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**ADDRESS**

Alamanda Tower, 25<sup>th</sup> Floor  
Jalan T.B. Simatupang kavling 23-24, Jakarta Selatan  
Telepon: (+62) 21 2965 7992  
E-mail: [yjp@jurnalperempuan.com](mailto:yjp@jurnalperempuan.com)  
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# The Political Rights of Indonesian Women Migrant Workers

Women's participation in politics is one of the most important elements in achieving gender justice. According to Anne Phillips, women's political representation not only reflects symbolic justice, but also has a real impact on policies that are more inclusive and responsive to women's needs (Phillips 1995). In the context of women migrant workers, this political representation is even more urgent, as their working conditions are fraught with risk and are often ignored in policy making. In this context, it is important to understand how the gap between their significant economic role and the recognition of their political rights can create structural barriers.

Indonesian women migrant workers (PPMIs) play a strategic role in the national economy. Not only do they contribute to foreign exchange through remittances, but they also help shape political remittances in the countries where they work (Piper & Rother 2020). So why are their political rights still often ignored? This can be seen, for example, in the practice of the 2024 General Election. Many PPMIs lost their right to vote due to a lack of socialisation and a change in the method of voting from polling stations to postal voting. This fact is ironic. Their role in the economy is very important, but the denial of their political rights shows that their identity is not recognised as an important part of Indonesian democracy.

JP118 aims to show how the intertwined contexts of employment and concrete experiences of PPMIs need to be recognised and understood in order to address the root of the problem. For example, data from the Indonesian Migrant Workers Protection Agency (BP2MI) in 2023 shows that the majority of PPMIs worked in the informal sector, such as domestic workers (61.180 people (25.70 percent)) and caregivers (46.079 people (19.36 percent)). This dominance in the informal sector is one of the factors contributing to PPMIs' vulnerability to violence, dependence on employers, and social isolation. These conditions not only restrict their freedom of movement, but also deprive them of their political rights. For example, the lack of time affects the ability of PPMIs to organise. The prohibition by employers to take leave during elections also poses a challenge to political participation during the election period. A number of findings from JP118 articles show the challenges for PPMIs to be politically active.

Nevertheless, PPMI political awareness continues to grow through social media, family networks, migrant worker organisations and overseas political parties (Kusumastuti 2024). PPMIs face a number of challenges, but they also have the power to drive social change. For example, in monitoring the 2024 election, there were a number of initiatives and collective actions by PPMIs to ensure the conduct of inclusive and participatory election.

Within a social justice framework, Nancy Fraser emphasises the importance of recognising identity and redistributing resources to address structural inequalities (Fraser 1995). This perspective is highly relevant to understanding the challenges facing the PPMIs in the 2024 election. In Hong Kong, for example, 95.901 migrant domestic workers were unable to exercise their right to vote due to a lack of socialisation about the changes in electoral procedures. In Malaysia, the manipulation of the List of Permanent Overseas Voters (DPTLN) led to the disqualification of 370.000 migrant workers' votes, forcing a re-election (Migrant CARE 2024). These cases show that the overseas electoral system is far from inclusive, disadvantaging groups who should have equal rights.

Indonesia's 2024 election should have given a boost to PPMIs' political access. However, the reality is that ensuring their inclusion in the democratic process has not been a priority for the state. A comprehensive assessment is needed to address this challenge, with strategies that include both identity recognition and redistribution of resources to overcome existing barriers. In this way, political justice for PPMIs can be achieved through a more inclusive and integrated approach.

As part of its efforts to build a discourse on the political rights of PPMIs, *Jurnal Perempuan*, in collaboration with Migrant CARE, addresses this issue in its latest edition. This edition presents various important issues, such as:

- 1. Indonesian Overseas Elections as An Arena of Activism for Indonesian Women Migrant Workers:** This article discusses the participation of PPMIs in overseas elections, the administrative and technical challenges they face, and the proposed creation of special overseas electoral districts.
- 2. 10 Years of Jokowi's Policy on the Protection of Migrant Workers: Fulfilment of the Right**

**to Protection for Indonesian Migrant Workers is still Limited:** This article assesses the Jokowi administration's policy on the protection of migrant workers, focusing on the implementation of human rights-based policies.

**3. Women Migrant Workers in Overseas Elections: Where Are Their Voices, Aspirations, and Representation?** Using Nancy Fraser's political justice framework, this article analyses the unequal political representation of women migrant workers.

**4. Political Representation of Indonesian Migrant Women Workers (PPMI) in Parliament: Opportunities and Challenges:** This article explores the significance of PPMI representation in parliament, drawing on Anne Phillips' political theory of presence.

**5. The Dynamics of Political Passivity: Political Engagement Preferences of Migrant Domestic Workers in Electoral Processes in Host Countries:**

This article discusses how precarious working conditions affect the political passivity of migrant domestic workers.

**6. Affection and Political Awareness of Indonesian Migrant Women Workers:** This article uses Sara Ahmed's theory of affection and Nancy Fraser's theory of recognition to understand the discrimination and violence experienced by PPMIs.

Using a feminist approach, this edition aims to highlight a range of challenges to PPMI political participation, while encouraging more inclusive policy reforms. It is hoped that this edition will serve as a tool for reflection and learning in order to push for democratic policies and practices that are more sensitive and fully committed to the fulfilment of PPMI rights. Thus, the 118th issue of Jurnal Perempuan aims to present a critical and empathetic academic narrative towards the reality of women migrant workers (**Abby Gina**).

Abstracts

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**Trisna Dwi Yuni Aresta<sup>1</sup> & Titi Anggraini<sup>2</sup>**  
University of Indonesia

**Women Migrant Workers in Overseas Elections:  
Where Are Their Voices, Aspirations, and Representation?**

Jurnal Perempuan, Vol. 29 No. 2, 2024, page. 75–86, 2 table, 25 bibliographies

The Overseas General Election deliberately neglects justice for Indonesian Female Migrant Workers (Perempuan Pekerja Migran Indonesia/PPMI). Structural layers of neglect occur from the formulation of regulations to their implementation. The economic contributions made by PPMI fail to be recognized by the state, as reflected in the fulfillment of their political rights during the general election. This article discusses the lost voices, aspirations, and political representation of PPMI due to poor Electoral District (Dapil) arrangements. The data in this article was gathered from 2024 monitoring activities conducted by Migrant CARE, an independent election monitoring organisation. The data was analyzed using Nancy Fraser's political justice framework, which encompasses redistribution, recognition, and representation. The article identifies two interrelated issues: (1) problems in the arrangement of Electoral Districts for overseas elections that disrupt the connection between PPMI as constituents and both candidates and elected representatives; (2) the current Electoral District policies weaken state advocacy on issues faced by PPMI. This paper proposes and advocates for establishing a Special Overseas Electoral District to accommodate the voices, aspirations, and leadership of PPMI in politics in a meaningful way, thereby achieving representative political justice.

Keywords: PPMI, Overseas Election, Jakarta II Electoral District

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**Ayu Kusumastuti**  
Brawijaya University

**The Dynamics of Political Passivity: Political Engagement  
Preferences of Migrant Domestic Workers in Electoral  
Processes in Host Countries**

Jurnal Perempuan, Vol. 29 No. 2, 2024, page. 87–95, 37 bibliographies

The enactment of Election Law Number 7 of 2017 outlines the requirements for voters, including Indonesian citizens (WNI) residing within the territory of the Republic of Indonesia or abroad. Focusing on migrant domestic workers, this paper seeks to analyze the political participation and engagement of migrant domestic workers in the political contestation of their homeland. The potential for political passivity among these workers is highly likely due to the restrictive nature of transnational caregiving work. This condition limits their freedom to engage in activities outside their work sphere, including participation in national elections. However, at the same time, they are able to identify personal barriers they face as a consequence of not participating in elections. Migrant domestic workers exhibit the characteristics of monitorial citizens, individuals who monitor and respond to election-related information amidst restrictive work patterns, while also developing alternative forms of political participation outside of electoral processes.

Keywords: women, migrants, domestic workers, home country, elections, participation

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**Wahyu Susilo**

Graduate Student of Political Science, Faculty of Social and  
Political Science, Diponegoro University, Semarang

**Indonesian Overseas Elections as an Arena of Activism for  
Indonesian Women Migrant Workers**

Jurnal Perempuan, Vol. 29 No. 1, 2024, page. 97–108, 42 bibliographies

Although since the first Indonesian general election was held in 1955, it has guaranteed political rights, especially the right to vote, for Indonesian citizens who are abroad, but in the development of policies on elections in Indonesia there has been no adequate policy update. Women Indonesian migrant workers who are the face of the majority of Indonesian citizens abroad have not participated in the implementation of Indonesian elections abroad and also have not felt the direct benefits of organising Indonesian elections abroad. This research traces the emergence of overseas election monitoring activities and political education of Indonesian migrant workers. These initiatives have encouraged the political activism of Indonesian migrant workers to ensure that Indonesian elections abroad are more qualified, responsive to the migrant worker protection agenda and encourage the representation of migrant workers in legislative political representation contested in elections.

Keywords: politic activism, parliament, overseas election, Indonesian women migrant workers

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**Ana Sabhana Azmy**

Political Science, FISIP, National Development University  
"Veteran" Jakarta  
Jalan R. S. Fatmawati, Pondok Labu, South Jakarta, DKI Jakarta,  
12450, Indonesia

**Political Representation of Indonesian Migrant Women  
Workers (PPMI) in Parliament: Opportunities and  
Challenges**

Jurnal Perempuan, Vol. 29 No. 2, 2024, page. 109–121, 1 table, 32 bibliographies

The absence of Indonesian woman migrant workers (Perempuan Pekerja Migran Indonesia/PPMI) in parliament reflects the unfulfilled political rights of citizens. With various problems of election violations such as double DPT, overseas election systems that are vulnerable to manipulation through postal and drop box methods indicate the vulnerability of the distribution of voting rights as a political right of a migrant worker, where the majority of migrant workers are women who work in the informal sector. The presence of migrant workers in parliament is important to accommodate political rights, both voting rights and the distribution of opinions. Their political representation in parliament will reflect the implementation of democratic values, and be a positive example for other women in politics, especially in the context of gender justice. This paper uses the gender justice framework of Squires, the political theory of presence from Anne Phillips, and the representation theory from Hanna Pitkin to discuss the urgency of representation of woman migrant workers in parliament as a reflection of the fulfillment of political rights. The research method used is a critical and in-depth analysis of relevant literature studies.

Keywords: political representation, women migrant workers, parliament

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**Savitri Wisnu Wardhani**

Migrant CARE and activist at Jaringan Buruh Migran (JBM)

**10 Years of Jokowi's Policy on the Protection of Migrant Workers: Fulfillment of the Right to Protection for Indonesian Migrant Workers is still Limited**

Jurnal Perempuan, Vol. 29 No. 2, 2024, page. 123–136, 4 table, 26 bibliographies

The migration of Indonesian migrant workers has brought positive contributions to economic development in both the countries of origin and destination of Indonesian migrant workers. In an effort to provide protection for Indonesian migrant workers, the government has issued Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and has carried out several protection initiatives. However, cases experienced by Indonesian migrant workers for 10 years actually show a lack of protection efforts for them. Women migrant workers in the informal sector are even more vulnerable to violence. This is due to the policy perspective that is more targeted at the area of economic gain than protection. Qualitative method exploration was carried out through the collection of literature study data and compilation of policy data for Indonesian migrant workers during the 10 years of President Joko Widodo's administration. The findings of this study indicate that there is a lack of commitment to protection efforts due to the lack of involvement of the experiences of Indonesian migrant workers in the process and implementation of policies. This study also proposes further steps that need to be taken to improve policies and implementation related to the protection of migrant workers.

Keywords: feminization of migration, policy implementation, development planning, Indonesian women migrant workers, protection of Indonesian migrant workers

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**Ikhaputri Widiyanti<sup>1</sup> & Abby Gina Boang Manalu<sup>2</sup>**

University of Indonesia<sup>1&2</sup> & Jurnal Perempuan<sup>1&2</sup>

**Affection and Political Awareness of Indonesian Migrant Women Workers**

Jurnal Perempuan, Vol. 29 No. 2, 2024, page. 137–145, 18 bibliographies

The problems experienced by Indonesian female migrant workers both in their own country and in the destination country show how vulnerable they are to violence. Most of them are workers in the informal sector such as domestic and care workers, who are categorized as low-skilled workers. As a result of this categorization, they often experience discrimination and even violence. This is the impact of neglecting experiences, especially in fulfilling political rights, which hinders full access to policy guarantees that protect them. Data were collected using literature analysis and secondary research. This study uses a philosophical approach based on Sara Ahmed's theory of affection and Nancy Fraser's recognition of how the experiences of Indonesian female migrant workers need to include empathetic emotional values and recognition of the political rights of Indonesian female migrant workers. The findings of this article highlight the importance of fostering political awareness through the integration of affection and recognition in understanding and overcoming the political injustice of Indonesian female migrant workers.

