Indonesian Citizens Overseas and Indonesian Legal Aid)	Mr. Tatang Razak
January 25 th , 2013	Manpower Department, Karawang (Disnaker Karawang)	Mr. Tarmizi
January 25 th , 2012	Kaliaget Organic Farm and School	Ms. Tati Krisnawati
January 25 th , 2013	Solidaritas Buruh Migran Karawang (SBMK)	Mr. Dadang Muchtar

Appendix 4

Global compact for safe, orderly and regular migration: framework and objectives

The cooperative framework

With the New York Declaration for Refugees and Migrants we adopted a political declaration and a set of commitments. Reaffirming that Declaration in its entirety, we build upon it by laying out the following cooperative framework comprised of 23 objectives, implementation, as well as follow-up and review. Each objective contains a commitment, followed by a range of actions considered to be relevant policy instruments and best practices. To fulfil the 23 objectives, we will draw from these actions to achieve safe, orderly and regular migration along the migration cycle.

Objectives for Safe, Orderly and Regular Migration

1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin
3. Provide accurate and timely information at all stages of migration
4. Ensure that all migrants have proof of legal identity and adequate documentation
5. Enhance availability and flexibility of pathways for regular migration
6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
7. Address and reduce vulnerabilities in migration
8. Save lives and establish coordinated international efforts on missing migrants
9. Strengthen the transnational response to smuggling of migrants
10. Prevent, combat and eradicate trafficking in persons in the context of international migration
11. Manage borders in an integrated, secure and coordinated manner
12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral

13. Use migration detention only as a measure of last resort and work towards alternatives
14. Enhance consular protection, assistance and cooperation throughout the migration cycle
15. Provide access to basic services for migrants
16. Empower migrants and societies to realize full inclusion and social cohesion
17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries
20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants
21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
22. Establish mechanisms for the portability of social security entitlements and earned benefits
23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration



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Curriculum Vitae

Kenji Kimura was born in Nagoya, Japan in 1979. He obtained his BA in International Relations at Chubu University (Japan) in 2001, MA in International Studies at Chubu University in 2004, and a second MA in Southeast Asian Studies at Ohio University (U.S.A.) in 2006 through a Kazuo Yamada scholarship.

He worked as a researcher at the Centre for Human Security Studies, Chubu University, from July 2006 to November 2008, for an international research project named 'Human Security in the Networks of Global Cities' (particularly Bangkok, Dakar, Mexico City, Washington D.C., The Hague and Nagoya), funded by the Ministry of Education, Culture, Sports, Science and Technology, Japan. Subsequently, he joined the Japanese Foreign Service for two periods as a researcher/adviser, attached to the Embassy of Japan in Indonesia from January 2009 to December 2010 in charge of ASEAN affairs, and later to the Embassy of Japan in Malaysia from March 2016 to April 2018 in charge of domestic politics of Malaysia. He was also a visiting researcher at the Faculty of Social and Political Sciences, University of Indonesia (FISIP-UI) from February 2012 to January 2013.

His involvement with women's organisations has included two internships: (a) the National Commission on Violence against Women, Indonesia (Komisi Nasional Anti Kekerasan Terhadap Perempuan: Komnas Perempuan) from July to August 2005; and (b) Tenaganita, Malaysia (an NGO whose mandate is to protect and promote the rights of women, migrants and refugees) as an intern from August to October 2012.

Given these professional experiences and expertise in regard to globalisation, governance and social justice especially in East and Southeast Asia, since April 2020 he is working at Door to Asylum Nagoya, Japan (a NPO to provide legal advice and coordination to work offering social assistance for refugees and asylum seekers) as a full-time NPO worker.

Research papers

Kimura, K. (2013) 'Marketization of Care and Gendered Cross-Border Migration from Indonesia to Malaysia: The Case of Indonesian Female Migrant Domestic Workers in/to Malaysia'. Paper presented at the 11th Development Dialogue, Institute of Social Studies, The Hague (10-11 October 2013).

Harada, T. with K. Kimura (2011). 'Human or Public: The Referents of Security in Discourses on Migrants in Japan', in T. Truong and D. Gasper (eds), *Transnational Migration and Human Security: The Migration – Development – Security Nexus*, pp. 225-238. Heidelberg: Springer.

Seminars and conferences

- Professionalism and Integrity in Research, Erasmus Graduate School of Social Sciences and the Humanities, held on 24 January 2019, Rotterdam, the Netherlands.
- 12th Development Dialogue, Institute of Social Studies, held from 16-17 October 2014, The Hague, the Netherlands.
- 5th World Social Forum (WSF) on Migration, held from 26-30 November 2012, Manila, Philippines.
- Qualitative Data Analysis for Development Research, Research School for Resource Studies for Development (CERES), held from 5-6 July 2011, Utrecht, the Netherlands
- CERES Summer School, held from June 30-July 1 2011, Utrecht, the Netherlands.
- CERES Basic Training Course, held from March-May 2011, Utrecht, the Netherlands.

