

**INDONESIA'S ADMINISTRATIVE AND LEGISLATIVE
MEASURES ON LABOR MIGRATION FROM A RIGHTS-BASED
PERSPECTIVE**



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ANIS HAMIM ASYARI

5038128 GRHR/M

M.A. (HUMAN RIGHTS)

THESIS ADVISORS: VARAPORN CHAMSANIT, Ph.D.,
Assoc. Prof. ROSALIA SCIORTINO, Ph.D.**ABSTRACT**

Indonesia is a major source country of migrant workers overseas. Despite with significant economic contribution to the country, migrant workers have been exposed to repeated exploitation practices both during the migration processes in the home country and during their employment in the destination countries. While exploitation practices in the destination and home countries might be unrelated from each other, more often the two are inter-connected. Purporting to sort out the exploitation problems, over time, the government of Indonesia has introduced different policies concerning deployment of Indonesian labor overseas.

This research investigates and traces the evolution of such policies in the last two decades. This research is conducted within the context of an argument that policy measures pertaining to overseas labor migration in the countries of origin may affect the fate of migrant workers in the destination countries.

Using a human rights perspective, this qualitative research argues that Indonesia's out-migration policies are formulated without using a rights-based perspective. As a result, despite being found to give more attention to issues of protection and rights of the migrant workers, policies it has created have tended to marginalize the rights of migrant workers. This research discusses many aspects within Indonesia's out-migration policies that sacrifice the rights of migrant workers notwithstanding an intention to protect them.

This research concludes that an out-migration policy which ignores a rights-based approach will not only fail to empower migrant workers to claim their rights but will also make realization of migrant workers' rights harder to achieve. Moreover, such policies may expose migrant workers to higher risks of suffering from abusive treatments. Without a rights-based approach, an out-migration policy will generate only more problems rather than better solutions. With the current Law no. 39 of 2004, Indonesia's out-migration policies do not apply a rights-based approach. Hence, it is likely that this law will not bring about better realization of the rights of Indonesian migrant workers.

KEY WORDS: MIGRANT WORKERS/LABOR MIGRATION LAW/LABOR
MIGRATION POLICIES/RIGHTS-BASED APPROACH/INDONESIA

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