Keywords: affection, political awareness, Indonesian Female Migrant Workers, recognition

## Women Migrant Workers in Overseas Elections: Where Are Their Voices, Aspirations, and Representation?

Trisna Dwi Yuni Aresta<sup>1</sup> & Titi Anggraini<sup>2</sup>

University of Indonesia  
Jalan Lingkar, Pondok Cina, Beji, Depok, West Java, 16424, Indonesia<sup>1&2</sup>

trisna.dwi@ui.ac.id<sup>1</sup> & titi.anggraini@ui.ac.id<sup>2</sup>

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### Abstract

The Overseas General Election deliberately neglects justice for Indonesian Female Migrant Workers (Perempuan Pekerja Migran Indonesia/PPMI). Structural layers of neglect occur from the formulation of regulations to their implementation. The economic contributions made by PPMI fail to be recognized by the state, as reflected in the fulfilment of their political rights during the general election. This article discusses the lost voices, aspirations, and political representation of PPMI due to poor Electoral District (Dapil) arrangements. The data in this article was gathered from 2024 monitoring activities conducted by Migrant CARE, an independent election monitoring organisation. The data was analysed using Nancy Fraser's political justice framework, which encompasses redistribution, recognition, and representation. The article identifies two interrelated issues: (1) problems in the arrangement of Electoral Districts for overseas elections that disrupt the connection between PPMI as constituents and both candidates and elected representatives; (2) the current Electoral District policies weaken state advocacy on issues faced by PPMI. This paper proposes and advocates for establishing a Special Overseas Electoral District to accommodate the voices, aspirations, and leadership of PPMI in politics in a meaningful way, thereby achieving representative political justice.

Keywords: PPMI, Overseas Election, Jakarta II Electoral District

### Introduction

Indonesian Female Migrant Workers (PPMIs) always make up the highest percentage of migrant workers every year. The figures are never exact because data on Indonesian Migrant Workers (PMIs) is never accurate. This is because the PMIs data recorded by the government only includes: (1) those who are legally registered as migrant workers, and (2) those who are not legally registered but are eventually registered due to legal problems in the country of work. There are still many unregistered migrant workers. This is the hidden part, barely visible on the surface, like the iceberg phenomenon. However, according to data from the Ministry of Manpower, PPMIs account for 67 percent of the total number of migrant workers (Ministry of Manpower 2022). The state's neglect of one migrant data shows that migrant workers as an entity are often left out of the political process. Since the New Order era, PPMIs have been politicised in a spirit of pseudo-nationalism, organised by the state as heroes of foreign exchange. At the time, there was a massive feminisation of migrant workers. Indonesia made arbitrary diplomatic claims to receiving countries of female migrant workers,

stating that PPMIs were obedient, blind to rights and would never fight back (Susilo 2020).

According to the World Bank, more than nine million Indonesians are overseas migrant workers, accounting for almost 7 percent of Indonesia's workforce (World Bank 2017). The same source states that in East Asia, only China and the Philippines have more migrant workers than Indonesia. This shows that Indonesia is one of the largest migrant-sending countries in Asia. It is undeniable that overseas labour migration makes an important contribution to the Indonesian economy, both in terms of remittances and employment opportunities. Indonesia has a surplus of labour, as it is unable to accommodate most of its working-age population (Wisanggeni et al. 2024). High levels of open and hidden unemployment and low wages are the main drivers of international labour migration (World Bank 2017). As a result, overseas labour migration has become an important focus for Indonesian citizens, including women, to obtain employment.

The issue of migrant women workers cannot be separated from the political issue of overseas general

elections (Pemilu). This is evidenced by the lack of PPMI protection both at the political level and the absence of people's representatives in several cases of migrant women workers.

The issue of female migrant workers cannot be separated from the political issue of overseas general election. This is evidenced by the lack of PPMI protection both at the political level and the absence of people's representatives in several cases of female migrant workers. In cases such as trafficking in persons (TPPO), sexual violence, and the death penalty, the presence of people's representatives is almost non-existent. According to what our respondents told us during the monitoring, elected members of the legislature only come to meet them or PPMI community in the run-up to elections. The handling of PPMI issues is always assigned to the Consulate/ Embassy/Protection of Indonesian Citizens of the Ministry of Foreign Affairs, rather than to the people's representatives elected with the votes of the migrant workers themselves. On the one hand, the government has an executive function to protect migrant workers. However, the parliament (DPR) has an equally important responsibility, namely the supervisory function, which can be exercised to monitor the implementation of laws and government policies, for example, in TPPO cases, which is the greatest threat to migration. In fact, as mandated by the Presidential Decree, the DPR can monitor the performance of the TPPO Task Force. Moreover, the people's representatives have yet to voice their support for a policy of adequate social security for migrant workers. The protection of PPMI was not included in the legislative scheme that should have been pursued by the people's representatives, especially the representatives of Jakarta II electoral district as an overseas electoral district.

In the 1955 general election, the first election held since Indonesia's independence, Indonesian citizens living abroad had the opportunity to exercise their right to vote. According to the International Institute for Democracy and Electoral Assistance, Indonesia has joined 115 other countries in implementing the principle of allowing voting from abroad (Ellis et al. 2016). From 1955 to 2019, there has been no significant change, and it seems to have been simply implemented. This is evident from the absence of any attempts to reformulate the process of structuring electoral districts (Dapil). The only improvement made was to the method of overseas voting. This is inversely proportional to the high mobility and migration of citizens abroad. In the Indonesian context, the biggest face of voters in

Indonesian overseas elections is the women-majority Indonesian migrant workers.

Since the general election during the New Order era, Dapil Jakarta II has included Indonesian citizens living abroad. This consideration was based on the fact that overseas voters are under the jurisdiction of the Ministry of Foreign Affairs, which has offices in Central Jakarta and South Jakarta (Siregar 2022). This policy has not been revised to date, despite the increasing complexity of migration issues and the fact that migrant workers are increasingly disconnected and distant from the electoral representation that should be a strong driver for their voices and rights. This paper aims to show the impact of overseas electoral policy, particularly the electoral district (Dapil) policy, on the voices, aspirations, and political representation of female migrant workers.

### Research Methods

This paper is based on data gathered from the process of participatory overseas monitoring of the 2024 General Election, conducted directly by the authors as independent election observers certified by the General Election Supervisory Agency (Bawaslu) under the auspices of Migrant CARE. The monitoring focused on four countries, namely Kuala Lumpur, Singapore, Hong Kong, and Taiwan. The diverse outcomes of the monitoring also aimed to capture women's experiences in channelling their political rights as Indonesian citizens abroad. The authors are independent observers of Indonesian overseas elections under Migrant CARE, who have been certified by Bawaslu since 2009, 2014, 2019, and 2024. The monitoring process that we carried out included the following stages: (1) pre-voting by checking the accuracy of the Permanent Voters List (DPT) of migrant workers; (2) voting by coming to the monitoring sites in four countries; (3) post-voting by advocating and following up on the findings of alleged violations and electoral crimes from our monitoring.

The data collected was analysed qualitatively from a feminist perspective, using Nancy Fraser's perspective as an analytical tool for political justice. Nancy Fraser emphasises the importance of economic, cultural and political justice, namely redistribution, recognition, and representation (Mudzakkir 2022). Nancy Fraser is a left-wing feminist who has successfully developed a theoretical formulation to explain what justice is by analysing it from the perspective of injustice. For Fraser, the politics of recognition play a role in supporting justice, and the issue of recognition is also intertwined with the experiences of migrant workers, who have lost

their political legitimacy. On this basis, the dimension of political representation becomes important in problem-framing and decision-making (Fraser 2010). Building on this idea, this paper aims to narrate and reflect on how PPMIs are marginalised in different policy mechanisms. The constitutional rights of PPMIs should be guaranteed regardless of their class or social status. In reality, however, these rights are often denied due to the condition of having a nationality outside the territory of a country.

Using the analytical knife of Fraser’s feminist political justice, this paper aims to show how the voices,

aspirations, and political representation of PPMIs are marginalised by the policies of Dapil Jakarta II, namely Central Jakarta, South Jakarta, and Overseas. Not wanting to be trapped in the dualism of recognition and redistribution, i.e., only in the economic and cultural dimensions, Fraser then introduced the politics of representation as a dimension of justice. The politics of representation is then developed alongside the politics of recognition and the politics of redistribution. Fraser goes on to discuss a ‘frame’ that can produce justice. The premise of this ‘frame’ is the nation-state (in the Westphalian sense). Fraser argues that injustice arises from this ‘frame’ itself (Mudzakkir 2022).

**Table 1. Analytical Framework of Justice Based on Fraser’s Concept**

| The domain of justice | Conditions for parity of participation | Forms of social differentiation | Forms of injustice                 | Remedies       |
|-----------------------|--|---------------------------------|------------------------------------|----------------|
| Economy               | Objective conditions                   | Class                           | Maldistribution                    | Redistribution |
| Culture               | Intersubjective conditions             | Status                          | Misrecognition                     | Recognition    |
| Politics              | Public politics conditions             | Citizenship                     | Marginalisation/ Misrepresentation | Inclusion      |

Source: Mudzakkir (2022)

This theory will be used as a tool to analyse the impact of the current Dapil policy for overseas voters on the political rights of migrant workers, especially PPMIs. This article also attempts to calculate the ratio of seats to population in accordance with Law No. 7/2017 on General Elections, which reinforces the urgency of creating separate overseas electoral districts as a solution to the political representation of PPMIs. Through the determination of special overseas electoral districts, meaningful representation of PPMIs should be encouraged, as PPMIs themselves truly understand the issues they face.

**Indonesia’s Overseas Elections Journey**

General elections, as the implementation of democracy and the mandate of the Constitution, give citizens the right to elect representatives to their executive and legislative institutions, including for citizens living abroad. The ideas and arguments for holding overseas elections are based on the democratic principle of universal suffrage. The central idea is that everyone has the right to participate in elections to direct, representative state bodies because the formal and legal equality of all citizens is guaranteed by law and the Constitution (Ellis et al. 2016). The guarantee of political rights for citizens living abroad is the same

as the guarantee of political rights in other special situations, such as illness, access for the disabled, or citizens in correctional institutions.

In the international legal framework, the political rights of migrant workers are recognised in the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Articles 31 and 45 of the Convention guarantee the right to participate in public affairs of their State of origin, including to vote and to be elected (Ellis et al. 2016). International and national legal frameworks have guaranteed migrant workers the right to vote. However, a serious issue is how the governance of the overseas electoral system can be responsive to migrant workers, who demographically make up the majority of overseas voters.

Indonesia’s first overseas election was held in 1955, during the Old Order era, when Indonesia had only been independent for 10 years. The 1955 election was held during the period of Parliamentary Democracy and took place twice, on 29 September and 15 December 1955. The first ballot was to elect members of the DPR, and the latter was to elect members of the Constituent Assembly. The 1955 election was based on the principles of honest, general, and equal periodic election, held by secret ballot or in a manner that also guarantees freedom of expression. This was guaranteed by Article

35 of the Provisional Constitution of the Republic of Indonesia.

Overseas elections during the New Order era were held five times in 1977, 1982, 1987, 1992, and 1997. The elections were based on the principles of direct, general, free, and confidential (LUBER). Indonesia's next overseas election was held in 1999, marking the beginning of the democratisation of elections during the reform period. This election adopted the principles of direct, general, free, confidential, honest, and fair election (LUBER JURDIL). The 1999 election was conducted by the General Elections Commission established by the President, which consisted of 48 members from political parties and 5 government representatives (KPU Bau Kota 2014).

The 2004 election saw significant changes due to the amendment of the 1945 Constitution. There were at least three implications for the conduct of overseas elections: (1) the establishment of an election organiser in Indonesia, namely the General Elections Commission (KPU), which is national, permanent, and independent; (2) the holding of presidential and vice-presidential election directly by the Indonesian people; and (3) the holding of election for members of the Regional Representative Council.

During the 2004 general election, the KPU became an independent state institution in order to provide more comprehensive and adequate working tools for the organisation of overseas elections. Law No. 12/2003 on General Elections for Members of People's Representative Council (DPR), Regional Representative Council (DPD), and Regional People's Representative Council (DPRD) and Law No. 23/2003 on General Elections of President and Vice-President stipulate that the conduct of overseas elections shall be conducted by the Overseas Election Committee (PPLN). The PPLN is established by the KPU and based at Indonesia's diplomatic missions, while the Overseas Voting Organising Team (KPPSLN) is formed by the PPLN and based at the Overseas Polling Station (TPSLN). In the 2004 general election, postal voting was also used when Indonesian citizens were unable to vote at the TPSLN.

After the 2004 general election, the 2009 general election was the second overseas election with two polls: the House of Representatives election on 9 April 2009 and the presidential and vice-presidential elections on 9 June 2009. There were improvements and clarifications to the roles of the PPLN and KPPSLN, including more complete and comprehensive registration requirements. A new voting method, the

drop box, was also available in Malaysia and the Middle East for the 2009 general election. This method aimed to facilitate and solve the problem of access difficulties in collecting ballot papers due to the location and geographical distance between voters and the TPSLN. This method is often described as an evolution of the postal method.

There was also a new policy introduced for the 2014 overseas election in the form of early voting, which meant that overseas voting took place earlier than domestic voting. In terms of the arrangements, there was no significant difference from the previous implementation. It was just that the voting time abroad was earlier than in the country. However, counting still took place at the same time as in the country.

In subsequent developments, the 2019 general election saw significant changes as a result of the Constitutional Court's decision No. 14/PUU-XI/2013, which ruled that the general elections would be held simultaneously for the legislative and executive branches. This means that the election for members of the DPR, DPD, Provincial DPRD, and District/ City DPRD, as well as for the President and Vice-President, will be held at the same time. It was not held at different times, as was the case in the 2004, 2009, and 2014 elections. In addition to the changes to the simultaneous voting model, the name of the ballot boxes for overseas elections (dropbox) was changed to Mobile Ballot Boxes (KSK).

In the 2024 overseas general election, there were no improvements or policy changes from the previous election. However, the KPU ignored a Constitutional Court ruling regarding the arrangement of Dapil, which should have been an opportunity to make more serious improvements in the representation of overseas voters through the determination of a special overseas Dapil. Dapil Jakarta II is no longer relevant because it is unlikely that elected DPR members will deal with issues ranging from the Ciliwung River to the problems of Indonesian citizens around the world.

On the other hand, the KPU, as the worst elections organiser in the history of the reform, seems to bow only to the big political parties and even dares to override women's voices, especially in fulfilling the quota of at least 30 percent of women's representation on the list of candidates for the DPR and DPRD elections, as mandated by Article 245 of Law No. 7/2017 on General Elections. As a result of the KPU's neglect, the Coalition of Societies Concerned with Women's Representation (KMPKP) noted that there were 267 lists of permanent

candidates submitted by political parties for the 2024 DPR elections that did not meet the minimum 30 percent representation of women (MK RI 2024). More worryingly, the conduct of overseas elections was not free from problems of injustice, which will be discussed in the next section.

Overseas elections are a very important platform for Indonesian democracy and the global development of democracy. In the midst of the ongoing democratic malaise in all parts of the world (Insdiyastutik 2020), Indonesia should be an example of spreading democracy by organising the largest one-person, one-vote (OPOVOV) elections in the world. The implementation of minimum democratic practices in the form of organising elections is very important for women. Through the OPOVOV system, women have an equal voice to fight for women's issues. For PPMIs, this is even more important because it relates to their physical experiences as women and as migrant workers.

As a guarantee of the implementation of political representation as envisaged in Fraser's theory of justice, Indonesia already has an instrument in the form of a guarantee of citizens' constitutional rights that are not limited to Indonesian territory in the conduct of Indonesian elections abroad. However, it is important to look at its implementation to see whether PPMIs, as citizens who have made significant economic contributions, are able to realise their aspirations or are marginalised through the implementation of inadequate political representation.

### Electoral Districts Arrangement Principles

International IDEA, through its book "Electoral Justice: The International IDEA Handbook", defines electoral justice as a mechanism that exists in a particular country, local, regional, or international community to ensure that every action, procedure, and decision related to the electoral process is in accordance with the legal framework for protecting or restoring electoral rights, and allows its citizens to believe that their electoral rights are guaranteed and not violated, to file complaints, to participate in processes, and to receive a fair decision (IDEA 2010). One of the ways to support the implementation of this electoral justice is through the good structuring of electoral districts/Dapil.

International IDEA states that the purpose of voting and the establishment of special overseas Dapil is the realisation of the principle of universal suffrage, especially in relation to other democratic electoral

principles; the maintenance of the rule of law; a real increase in political participation; an increase in the legitimacy of the democratic system; and an effective contribution to democratic consolidation (Ellis et al. 2016). The Dapil arrangement is essentially an attempt to require 'engineering' as a consequence of the electoral system adopted by a country (Perludem 2007). There are five principles of redistricting, which Lisa Handley (2007) identifies as follows: *first*, the principle of impartiality, which means that the arrangement must be done in a non-partisan, independent, and professional manner; *second*, the principle of equality; which means that the arrangement of Dapil must be limited in the sense that the population must be equal in order to give voters equal voting power; *third*, the principle of representation, which means taking into account the existence of a cohesive community determined by factors such as the administrative boundaries of a residential area or geographical elements; *fourth*, the principle of non-discrimination, which emphasises the avoidance of discrimination on the basis of race, colour, language, religion or related status; and *fifth*, the principle of transparency, which means that the principle of Dapil arrangement must be transparent so that the public is informed (Handley 2007).

In addition to the principles of redistricting offered by Handley (2007), there are principles based on Law No. 7/2017 on General Elections, stipulated in Article 185, namely (1) the principle of equal value of votes, i.e., the "price" of a parliamentary seat from one Dapil is equal to the "price" of a parliamentary seat from another Dapil; (2) the principle of adherence to a proportional electoral system, so that the percentage of the number of seats obtained by each political party is equal to the percentage of valid votes obtained in the general election; (3) the principle of proportionality, by paying attention to the equality of seat allocation among Dapil to maintain consideration of the allocation of seats in each Dapil; (4) the principle of regional integration by taking into account the integrity and integration of the region, geographical conditions, transport facilities, and accessibility aspects; (5) the principle of being in the same area, which means that a Dapil may consist of one or more subdistricts and/or parts of subdistricts, which must be completely covered by a Dapil in the province; (6) the principle of continuity, which means that the determination or formation of a Dapil shall take into account the determination of the Dapil in the previous most recent election, unless there is a change in population that causes the allocation of seats in a Dapil to exceed the maximum limit and/or to fall below

the minimum limit, there is an expansion of the area, and the Dapil that is created is contrary to the applicable principles of Dapil arrangement.

Considering several principles of the regulation of electoral districts from Law No. 7/2017, the arrangement of overseas Dapil in Indonesia does not meet a number of the above principles. In terms of equal vote value and proportionality, Dapil Jakarta II, which consists of Central Jakarta with 1,049,314 and South Jakarta with 2,235,606 (BPS 2024), has a fantastic population. In addition, there are diaspora areas abroad covered by Dapil Jakarta II, with a population of 4,694,484, according to documented aggregate data (KPU 2024b).

In terms of migrant workers, according to World Bank data (2017), there are at least nine million Indonesian migrant workers around the world. This does not, of course, include the growing number of Indonesian students. The determination of Dapil, which is based on population, certainly has an impact on the allocation of parliamentary seats. Dapil Jakarta II, which covers three regions, has a total of 7 seats. Meanwhile, Dapil Jakarta I, which only includes East Jakarta with a total population of 3,066,074 in 2023 (BPS 2024), was allocated 6 seats according to KPU Regulation No. 6/2023. Based on this data, there is a clear injustice in the representation of Indonesian citizens living abroad who are part of Dapil Jakarta II compared to Indonesian citizens who are part of Dapil Jakarta I.

The size of the population naturally correlates with the size of the KPU's permanent voter list (DPT). Dapil Jakarta II has a total DPT of 4,346,875: 830,352 in Central Jakarta and 1,766,049 in South Jakarta (KPU 2024a), and 1,750,474 overseas (KPU 2024b). The authors highlight the decline in the number of overseas DPTs from 2,049,791 in 2019 (KPU 2019) to 1,766,049 in 2024. This situation shows that there is a serious problem with the data collection carried out by the government as the sole provider of migration data and the KPU as the actor organising the elections.

In terms of the principle of territorial integrity, the same area coverage of Dapil Jakarta II does not reflect this principle at all. The problems abroad and in Central and South Jakarta certainly have a different complexity. There are issues of congestion, air pollution and public transport fares that are often at the heart of problems in Jakarta that are not borne by or part of the problems of Indonesian citizens abroad. Meanwhile, the right to decent work, the shadow of the TPPO, and sexual violence, exacerbated by the loss of political representation, are key issues felt by PPMIs as Indonesian

citizens living abroad. Not surprisingly, the aspirations of PPMIs, who represent the majority of the overseas population, have been lost as a result of the neglect of this principle. Through poor electoral arrangements, political representation in justice, according to Fraser, will be difficult to achieve. Fraser emphasises that the concept of representation is often interpreted only as a process that produces political decisions, neglecting the membership aspect (Fraser 2010). The flaws in the Dapil arrangement have marginalised PPMIs as a meaningful representation of political participation.

### **The Impact of Electoral Policy and Dapil Determination**

In recent decades, issues related to the political rights of migrant workers have gained attention and relevance in the academic and international political agenda (Akmal & Madda 2022). It should be noted that in the political struggle, the voice of migrant workers came from the European hemisphere in 1977 in relation to the legal status of migrant workers. This instrument became the first international political basis. This instrument specifically recognises the political rights of migrant workers and their right to vote and stand for election in their country (Ellis et al. 2016). The next major achievement in the recognition of the political rights of migrant workers was the publication of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention was adopted by the UN General Assembly in December 1990 and entered into force in July 2003.

The adoption of this Convention also marked a more serious effort to create an international legal instrument to recognise the political rights of migrant workers. This international demand can also be interpreted as a widespread human rights demand at the time. The Convention also recognises the right to participate in public affairs of their State of origin, which includes the right to vote and to be elected at elections of that State. In the Indonesian context, the exercise of political rights by citizens living abroad is even explicitly guaranteed in Article 27(1) of the 1945 Constitution of the Republic of Indonesia. The article states: "All citizens shall be equal before the law and in government and shall uphold the law and government without exception."

The global democratisation movement around the demand for a guarantee of voting rights for migrant workers can be seen in at least two ways: first, migrant workers can maintain and strengthen their sense of

belonging to a political community of the State of origin. Second, migrant workers can also engage in mutual movement efforts, which Fraser refers to as recognition, redistribution, and especially political representation (Mudzakkir 2022). The result of these two activities is the establishment of a relationship between voters and those who represent them as active agents in the formulation of state policies, which naturally have a perspective on migrant workers, especially PPMIs.

The conduct of Indonesia's overseas general elections seems to be based on the principle of simply holding them without considering whether the implementation and impact of representation is adequate or not. This affects the perspective of voters, the majority of whom are PPMIs. Based on the random interviews we conducted with PPMIs, it was found that they do not know the track record of their candidates at all and may vote randomly.

"I don't know many of the candidates, I just look at the ballot papers, but I know a few artists who are running" (S 2024, Interview 14 February).

This opportunity was seized by celebrities running for the Dapil Jakarta II. In the 2024 election, Uya Kuya and Once Mekel were the top overseas vote-getters. During our monitoring, Uya Kuya came at the time of polling in Kuala Lumpur, which had the largest DPT, to gain votes, causing extraordinary crowds. We interpreted this phenomenon as an electoral offence and reported it to Bawaslu, but our report was not registered.

The disconnect between voters and candidate lists has also led to a high level of money politics and vote trading in some areas. In Kuala Lumpur, in particular, political party and candidate brokers engaged in money politics, eliminating dialogue and prioritising voter mobilisation on polling day. Electoral conditions in Kuala Lumpur, with inadequate crowd control, led to weak monitoring. This made it easy for the brokers, most of whom were men, to carry out their mission of providing a business card of one of the candidates in exchange for 100 ringgits with a video proof of vote. A lack of oversight, combined with various instances of fraud, led to a re-run of the overseas elections in Kuala Lumpur. This followed the conviction of all PPLN members by the Central Jakarta District Court for allegedly falsifying and manipulating data (Helmi 2024).

There are serious issues related to the aspirations of PPMIs that go unheard or are even considered outside the focus of the work of elected candidates after the election. The disconnect between the electorate

and their representatives is evident in the way PPMIs constantly have to confront and defend their own cases, especially when it comes to policies and working conditions in destination countries. In 2012, PPMIs organised a massive action in Hong Kong in solidarity with workers across the country to protest against poor working conditions, long hours, and low wages. Eni Lestari, one of Migrant CARE's good friends working in Hong Kong, led the action under the auspices of the Asian Migrants Coordinating Body and exposed the Hong Kong government's deliberate denial of equal benefits to Asian migrant workers.

The problems continued with the findings of an investigation, which found that inappropriate working conditions were still experienced by PPMIs in Hong Kong in 2017. The findings mentioned that many PPMIs still lived below the standard of living, slept in closets, and had no privacy due to the high property prices in Hong Kong (Bess 2017). The recurrence of the deteriorating condition of PPMIs seems to demonstrate what Fraser says about the failure to achieve real political justice, leading to misrepresentation and non-inclusive conditions. The disconnect of political representation is evident when PPMIs have to struggle with their own national spirit as Indonesian citizens in the face of the Hong Kong government as a destination country that does not properly provide for their rights. In fact, the representatives, elected every five years, should take on the responsibility of being the political representation of PPMIs in order to make their demands heard through Government-to-Government.

### **The Creation of Special Overseas Electoral Districts: A Bid**

There are six principles in the determination of Dapil, including the principles of equal value of votes, adherence to a proportional electoral system, proportionality, regional integration, being in the same area coverage, cohesiveness, and continuity. These principles are enshrined in Article 185 of Law No. 7/2017 on General Elections. Dapil Jakarta II should again be seen as the result of the determination of electoral districts that do not comply with the above principles. Dapil Jakarta II covers Central Jakarta, South Jakarta, and overseas. So far, representation has been an important point in which voters can seek to collect promises from elected representatives on the basis of their respective constituencies, but of course, this cannot be done by PPMIs.

The wrong arrangement of Dapil has led to the loss

of political interest of PPMIs as Indonesian citizens who have the same political rights. There is a problem of unclear political representation for PPMIs, resulting in a decrease in their political participation (Yoni 2019). There are at least two current views on the arrangement of Dapil. Firstly, PPMIs, especially from regions such as West Java, East Java, Central Java, NTT, NTB, and others, believe that PPMIs do not deserve to vote for legislative candidates from Dapil Jakarta II. They stated that their votes must be channelled to their regions because PPMIs come from these regions, and the candidates they elect are expected to develop their regions. Secondly, the arrangement of special overseas electoral districts that seriously allocate seats and attention to the majority of voters, especially PPMIs.

An application for special overseas electoral districts was submitted to the Constitutional Court (MK) by the Indonesian Diaspora Network in 2013. The application was rejected and declared an open legal policy. In the Constitutional Court decision number 2/PUU-XI/2013, the Constitutional Court stated that “the concept of creating electoral districts that do not include overseas electoral districts is an open legal policy that does not

contradict the 1945 Constitution”. Although the petition was rejected by the Court, the decision still opens up possibilities for further advocacy through legislative channels or lawmakers (legislative review).

The legislator’s legal policy is based on two concepts. *Firstly*, whether the Dapil for the representation of migrant workers is linked to the respective regions where PPMIs reside, or *secondly*, by providing special seats through special overseas Dapil. The first concept has the consequence that it is not feasible or adequate, and requires energy and time for the PPLN to identify and distribute votes from each migrant worker’s province of origin. These consequences include an increased budget for ballot paper printing, coordination and a high potential for human error. In this paper, the authors make several arguments for the importance of considering the second concept, namely the creation of special overseas electoral districts.

The concept of special overseas seats has been adopted in several countries. The following countries have political representation for overseas voters in the legislature:

**Table 2: Data on Overseas Electoral Seats in Some Countries**

| No. | Country    | Overseas Electoral Seats | Total Seats |
|-----|------------|--------------------------|-------------|
| 1.  | Algeria    | 8                        | 389         |
| 2.  | Angola     | 3                        | 220         |
| 3.  | Cape Verde | 6                        | 72          |
| 4.  | Ecuador    | 6                        | 130         |
| 5.  | Italy      | 12                       | 630         |
| 6.  | Columbia   | 1                        | 166         |
| 7.  | Croatia    | 6                        | 152         |
| 8.  | Mozambique | 2                        | 250         |
| 9.  | Panama     | 6                        | 130         |
| 10. | Portugal   | 4                        | 230         |
| 11. | France     | 12                       | 331         |

Source: IDEA (2010)

In Constitutional Court Decision No. 2/PUU-XI/2013, the applicant explained that the Philippines, which has similar characteristics to Indonesia in that it has a very large number of migrant workers, has provided special representation in its parliament for its citizens living abroad since the 2004 general election. The profile of the country’s 7 million overseas Filipinos was the background for the birth of the Overseas Absentee Voting Law (Republic Act (RA) No. 9189), which was enacted on 17 February 2003. Through this adequate

political representation, there are several lessons we can learn from the Philippines in recognising its migrant workers. *First*, pre-departure protection through community education programmes. *Second*, support during employment, ranging from access to legal aid, insurance, to training in the destination country. *Third*, empowerment on return by maximising economic access for migrant workers’ participation in policy-making (ILO 2006).

The Constitutional Court, in its decision No. 80/PUU-XX/2022, ordered a reorganisation of the number of seats allocated to each Dapil and deleted Appendices III and IV on the creation of Dapil from Law No. 7/2017. The Constitutional Court decided to fully return to the KPU the power to determine electoral districts, which had previously been exercised by the legislators, namely the DPR and the government, as part of the electoral phase.

However, it is unfortunate that the KPU did not implement the Constitutional Court's decision to rearrange the electoral districts for the 2024 general election due to opposition from many political parties in the DPR (Perludem 2023). Whereas in its decision, the Court clearly ruled that the Dapil design annexed to Law No. 7/2017 has no binding force. This means that in the 2024 general election, with the same electoral districts, the voices of PPMs as citizens were still marginalised and neglected. Dapil arrangement is particularly important as the excuse of the capital area and the premises of the Ministry of Foreign Affairs in Central and South Jakarta is no longer relevant, logical or realistic due to the relocation of the capital to the archipelago capital (IKN) in East Kalimantan.

The urgency of creating Special Overseas Dapil has become very urgent after the ratification of the relocation of the capital city, and its ratification cannot be delayed any longer. The KPU must immediately implement the Constitutional Court Decision No. 80/PUU-XX/2022, as the existing Dapil regulation in Law No. 7/2017 is not applicable. Ignoring the decision of the Constitutional Court also means ignoring the Constitution, which threatens the constitutionality of the elections and the fulfilment of the political rights of the citizens affected by the decision. The arrangement of Dapil must absolutely fulfil the principles of popular sovereignty and elections that are honest, fair, direct, general, free, and confidential (Perludem 2023).

The next election organiser must immediately complete the things that the KPU failed to do in arranging Dapil, especially for overseas Dapil. Dapil Jakarta II is very unrepresentative and does not favour migrant workers who have the status of citizens even though they are outside the territory. The Dapil system, in the form of the creation of overseas electoral districts, is the answer to the lack of political representation for female migrant workers to achieve the justice offered by Fraser. Dapil arrangement is one of the three main components of the electoral system, along with the electoral formula and the voting method (Sprague 1968), making it an inseparable part of political rights.

In addition, the Dapil arrangement is also gaining momentum in line with the National Long-Term Development Plan 2025-2045 in Law No. 59/2024, which states that the development of Indonesian democracy is directed towards the realisation of a substantive democracy that fulfils the mandate of the people. Substantive democracy will be implemented through the following policy directions: (i) Strengthening democratic institutions by improving the quality of elections, such as the codification of the Law on General Elections and the Law on Election of Governors, Regents and Mayors, the role of accountable political parties through the revision of the Law on Political Parties, responsive representative institutions, and quality media and press; (ii) Improving the quality of equality and freedom in society; and (iii) Mainstreaming *Pancasila* into the life of society, nation, and state; (iv) Strengthening inclusiveness and preventing the use of identity politics; v) Strengthening equitable, fair, sovereign and accountable public communication to increase public trust and participation; and (vi) Increasing active community participation in policy formulation, implementation, and monitoring of development, including through the expansion and protection of civic space to strengthen the sustainability of civil society's role in advocacy, empowerment, and social control.

The mandate to codify the Law on General Elections and the Law on the Election of Governors, Regents, and Mayors, as stipulated in Law No. 59/2024, should be a medium used by lawmakers to realise the idea of overseas elections and voting mechanisms that are more inclusive and credible for all Indonesian citizens living abroad, including ensuring the governance of overseas elections that are not vulnerable to fraud or manipulation.

The choice of the electoral system must not be at the expense of the fulfilment and protection of the constitutional rights of citizens living abroad. The legal considerations of the Constitutional Court's decision No. 114/PUU-XX/2022 stipulate that, in this case, if the current system is improved in the future, the legislator must, among other things, take several things into account: (1) not to change the electoral system too often, in order to achieve certainty and stability in the choice of an electoral system; (2) the possibility of making changes must still be placed in the context of perfecting the current electoral system, in particular to remedy the weaknesses identified in the conduct of elections; (3) possible changes must be made well

in advance of the stages of holding elections, so that there is sufficient time to carry out simulations before the changes actually take effect; (4) possible changes must still maintain a balance and continuity between the role of political parties as stipulated in Article 22E(3) of the 1945 Constitution and the principle of popular sovereignty as stipulated in Article 1(2) of the 1945 Constitution; and (5) if changes are made, they must still involve all groups that have an interest in the holding of elections by applying the principle of meaningful participation.

Hence, amendments to electoral laws and efforts to implement the special overseas electoral districts must continue to be made through a participatory process that does not exclude stakeholders with a direct interest in the matter. Legislators must ensure that representatives of migrant workers' organisations and civil society organisations concerned with the fulfilment and protection of migrant workers' rights are involved in the process of drafting electoral law.

In addition to creating special overseas electoral districts that are separate and distinct from Dapil Jakarta II or other electoral districts in the country, the quality of overseas elections must also be improved by regulating the updating of voter data, which is continuously done by the KPU, and by involving other agencies that have access to data on Indonesian citizens abroad as well as data on the entry, exit and movement of Indonesian citizens abroad. Overseas voters registered to vote by postal ballot should be determined by direct application by the voter or by request and not unilaterally decided by the PPLN as happened in the 2024 Kuala Lumpur election, which resulted in data inaccuracies and manipulation, leading to the recommendation for a revote. For this reason, the KPU must open a special channel to facilitate voter registration by mail, accompanied by widespread and massive socialisation and dissemination of information. Voters who do not register will be registered with the TPSLN.

As an innovation and development of electoral services, the KPU can seriously develop overseas voting using the e-voting method. The implementation of e-voting must also be accompanied by the fulfilment of cumulative requirements as stated in Constitutional Court Decision Number 147/PUU-VII/2009, namely (1) it does not violate the principles of direct, general, free, confidential, honest, and fair; (2) the country applying the e-voting method must also be ready in terms of

technology, financing, human resources, and software; and (3) the readiness of the people in the country concerned and other necessary requirements.

## Closing

PPMI does not receive electoral justice in Indonesia's electoral system. To date, Indonesia's General Election Law has not provided special electoral districts (Dapil) for the growing number of Indonesians living abroad. In a narrow sense, "where else does the state guarantee the political rights of migrant workers, the majority of whom are women, other than in the five-year electoral agenda?" This five-year political agenda seems to have long abandoned migrant workers, but this year's implementation is the worst in the history of the reform. Not only are they deliberately excluded, but their votes are often manipulated and used as political bargaining chips.

Adequate political representation to support justice for citizens must be inclusive and include female migrant workers as active subjects of citizenship. The lack of feminist perspectives and the siding with migrant workers not only harms migrant workers themselves but also the quality of substantive democracy. The realisation of perspectives in the conduct of elections can take the form of the inclusion of female migrant workers as KPPSLN or PPLN. The lack of their participation as organisers can actually be seen as an attempt to marginalise them, as the majority of overseas voters are female migrant workers.

For too long, state policies have failed PPMIs. Efforts to realise the political rights of PPMIs have been inadequate due to poor and chaotic electoral systems that do not take into account the aspirations of Indonesian citizens abroad. There has been a long gap in the political representation of migrant workers in channelling their voices and aspirations. PPMIs, as the most vulnerable object in the migration system, should be given the right to have a voice so that their protection abroad and at home can be optimally fulfilled.

The disconnect between the aspirations of PPMIs and their representation in the electoral and political process is evident in the findings of Migrant CARE's monitoring, particularly in the 2024 elections. Indonesia's elections continue to discriminate against and marginalise PPMIs, relegating them to the lowest class of citizens.

Therefore, in an effort to get out of the dark alley of the marginalisation of PPMIs in the context of electoral

democracy practices, the KPU as an election organising actor must immediately implement the mandate of the Constitutional Court as contained in its decisions No. 14/PUU-XI/2013 and No. 80/PUU-XX/2022. Constitutional Court Decision No. 80/PUU-XX/2022 explicitly states that Annexes III and IV of Law No. 7/2017 on General Elections are unconstitutional. For this reason, the arrangement of Dapil must be implemented immediately, with one of the main issues being the existence of special overseas electoral districts.

Special electoral districts for Indonesian citizens abroad demonstrate the fulfilment of the principle of structuring electoral districts, the implementation of adequate political representation for PPMIs, as well as a guarantee of the fulfilment of the constitutional rights of PPMIs to exercise their political rights as Indonesian citizens who are equal before the law and the government, as stipulated in Article 27(1) of the 1945 Constitution of the Republic of Indonesia.

The arrangement of Dapil and the allocation of special seats through the Special Overseas Dapil is not only an agenda for the political representation of PPMIs but also a political tool for PPMIs to strengthen women's leadership at the legislative level. It is important for the government and policymakers to consider this as a suggestion and recommendation for Indonesia's future overseas election policy. Through this policy, the hope of having more Eni Lestari, who can more meaningfully express their aspirations and become political representatives for PPMIs at the legislative level, is no longer something impossible to achieve. Special overseas electoral districts/Dapil will be a new political arena that will not only enliven the celebration of democracy through elections but also teach how to channel democracy and meaningful voices. In this way, the political representation of PPMIs can be adequately implemented within Fraser's framework of justice.

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## The Dynamics of Political Passivity: Political Engagement Preferences of Migrant Domestic Workers in Electoral Processes in Host Countries

**Ayu Kusumastuti**

Brawijaya University  
Jalan Veteran Nomor 1, Ketawanggede, Lowokwaru, Malang, East Java, 65145, Indonesia

ayukusumastuti@ub.ac.id

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### Abstract

The enactment of Election Law Number 7 of 2017 outlines the requirements for voters, including Indonesian citizens (WNI) residing within the territory of the Republic of Indonesia or abroad. Focusing on migrant domestic workers, this paper seeks to analyse the political participation and engagement of migrant domestic workers in the political contestation of their homeland. The potential for political passivity among these workers is highly likely due to the restrictive nature of transnational caregiving work. This condition limits their freedom to engage in activities outside their work sphere, including participation in national elections. However, at the same time, they are able to identify personal barriers they face as a consequence of not participating in elections. Migrant domestic workers exhibit the characteristics of monitorial citizens, individuals who monitor and respond to election-related information amidst restrictive work patterns while also developing alternative forms of political participation outside of electoral processes.

Keywords: women, migrants, domestic workers, home country, elections, participation

### Introduction

The holding of overseas elections has been a consistent practice of the Indonesian government since the declaration of Indonesian independence. Since 1955, the Indonesian government has implemented the right of Indonesian citizens abroad to elect members of the legislature through Election Law No. 7/1953 (Wall 2007). Overseas elections are held periodically with the assistance of the Embassy or Consulate General in each country having diplomatic relations with the Republic of Indonesia.

There have been several changes in Indonesia's political system, especially since the end of the New Order era. Since 2004, people have been able to vote directly for president and vice-president. Furthermore, the organisation of overseas elections, which had been carried out by embassies in countries with diplomatic relations with Indonesia, was transferred to a special, more independent election organiser, the PPLN (Overseas Elections Committee), established by the General Elections Commission (KPU) in coordination with the Ministry of Foreign Affairs. The KPU itself was established for the first time since the 1998 reform. Under Law No. 4/2000, KPU members are non-partisan.

The PPLN and the Overseas Election Supervisory Committee (Overseas Panwaslu) work together to form the Overseas Voting Organising Team (KPPSLN). The PPLN plays an important role in the implementation of overseas election phases, especially in updating overseas voter data, determining the organisation and location of polling stations (TPS), and processing ballots by mail or mobile ballot boxes. The KPPSLN is in charge of overseas polling stations on election day.

With a history of holding overseas elections consistently with structured and systematic institutional arrangements, it is expected that overseas elections can be conducted in accordance with the expectations of all parties. However, this expectation may not apply to migrant domestic workers. The reality is that the accessibility of elections for migrant domestic workers is still limited, and there are still barriers to the vulnerable work patterns of migrant domestic workers that severely limit their participation in elections.

From the perspective of hyper-precarious labour and political passivity, this paper seeks to examine the exploratory and vulnerable nature of transnational care work arrangements that may hinder their participation. Hyper-precarious labour conditions minimise the

fundamental rights of migrant workers, including their welfare (Lewis et al. 2014). Migrant domestic workers are included in hyper-precarious labour, a system of migration and work that creates temporary migration and contingent work with the consent of the employer (Piper 2022). This results in migrant domestic workers having limited mobility depending on the employer, including for activities outside the scope of their work in a private home.

Working conditions in the home for migrant domestic workers with live-in arrangements can increase the workload and the potential for exploitation. These isolated and vulnerable working conditions reinforce migrant domestic workers' passivity towards activities and freedoms to interact with the world outside their work, including voting in elections in their home country. The consistent holding of overseas elections and the establishment of structured institutions, including organising and monitoring bodies, have not been able to overcome the structural barriers that migrant domestic workers face in elections. On this basis, this paper seeks to answer two research questions. *First*, how do migrant workers' vulnerable conditions shape their preferences for political passivity? *Second*, how do migrant domestic workers negotiate political passivity into political engagement by actively monitoring and responding to electoral information in the midst of vulnerable working conditions and by developing political participation beyond formal voting in elections?

## Research Methods

The research methodology used to write this paper is a narrative literature review. A narrative literature review is done by summarising and synthesising the available literature relevant to the research, and there are usually no set rules for writing this study (Gregory & Dennis 2018). The purpose of such a narrative literature review is to provide a detailed summary of a research topic with its interpretation using research evidence on a topic that is quite complex and broad in scope (Sukhera 2022). Specifically, this paper will use a critical review narrative synthesis, which is a literature study with an interpretive lens formed from previous theories, critical reviews, and perspectives from previous studies combined with the researcher's interpretive process (Sukhera 2022).

Some things to consider when writing an interpretive literature review are identifying relevant and significant literature in the study, discussing and evaluating the literature with a clear structure,

identifying some researchers who have done the study before, contextualising the research objectives, including literature that contradicts the findings of the study synthesis for a deeper dialogue, making points to logically justify the results of the analysis, discussing facts and opinions clearly, continuously including the latest literature in the narrative review process, and including full references of the narrative review (Saunders & Rojon 2011).

In this paper, the researcher uses several working processes to conduct a critical narrative review, namely defining the perspective or theory used and using the researcher's interpretive and dialogical lens to discuss the findings. This stage is used as a preliminary step before embarking on an empirical study of migrant domestic workers' participation in overseas elections. The perspectives of hyper-precarity labour and political passivity are used as an initial lens to examine this study. The concept shows the conditions of migrant domestic workers abroad and also how they navigate political participation in a highly precarious labour situation.

## Hyper-Precarity Labour and Political Passivity

Hyper-precarity labour is a term that defines the intertwined conditions of market-regulated labour characterised by employer demand for flexible, low-wage workers. In the context of migration, these workers find themselves in a vulnerable position, with highly restrictive immigration policies that deprive migrant workers of their basic rights, such as the right to permanent residence and welfare benefits (Lewis et al. 2014). Under these conditions, workers are highly vulnerable, highly dependent on exploitative labour systems, and vulnerable to laws, employment protections, and social and civil rights (Zou 2015).

The conditions of Indonesian migrant domestic workers in various destination countries show similar hyper-precarity, and many labour migration processes in Asia are governed by temporary employment systems with ties to the employer (Piper 2022). Moreover, this process shows the operationalisation of the recruitment, remittance, and return (Rs) process that has become a global policy discussion on migration and development. This grand narrative serves as a justification for continuing the recruitment process of migrant domestic workers without considering safe migration. The precarious conditions of female migrant workers are produced by brokers and recruiters, migrant capacities, and migration institutions that actively structure formal and informal conditions to dynamically

shape vulnerable migration experiences (Wee et al. 2019).

The vulnerability that characterises migrant domestic workers is the marginalisation caused by their background based on gender, race, socio-economic conditions, migration status or country of origin. Marginalised conditions intertwined with migrant backgrounds and “use and discard migration regimes” create conditions of injustice that also limit workers’ mobility within their sphere of work (Kaur-Gill & Dutta 2022). In general, migrant domestic workers face a situation of vulnerability and restrictions both in their countries of destination and in their countries of origin. In destination countries, migrant domestic workers are vulnerable to closed working conditions, lack of recognition of labour rights, temporary and limited employment contracts, or even the threat of deportation in the immigration system. In countries of origin, migrant domestic workers face debt bondage prior to migration and experience financial problems when adapting to finding new livelihood opportunities upon return (Parreñas et al. 2019; Silvey & Parreñas 2020). In the process of working in the destination countries, employers also use ‘soft violence’ to negotiate power relations over migrant workers. This creates unequal relationships and reinforces power over workers - conditions that further increase the vulnerability of female migrant workers (Parreñas et al. 2021).

The conditions of vulnerability of migrant domestic workers may have implications for passive behaviour in negotiating agency or individual preferences. Due to the enormous social structures and expansions within individual migrant domestic workers, migrant workers tend not to have options to determine behavioural preferences or intentions, including in political matters. With vulnerable working conditions, such as being tied to employers, affected by power relations with employers, migrant institutions that support vulnerable situations, and conditions of financial, time, and job insecurity, migrant domestic workers orient their behaviour towards meeting economic needs rather than political ones. This situation has implications for the potential behaviour of political passivity. This has implications for the deep relationship between conditions of vulnerability and passivity. However, according to Garrau (2021), vulnerability and passivity are not always linked because an individual retains autonomy or freedom in relational terms, which includes one’s choices, including political choices, integrated into the individual’s choices linked to relationships and social contexts that shape his or her personal choices.

Political passivity is the result of apathetic behaviour. This behaviour is caused by the process of political alienation, which is the feeling of being ‘alien’ to politics. In fact, this process of political passivity is not only seen in apathetic behaviour towards politics and feelings of alienation, but also in how marginalised groups express their interests and political behaviour (Dahl et al. 2018).

Political participation and engagement are linked to feelings of belonging to a place and recognition of individuals. For example, in the context of migrant youth participation, youth groups want to participate in politics but do not feel that they can influence political decisions (Sime & Behrens 2023). Political passivity in voting is often seen as the opposite of political participation. Some arguments see this as harmful to democracy, while others see it not as a decline in democracy but as a process of individuals becoming ‘monitorial citizens’. In the process of post-modern societies, they remain interested in politics but tend to avoid traditional forms of political participation, such as voting, while at the same time building new patterns of political participation and staying informed about political issues as monitorial citizens (Amnå & Ekman 2014). The passive engagement of migrants in Italy, for example, is associated with gender, education, and age. Migrants also engage in political advocacy with trade unions in response to poor economic and housing conditions (Ortensi & Riniolo 2020).

At first glance, political passivity is a process in which individuals are not involved in political processes and decisions due to the process of alienation, feelings of belonging, and recognition of individuals that can shape one’s political behaviour, preferences, and expressions. This political passivity can be a new form of political participation. They are not fully involved in traditional political activities such as elections, but rather, they observe the political processes that take place and build new patterns of participation outside of formal political participation.

### **Precarious Working Conditions Linked to Political Passivity**

The vulnerability of Indonesian migrant domestic workers is compounded by the stratification of migrant domestic workers, which leaves them with few resources in terms of time, money, and psychology to engage in the politics of their country. Migrant domestic workers are structured as low-paid workers, working long hours with no recognition of their labour rights and welfare. This suggests a situation of hyper-precarity with flexible

labour, low wages governed by liberal market logic, restrictive migration regimes, lack of recognition of workers' fundamental rights and exploitative labour systems (Lewis et al. 2014; Zou 2015).

In analysing the hyper-precarity of Indonesian migrant domestic workers and their decision to participate in the elections, there are at least two prepositions that reveal the connection between the two. *First*, the hyper-precarity conditions of migrant domestic workers in the form of exploitative recruitment conditions lead to economic insecurity for migrant domestic workers. Migrant domestic workers tend to allocate resources of time, money, and civic capacity to meeting economic needs rather than to politics, leading to potential political passivity. *Second*, the hyper-precarity conditions of migrant domestic workers, with isolated working conditions in employer power relations, make it difficult for migrant workers to access political information, including voter registration, postal voting, or travel to polling stations. This can lead to potential abstention due to structural barriers.

Relational structures are structures that relate to migrants developing relational interactions with migrant domestic worker recruitment agents. These agents or brokers are key actors in the process of sending migrant domestic workers to destination countries. This process is often highly exploitative as it seeks to maximise profits by offering recruitment services at a very high cost. This forces migrants to seek financial support from family or other financial institutions in the form of debt. Pre-departure debt bondage is common in the recruitment process of migrant workers.

Debt bondage, contract slavery, and trafficking are experiences of labour migration in the form of labour abuse and coercion (Johnson 2018). The recruitment of migrant domestic workers has become a grand narrative for relevant parties to continue to perpetuate this practice under the pretext of development, which, in fact, reinforces a labour system with binding employment relationships with employers without safe migration (Piper 2022). This process is also consistent with migration institutions and migrants' intentions, which shape vulnerable migration processes (Wee et al. 2019). This vulnerability persists until migrant domestic workers return to Indonesia in search of new livelihoods, where job insecurity and economic insecurity are major concerns (Parreñas et al. 2019; Silvey and Parreñas 2020).

In this process, the resources of migrant domestic workers to participate in politics, especially in national

elections, are constrained by economic insecurity. Based on the resource model of political participation, a person can participate in politics if they have the skills and time (Jeroense & Spierings 2023). Time resources are important here, as migrant domestic workers focus their time on economic needs rather than on politics. Time, money, and civic capacity are the resources needed to participate in politics (Brady et al. 1995). As conditions of hyper-precarity force migrant domestic workers to devote time, energy, and thought to economic needs, the political aspect is not their main concern.

Particularly in isolated labour processes, migrant domestic workers find it difficult to interact with people or communities outside their work environment at home. This also makes it difficult for them to access information or be exposed to political information about their country's electoral politics. Migrant domestic workers experience marginalisation and exploitation through their solitary, closed, and isolated employment status in private households, with the process of marginalisation more pronounced than for male workers (Kayako 2014). In the closed labour process, employers use 'soft violence' to negotiate power relations over migrant workers (Parreñas et al. 2021). This prevents migrant domestic workers from leaving their homes freely, including when they have to leave their homes to go to the polling station. In Hong Kong, migrant domestic workers' employment is so dependent on their employers that their passports or other identity documents are often held by their employers or employment agencies. This makes it difficult for them to prove their identity when they go to vote (Asano 2019).

This condition makes migrant domestic workers passive towards their country's political issues. Particularly in the case of closed political elections, access to information and participation is very limited. In the 2024 election in Malaysia, voters were not adequately informed about the voter registration process, the voting process or procedure, and how to exercise their right to vote at the polling station (Alhadjri 2024).

Given the isolated and closed conditions of migrant domestic workers, this means that access to information is a major obstacle to exercising their rights in elections. As a result, they may experience a process of alienation from the politics of their home country. This then leads to the potential for political passivity among migrant domestic workers. Dahl et al (2018) state that political passivity is caused by the process of political alienation,

a feeling of being 'alien' to politics, when this tendency shows apathetic behaviour towards politics.

Migrant domestic workers may also feel that the elections are part of an event only for the country's political elites, and that their contributions do not really change the current political conditions. Political engagement is related to feelings of belonging and recognition of individuals when feelings are not enough to shape political decisions in shaping political participation (Sime & Behrens 2023). Migrant domestic workers recognise that they are Indonesian citizens and, therefore, have a sense of belonging and love for the country. However, over time, the experience of vulnerable migration may also shape their perceptions of how difficult it is to achieve safe migrant facilities and protection from the state. This can also change the political choices of migrant domestic workers, making them apathetic towards elections.

Dahl et al. (2018) also state that political passivity is a form of self-expression and political interest. Similarly, migrant domestic workers who experience hyper-precarity in the recruitment process and in their work in the destination countries may exhibit political passivity in their voting behaviour. Vulnerable conditions and financial insecurity mean that migrant domestic workers' resources and capacities are devoted to the economic sphere rather than to politics. The lack of these resources means that their participation can also be very weak. The political passivity of migrant domestic workers is an expression of their hyper-precarity labour migration.

### **Political Passivity Does Not Always Indicate Weak Political Participation**

Migrant domestic workers' expression of political passivity in elections does not mean that they are completely uninterested in political issues, especially the migration process. Migrant domestic workers learn a lot about labour policies in the destination countries. To some extent, they identify the political processes and power relations at work that are intertwined between workers and labour law. Therefore, politics may not be new to them.

The political passivity of migrant domestic workers in overseas elections is also accompanied by a willingness to stay informed about political issues in their country. They also continue to monitor the political election process in order to exercise their political rights. Migrant domestic workers also made efforts to follow the

elections in their countries of destination, especially for those who have special times like holidays, like in Hong Kong. Through this literature review, it is known that the process of staying informed with political information about the elections is seen in the emergence of migrant domestic workers' opinions about the candidates, actions to support one of the candidates in the elections, and the identification of various barriers to voting overseas.

In the vulnerable working conditions of migrant domestic workers in destination countries, they also develop collective work in the form of advocacy and empowerment. This is a response to the lack of recognition of migrant workers' rights. For example, with the availability of transnational advocacy networks and NGOs working on migrant issues in destination countries, migrant workers are beginning to recognise their rights. The recognition of the universality of human rights, including the right of migrant workers to participate fully in politics, increases the contribution of migrant workers to politics.

This participation is to ensure that migrant domestic workers have the same rights as other workers. This participation develops through latent patterns of participation, such as participation in migrant groups based on specific hobbies or interests in the destination country, as well as manifest patterns of participation, such as participation in trade unions, membership of political parties, or voting in elections in the home country. According to Ekman and Amnå (2012), there are several types of political participation, including latent participation in the form of civic engagement of an individual, community group based on specific interests or socio-political issues, while manifest participation is formal participation in elections, demonstrations, political party membership, or signing petitions.

This political participation is also carried out by migrant domestic workers as a manifestation of the recognition of their political rights. This participation is expected to be a process of involvement of migrant workers in decision-making on policies that apply to migrants themselves. In their country's elections, migrant domestic workers hope that elected candidates will shape migrant protection policies in destination countries.

Migrant domestic workers are able to express subjective opinions about potential leaders in Indonesia. Polarisation in the choice of presidential candidates was also evident in some migrant domestic

worker placements, for instance, during the 2014 election when many migrant domestic workers supported Joko Widodo (Jokowi) for president. Jokowi's presence attracted migrant domestic workers from their destination countries to participate in the election. Migrant domestic workers found the presidential candidate's vision and mission to be realistic and solution-oriented (Lestari 2014).

In the 2024 election, there were actions in migrant domestic workers' destination countries to declare their support for one of the candidates as a form of overseas political mobilisation (Kusumastuti 2024). During the voting process, migrant domestic workers also identified barriers, such as unclear information about the 2019 permanent voter registration process, which prevented migrant domestic workers from receiving sufficient information to participate in exercising their right to vote (Straitstimes 2019).

Election dates that did not coincide with public holidays in the destination countries of migrant domestic workers were also problematic. Hong Kong, Taiwan, Singapore and Malaysia all had Lunar New Year holidays, while the majority of migrant domestic workers continued to work. As a result, they were unlikely to get a day off. In Singapore, the postal option was also inconvenient as they had to leave the house to go to the post office, and their employers did not give permission (Migrant CARE 2024).

Migrant domestic workers note that the challenges of holding overseas elections, such as lack of socialisation and restrictions in their working situation, have prevented them from exercising their right to vote in elections. Although they tend not to exercise their right to vote in elections, they are still able to identify and assess the barriers they face, so choosing not to vote is the most rational choice for them. Rather than being passive voters, the passivity of migrant domestic workers is part of an individual's process of discovering, observing, and monitoring the electoral process abroad, and then reflecting on the obstacles they have experienced. Political passivity is not always harmful to democracy, but it can give rise to monitorial citizens, voters who avoid traditional forms of political participation such as voting, while at the same time developing new patterns of political participation and staying informed about political issues (Amnå & Ekman 2014).

Monitorial citizens tend to be alert and ready to respond to election issues in the midst of their busy

lives, especially on issues that affect their lives when personal issues become political issues (Graves 2017). Similarly, migrant domestic workers in destination countries may reflect, during election season, on the performance of the government in protecting them in destination countries and providing guarantees on their return. This is an attempt to reflect on the behaviours that affect their lives as migrant domestic workers. In case studies in the Nordic countries, for example, monitorial citizens tend not to participate in traditional political institutions, such as political parties (Hooghe & DeJaeghere 2007). Migrant domestic workers can be said to be interested in politics by reflecting on their personal experiences and the role of the state in protecting migrant workers abroad. This process shows political participation in expressing their opinions. This process of political participation is not always linked to participation in legal and formal political institutions.

The complexity of the overseas electoral process, which requires considerable effort on the part of migrant domestic workers to understand the process, makes them want to process the results of their electoral knowledge quickly. The emergence of electoral problems for migrant domestic workers, such as difficulty in getting days off and limited information, shows that migrant domestic workers are trying to be more perceptive and quicker to identify the problems they face directly during elections. According to van den Hoven (2005), monitorial citizens seek to minimise the information costs associated with their cognitive process of processing complex information about politics, as voters tend to make quick identifications rather than reading their information environment. Migrant domestic workers use the internet and social media to learn about and monitor the political situation in the country, especially as election information is remote and 'soundproofed'.

Another feature of monitorial citizens is the involvement of migrant workers in political advocacy with trade unions in response to poor economic and living conditions (Ortensi & Riniolo 2020). This shows how their political participation can go beyond formal participation, such as in trade unions, and is an attempt to circumvent traditional forms of political participation.

The involvement of migrant domestic workers in labour rights advocacy can be seen in their participation in promoting advocacy for the Domestic Workers Protection Act since 2010 through Jala PRT (National Network for Domestic Workers Advocacy). Domestic

workers are also involved in various civic and political activities, such as participating in the commemoration of Labour Day and National and International Domestic Workers' Day (Gastaldi et al. 20-22).

At the same time, there are many forms of political participation in the advocacy of migrant workers' rights in destination countries. In Hong Kong, there are Indonesian migrant institutions such as Persatuan Buruh Migran Indonesia Tolak Overcharging (PILAR) Hong Kong, which initiated the Movement Against Overcharging in collaboration with twenty-three migrant organisations from different religious and cultural backgrounds (Rother 2017). The Indonesian Migrant Workers Union (IMWU) and Migrant CARE are trying to implement a rights-based approach to advocacy for migrant workers in Hong Kong through various strategies (Amalia 2020). Migrant domestic workers in Malaysia, under the auspices of several NGOs, have successfully advocated for the fulfilment of workers' fundamental rights in the destination country, demonstrating their role as members of a transnational community (Khurun'in 2017).

Migrant domestic workers' political participation varies from formal participation in the form of voting in elections (electoral politics) to participation in advocacy for migrant workers' rights in the form of extra-electoral politics (Kusumastuti 2023). Their participation in elections can be seen in the phenomenon of workers queuing at the Kaifong Welfare Association polling station in Tsim Sa Tsui, Hong Kong, during the 2019 election (Asano 2019), although some experienced problems and were unable to exercise their right to vote. Engaging in labour rights advocacy in the destination country demonstrates civic participation as part of a transnational society.

The dynamic of migrant domestic workers' political passivity in elections can be transformed into active citizenship in monitoring elections and accessing political information as monitorial citizens. This process occurs when some migrant domestic workers are able to identify the root causes of migrants' absence from elections and the exercise of their right to vote. This shows their ability to identify and be informed about the political issues of the country. By staying informed, migrant domestic workers can develop dialogue and analytical skills beyond the passive tendency of some of them in overseas elections. In addition, migrant domestic workers also develop a high level of political participation outside of formal political participation,

such as in elections. In this case, they develop civic participation in social movements that advocate for migrant workers' rights.

### Closing

By synthesising the available literature on the conditions of migrant domestic workers in destination countries and their political participation, this narrative review produces three main findings. First, the hyper-precarious and isolated working conditions of migrant domestic workers may shape their ability to focus on economic rather than political needs, increasing the likelihood of political passivity. However, this political passivity does not necessarily threaten democratic processes and their engagement in the politics of their home country.

*Second*, with some effort, migrant domestic workers recognise the problem of difficulty in accessing political information or exercising their right to vote. This shows the process of individual reflection on structural barriers to voting. This reflection is a migratory process that shows the characteristics of the monitorial citizen.

*Third*, monitorial citizens reveal the preferences of migrant domestic workers in politics. They can find, recognise, and identify the root of migrant domestic workers' problems in terms of their reasons and tendencies to be passive in their country's electoral contest. They seek to monitor election information and identify personal barriers to highly restrictive working conditions overseas that do not necessarily lead to formal participation in elections. They are also willing to take time out of their busy schedules to respond to election issues. In the process, migrant domestic workers also develop alternatives to political participation beyond voting in elections, such as lobbying for a Domestic Workers Protection Act in their home country since 2010 and advocating for migrant workers' rights in destination countries through trade unions and migrant organisations.

The vulnerability of migrant domestic workers' working conditions in destination countries can shape the potential for passive political behaviour in electoral contests at home. However, this political passivity is dynamic. Behind the non-participation in formal politics, migrant domestic workers are also able to identify structural barriers in the electoral process in their home country that make them passive while at the same time staying informed about electoral developments. On the other hand, migrant domestic

workers also develop political participation outside of formal political participation, such as civic engagement in advocating for migrant workers' rights.

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## Indonesian Overseas Elections as an Arena of Activism for Indonesian Women Migrant Workers

**Wahyu Susilo**

Graduate Student of Political Science, Faculty of Social and Political Sciences, Diponegoro University,  
Semarang

Jalan Imam Barjo S. H. No. 1, Semarang, Central Java, Indonesia

wahyususilo@students.undip.ac.id

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### Abstract

Although since the first Indonesian general election was held in 1955, it has guaranteed political rights, especially the right to vote, for Indonesian citizens who are abroad; in the development of policies on elections in Indonesia, there has been no adequate policy update. Women Indonesian migrant workers, who are the face of the majority of Indonesian citizens abroad, have not participated in the implementation of Indonesian elections abroad and also have not felt the direct benefits of organising Indonesian elections abroad. This research traces the emergence of overseas election monitoring activities and political education of Indonesian migrant workers. These initiatives have encouraged the political activism of Indonesian migrant workers to ensure that Indonesian elections abroad are more qualified and responsive to the migrant worker protection agenda and encourage the representation of migrant workers in legislative political representation contested in elections.

Keywords: political activism, parliament, overseas election, Indonesian women migrant workers

### Introduction

Women's political activism is an area that has been widely studied in the study of politics in Indonesia, both in the fields of history, political science, and feminism and gender studies. If the study of history traces the movement of Indonesian women in specific political periods, political science, feminism, and gender studies focus more on women's political activities in the form of political participation and political leadership in the realm of formal politics/electoral politics.

Before discussing the political activism of Indonesian women migrant workers, it is worth reviewing the history of elections. Many studies of Indonesia's electoral history date back to the 1955 general election - as a form of free and participatory election. Some comparisons of elections in the Old Order era show government and military control (Feith 1957; Crouch 1978), as well as political consolidation with Golkar and the military as political forces under President Soeharto's regime (Reeve 1985). The holding of elections in 1999 (after the fall of the Soeharto regime) offered optimistic hope. The changing political context of the reform era included issues of voter participation, voter education, media influence, women's representation, and criticism

of corruption and money politics (The Asia Foundation 2003; Muhtadi 2020; Aspinall, Edward, & Berenschot 2019).

In the last decade, electoral themes in political science literature have also become more diverse, including direct local elections, money politics, and women's representation (Sulistiyanto & Erb 2015). Discussions of electoral politics in the study of women's political activism focus on quotas of women's political representation in parliament and bureaucracy, contestation of ideas, women's figures in legislative and executive electoral processes, and women candidates and political dynasties, with a tendency to discuss elite politics. A recent study on women's representation and leadership in politics as a result of elections can be found in a book edited by Kurniawati Hastuti Dewi (2022), which explores the problems and dilemmas of women's political leadership in networks of political dynasties and local oligarchies.

During the democratic transition in the year of the 1999 Indonesian elections, there were many political education programmes (including voter education) aimed at ensuring the active participation of the public.

This was different from the situation during the New Order era, which was more about mass mobilisation. There were various political responses to the 1999 elections by women, both individually and organised through the community. This participatory enthusiasm was evident in the emergence of political awareness through political parties, the nomination of legislative members and the organisation of political education for women. However, many obstacles were identified, such as the lack of political support for women's participation both in the parties and in the process of nominating women legislators (API 1999; Suryakusuma & Johnson 2001). Instead of being political subjects, women in this context were seen as tokens and political objects.

Other efforts included political education (including voter education) by many women's organisations. The aim was to open a space for dialogue between women as political subjects and political parties on the agenda of women's political interests. One of these was carried out by Solidaritas Perempuan, which held various women's political dialogues, including one on the protection of migrant women workers (Ardiantoro 1999). This form of political education was also carried out by Koalisi Perempuan Indonesia, founded in 1998. To date, the role of these two organisations has been consistent in producing cadres of women who join political parties, participate in the political sphere, and are active in the process of organising elections. Koalisi Perempuan Indonesia also pays attention to the agenda of protecting women migrant workers. This political education has contributed to women's enthusiasm for political participation in Indonesia, which has been suppressed for many years (Mughtar 2016).

These efforts have not succeeded in significantly increasing the number of women elected to parliament, with only 9 percent of the total number of female representatives in parliament. This shows that there are still many items on Indonesian women's political agenda that need to be addressed. There was, however, one item on the agenda that was successfully passed in the 1999-2024 legislative period, namely the adoption of the Law on the Elimination of Domestic Violence.

The role of Indonesian women's political activism in the reform era was one of the important historical records. It was a starting point for changing the nuances of women's political participation. The push for quantity as an affirmative action could also promote substantive goals that articulated the interests of Indonesian women. This effort was a response to the numerical quotas for women in electoral and party systems

that paid little attention to women's voices and were eventually accommodated (International IDEA 1999). Unfortunately, there are not many comprehensive studies on the political aspirations of grassroots groups in Indonesian electoral contests. Terry Caraway and Michele Ford (2019) in "Activists in Transition: Progressive Politics in Democratic Indonesia" (Dibley & Ford 2019), write about the aspirations of workers and their efforts to engage in electoral politics. This poses a challenge to the agenda of protecting Indonesian women migrant workers, who remain marginalised.

Studies on the elections and aspirations of women migrant workers are also rare. One exception is Ayu Kusumastuti, who wrote a doctoral thesis for the University of Leeds entitled "Political Transnationalism of Indonesian Female Domestic Migrant Workers", which contributes to the study of women migrant workers' political participation. In another article, Ayu Kusumastuti (2023) also explores the political practices of Indonesian migrant workers in Hong Kong, both in the electoral and non-electoral spheres, and how these political practices influence policies on migrant workers. The study in this article uses the concepts of transnational politics and political remittances.

What is interesting in the process of learning about the political activism of women migrant workers is the introduction of the dynamics of organising overseas elections in different countries. More comprehensive studies can be found in the context of transnational politics, diaspora political articulation, and studies on remittances and politics. These studies explore migrant workers as political subjects, their political strategies, and the vulnerabilities that they face. This can be seen in the implementation of several African countries (Algeria, Morocco, and Tunisia) that use or exploit the participation of overseas voters in their elections to mobilise support and resources and to control and monitor their citizens abroad (Brand 2010). Another example is the Philippines, which uses remittances as a measure of the political behaviour of migrant workers' families and their preferences for the ruling government (Oh 2016).

Remittances are an important aspect of electoral politics (O'Mahay 2013), as they can systematically change the political cycle. Remittances can also make voters autonomous and independent of the state, allowing them to punish authoritarian states (Escriba-Folch, Sesequer, & Wright 2015), leading to a democratic transition in the country. Through these efforts, migrant workers can become active political actors so that their

participation has a significant impact on the political conditions in their home countries.

The search for studies on Indonesia's overseas electoral processes continues. The number of such studies is quite limited. Some studies are written by election observers or election study institutions, such as Migrant CARE's book "Pilu Democracy" (2014) and Perludem's translated book (2016) entitled "Memberikan Suara dari Luar Negeri: Buku Panduan International IDEA". The author found only one postgraduate thesis, written by Wahdy Hafizy (2017) for the Department of Politics and Government, Gadjah Mada University, entitled "Penjaminan Hak Pilih Warga Negara di Luar Negeri, Kajian Instrumentasi Pemilu". Several other studies on the conduct of Indonesian overseas elections focus more on organisational, political participation, and constitutional juridical aspects. This focus begins to question the quality and quantity of women migrant workers' participation as voters. In general, popular politicians have been found to influence the active participation of migrant workers (Suryani & Anna 2017). The increase in participation is also accompanied by policies that are seen as supportive of Indonesian migrant workers (Hasanah, Rizka, & Mui'in 2023). However, this increase is less significant as migrant workers still face difficulties in accessing information, registering to vote, electoral socialisation, and limited voting time.

The limited literature on the conduct of Indonesian overseas elections shows a lack of access and attention to Indonesian citizens abroad, particularly women migrant workers. At the constitutional level, the political rights of Indonesian migrant workers (as citizens) have been fulfilled in the conduct of elections. Several findings indicate that these constitutional rights are not being fully exercised, because not all migrant workers in Indonesia are eligible to vote (Akmal & Syarijal 20-22; Sani 2015). There is a lack of political representation of Indonesian citizens abroad (Siregar 2022), so additional instruments are needed that pay more attention to the fulfilment of the political rights of Indonesian citizens abroad, including migrant workers.

The regulations for holding the first elections in Indonesia stipulated that the participation of Indonesian citizens abroad would be possible and facilitated by the presence of Indonesian representatives abroad. This was regulated in Article 19 of Law No. 7/1953 on the Election of Members of the Constituent Assembly and Members of the House of Representatives, which explains the committee for overseas elections. Article

23(2) specifically regulates the mechanism of the number of members of the committee so that it can be conducted legally. Meanwhile, Article 30(4) confirms that Indonesians living abroad have the right to vote, and the mechanism of informing the committee of the number of Indonesians living abroad is the responsibility of the Minister of Foreign Affairs. This regulation was the precursor to the establishment of the Overseas Election Committee and the electoral district for Indonesian voters abroad - later known as Jakarta Electoral District II, which consists of Central Jakarta, South Jakarta and Overseas.

In light of these findings, it is important to study the electoral activism of women from marginalised groups (particularly women migrant workers) to see the process and political participation of marginalised women's groups. We need to learn from comparisons of overseas electoral governance and policy support and how migrant worker issues feature on the political agenda of electoral candidates (Bahagijo et al. 2022). Therefore, the purpose of this article is to specifically examine the political activism of Indonesian women migrant workers in response to the conduct of overseas elections. This is also part of putting the political interests of Indonesian women migrant workers on the agenda - as a marginalised group whose interests are often ignored, including in elections. They are also Indonesian citizens living abroad and within the electoral district of Indonesian overseas elections, which have special features in their conduct.

## Research Methods

This research examines the political activism of Indonesian women migrant workers abroad (specifically in Malaysia and Hong Kong) and compares three Indonesian overseas elections (2014, 2019, and 2024). The research is conducted using qualitative research methods. Qualitative data are collected through literature review and field observation. The literature review in this study is based on a thorough search of various academic journals published in the country and abroad. A comparative political approach to the conduct of overseas elections in different countries is used to locate the required data. The literature review is complemented by document studies (from primary sources) and literature studies (from secondary sources) related to data on Indonesia's overseas elections from election administrators, mass media, and election monitoring organisations. Field observation data are drawn from records and reports of Migrant CARE's

monitoring of Indonesian overseas elections from 2009 to 2024, with the author acting as an election observer. From 2009 to 2024, Migrant CARE observed Indonesian elections in Malaysia, Singapore, Hong Kong, and Taiwan. All the data collected have been analysed to provide comprehensive findings on the journey and support of women migrant workers' political activism in Indonesia.

### **Criticism of the Conduct of Indonesian Overseas Elections that Ignore the Aspirations of Migrant Workers**

In the introduction, it was briefly explained that the system and conduct of the 1999 elections were different from that of the New Order government. However, these changes have not yet been felt by the millions of Indonesian migrant workers abroad. Officially, Indonesian migrant workers are recognised as voters in every election. In reality, however, there has been no serious effort to reach out to them as active voters. Moreover, there is no room for special representation of migrant workers in parliament, which could be achieved through the creation of special overseas electoral districts (Ardiantoro 1999). This can be seen from the merging of migrant workers' electoral areas with Jakarta Electoral District II, which consists of Central Jakarta, South Jakarta, and Overseas. This unification of electoral areas is very detrimental to migrant workers because the character of the interests and aspirations of overseas voters is different from the character of the interests and aspirations of voters from Central Jakarta and South Jakarta.

In the run-up to the 2014 elections, Migrant CARE became an expert witness at the Constitutional Court to provide testimony and arguments on the importance of special overseas electoral districts. At the time, Perludem, together with Indonesian diaspora activists, including migrant workers, filed a judicial review of the General Elections Law and the Law on the Structure and Position of the House of Representatives (DPR), proposing special electoral districts separate from the DKI Jakarta II electoral district. The plaintiffs argued that their aspirations had not been represented by the elected members of the DPR and that they needed authentic political representation that could articulate their political interests, such as the protection of migrant workers and the idea of dual citizenship for the diaspora. This legal action was filed on 12 December 2012, and the Constitutional Court of the Republic of Indonesia decided to reject the petition, despite

agreeing that in the context of elections, domestic territories are different from overseas territories, and the establishment of overseas electoral districts is the domain of the legislature (Constitutional Court Decision No. 2/PUU-XI/2013).

In light of this situation, there was a stronger push for the fulfilment of migrant workers' political rights in the elections. This was urgent as the policies that would be produced - based on the performance of the legislative and executive branches elected through the electoral mechanism (Susilo 2020) - would have a major impact on the livelihoods of migrant workers. The number of election monitoring institutions in Indonesia that emerged in the run-up to the 1999 elections did not pay attention to the process of organising Indonesian overseas elections. This shows that there was almost no public concern about the conduct of Indonesian overseas elections. In the Indonesian Parliamentary Guide published by the Almanak Parpol Indonesia, there is a list of election monitoring organisations, and all of them merely focus on the conduct of Indonesian elections at home (Suryakusuma 2001).

In an effort to promote the protection of Indonesian migrant workers in the 1999 general election, Solidaritas Perempuan organised political dialogues with women candidates. The candidates were asked about their commitment to the issue of women migrant workers. These dialogues were held in major cities in Sumatra, Java and Sulawesi and involved members of Solidaritas Perempuan (in the report on Women's Political Dialogues for the 1999 General Election by Solidaritas Perempuan Jakarta). In another effort, the Almanak Parpol Indonesia documented questions asked of all political parties participating in the 1999 elections regarding their vision, mission, and programmes on the protection of Indonesian migrant workers. The efforts of Solidaritas Perempuan and the Almanak Parpol Indonesia show that the agenda for the protection of Indonesian migrant workers was almost completely absent from the political agenda of the 1999 elections, whether promoted by political parties or legislative candidates (API 1999).

The activism of Indonesian women migrant workers abroad has been growing since the early 1990s, particularly in Hong Kong. They joined an organisation called the Indonesian Migrant Workers Union and Asosiasi Tenaga Kerja Indonesia di Hong Kong (the Association of Indonesian Workers in Hong Kong). This organisation became the forerunner of the formation of a collective of women migrant workers

called the Indonesia Group, which was supported by the Asian Migrant Centre. In December 1994, for the first time, at a forum of the Asian Women's Tribunal at Chulalongkorn University in Bangkok, Tina, an Indonesian woman migrant worker, gave her testimony about her vulnerability as a worker in Saudi Arabia and Hong Kong. Tina was one of the mobilisers of the Indonesia Group (Matsui 2002). In its development, the organisation of Indonesian migrant workers in Hong Kong worked with Indonesian migrant worker advocates to push for regulations to protect migrant workers. The organisation also lobbied the Indonesian government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ford & Susilo 2010).

To support the advocacy and campaign, the Indonesian Migrant Workers Union produced a documentary film called "2.5 Billion Dollars for the State". The film shows that the hard work of Indonesian migrant workers, in the form of remittances amounting to US\$2.5 billion (when the film was made in 2000), was not appreciated by the state. At the time, the government and parliament had not taken the initiative to develop regulations to protect migrant workers. The film shows a delegation of Indonesian migrant workers from Hong Kong meeting with the Deputy Speaker of the DPR for Welfare, Muhaimin Iskandar, to urge the DPR to immediately discuss the Indonesian Migrant Workers Protection Bill.

This situation has raised awareness among migrant workers and migrant worker activists to advocate for migrant worker protection policies, starting from the electoral phase of executive and legislative elections (Yazid 2013). Provocatively, the founding statement of the Federation of Indonesian Migrant Workers Organisation on 23 February 2003 called for a boycott of the 2004 elections if they did not benefit Indonesian migrant workers. This call was an expression of disappointment at the slow pace of legislation to protect migrant workers. At the launch of the Federation of Indonesian Migrant Workers Organisation on 23 February 2003, a provocative call was made to boycott the 2004 elections if they were not favourable to Indonesian migrant workers. This call was an expression of disappointment at the slow pace of legislation to protect migrant workers.

In September 2004, at the end of the 1999-2004 term of the DPR, Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers Abroad was

passed. Rather than being an umbrella of protection for Indonesian migrant workers, this law has been heavily criticised by migrant workers and migrant worker advocates as it is more prescriptive on the placement of migrant workers by recruitment agencies and has minimal human rights protection dimensions for migrant workers (Hidayah et al. 2013).

In the run-up to the 2004 general election, Migrant CARE reflected on the conduct of the 1999 elections, the performance of the 1999-2004 parliament, and its impact on the fate of Indonesian migrant workers. The reflection, in the form of an article entitled "Buruh Migran Indonesia dan Pemilu 2004", was published in Kompas on 25 February 2004. The article assessed the conduct of the 1999 elections, which were considered more democratic but did not significantly address the political rights of Indonesian migrant workers (Susilo 2004). The presence of Indonesian citizens living abroad was only a complementary form of participation in the elections. During this period, the votes of overseas voters were channelled to the Jakarta II electoral district.

There are several things to criticise about Indonesian overseas elections. First, voter registration has never been maximised, so the percentage of overseas voters is very low compared to the actual number. The largest number of Indonesians living abroad are Indonesian migrant workers, followed by students and diplomats and their families. Compared to the number of Indonesians living abroad, the List of Permanent Overseas Voters (DPTLN) set by the General Elections Commission (KPU) for each election has never exceeded 30 percent of the total number of Indonesians living abroad.

Second, the elections do not take into account the representation and aspirations of Indonesians living abroad. Under the old electoral system, the migrant worker sector and Indonesian citizens working abroad were never represented. Meanwhile, DPR members representing Jakarta constituencies lacked sensitivity to migrant workers' issues. It turns out that the new electoral system does not significantly change the political representation of Indonesian citizens living abroad. This reality shows that Indonesian citizens abroad (the majority of whom are Indonesian migrant workers) are still politically marginalised. Given their vulnerabilities, such as the violence experienced by migrant workers or the discrimination faced by students and Indonesian citizens living abroad, channels of political articulation for protective policies are important for them.

From a comparative political perspective, we can learn from the Philippines' electoral system. Indonesia and the Philippines are countries with large numbers of migrant workers and receive significant remittance flows for economic growth. In the Philippines, the electoral system has accommodated the interests and political rights of its migrant workers. The Philippines enacted Republic Act No. 9189 (An Act Providing for a System of Overseas Absentee Voting by Qualified Citizens of the Philippines Abroad, Appropriating Funds Therefore, and for Other Purposes) to guarantee the political rights of its migrant workers. This regulation, promulgated on 13 February 2003, governs the conduct of Philippine elections for migrant workers and Filipino citizens abroad (Rojas 2005). The lessons learned from the Philippines' experience in conducting overseas elections should encourage the enactment of a legal basis to address the interests and rights of Indonesian migrant workers.

Regulations on the conduct of Indonesian overseas elections only concern ad hoc election organisers and supervisors, voting methods, and the timing of the primary elections. In essence, there is no policy to recognise the representative rights of Indonesian citizens abroad to obtain political affirmation in the form of overseas electoral districts.

Since the 2004 elections, Indonesia's electoral system has undergone a fundamental change. Whereas previous elections used a closed proportional representation system, the 2004 elections used an open proportional representation system. This makes it easier for voters to identify the legislative candidates running in their electoral districts. This change opens up much space and opportunity for Indonesian migrant workers' political participation in elections. This includes making it easier for them to recognise the representation of migrant workers (and Indonesian citizens abroad) in parliament. However, there has been no significant progress in encouraging Indonesian migrant workers to participate in elections other than as voters. To date, there is no legal basis that recognises a special representation mechanism for Indonesian citizens abroad in parliament. This mechanism could open space for Indonesian migrant workers (who make up the majority of Indonesian citizens abroad) to maximise their political rights, not only the right to vote but also the right to be elected as candidates.

According to IDEA, a global election monitoring organisation, Indonesia is among the countries that allow voters to exercise their political rights abroad. However,

this does not include providing political representation for its citizens abroad. By comparison, there are at least 11 countries that provide for migrant representation in parliament. These are mostly countries where many of their citizens work abroad, such as Algeria, Angola, Cape Verde, Colombia, Croatia, Ecuador, Mozambique, and Panama. The rest are countries with large diasporas and political maturity, namely France, Italy, and Portugal (IDEA 2016).

The Philippines is also a country that accommodates sectoral interests in the party-list system, which allows the political aspirations of migrant workers to be channelled through migrant worker political parties or allied political parties with close ties to migrant workers. In the 2016 Philippine elections, there were at least five sectoral parties that specifically championed the aspirations of migrant workers: the Acts OFW Party-list, the Amepa OFW Party-list, the Gabriela Party-list, the Migrante Party-list, and the OFWFC Party-list. They managed to send three representatives to Congress, from Acts OFW Party-list and Gabriela Party-list (COMELEC 2016).

In Indonesia, the electoral representation of migrant workers has been in the Jakarta II electoral district, which covers Central Jakarta, South Jakarta, and Overseas. In the 2004-2024 elections, most legislative candidates running in the Jakarta II electoral district did not have a track record of promoting the protection of migrant workers (Migrant CARE 2009). There is, therefore, a need to promote policies that are more supportive of Indonesian migrant workers so that their political rights are accommodated.

### **Migrant CARE and Women Migrant Workers' Activism in Response to the Conduct of Indonesian Overseas Elections**

Based on the experience of advocating for migrant workers' legislative policies in parliament and the critical evaluation of the conduct of Indonesia's overseas elections in 1999 and 2004, Migrant CARE prepared itself to become an election monitor for the 2009 elections, especially the overseas elections. This decision was made to encourage migrant workers to exercise their political rights as voters and to push for the protection of migrant workers to be an issue discussed and fought for by election candidates. Some of Migrant CARE's critical notes on the 2009 Indonesian elections were published on the web blog [buruhmigranberpolitik.blogspot.com](http://buruhmigranberpolitik.blogspot.com) and in full in "Demokrasi Pilu" (Hidayah et al. 2013).

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified by the Indonesian government through Law No. 6/2012, states that one of the fundamental rights of migrant workers is the right to participate politically in elections in their country of origin. Even Article 41(1) regulates the participation rights of migrant workers and their families in terms of political participation, the right to vote, and the right to be elected.

Since the 2009 elections until 2024, Migrant CARE has not only conducted election monitoring at the time of voting but also voter education programmes, political dialogues, and monitoring the track records of legislative candidates contesting in the Jakarta II electoral district (Migrant CARE 2009). Migrant CARE is registered as an official election monitor by the KPU and the Election Supervisory Board (Bawaslu), with monitoring areas in the destination countries of Indonesian migrant workers. Since 2009, Migrant CARE has been monitoring elections in Malaysia, Singapore and Hong Kong. In addition to these three countries, Migrant CARE also monitored Taiwan in 2024.

The description of the process and results of monitoring of Indonesian overseas elections in this section is based on the results of the Indonesian election monitoring reports conducted by Migrant CARE in 2014 (Migrant Care 2019), 2019, and 2024 (Migrant Care 2024). To run the programme, Migrant CARE developed a political education and overseas election monitoring module, which is updated with each election. This module is a guide for Indonesian migrant workers overseas who are involved in election monitoring (Migrant Care 2014).

Migrant CARE monitors Indonesian overseas elections in the countries of destination of migrant workers by working with Indonesian migrant worker organisations in the country. In Hong Kong, it works with IMWU, ATKI, SBMI HK and KOTKIHO. In Singapore, it works with the Indonesian Family Network and Himpunan Penata Laksana Rumah Tangga Indonesia Singapura. In Malaysia, it works with Persatuan PRT Migran Indonesia Malaysia (PERTIMIG) and several regional indigenous organisations that are mushrooming in Malaysia. In Taiwan, it works with GANAS, an organisation of Indonesian migrant domestic workers. The growth of Indonesian migrant worker organisations in these destination countries coincides with the emergence of political awareness of migrant workers' rights and demands for protection. In addition, interaction with

migrant worker organisations from other countries and support from NGOs and trade unions has also accelerated the process of politicisation of migrant worker organisations (Bastide 2023).

To monitor election day, Migrant CARE recruits and trains volunteer election monitors from these organisations. Most are women who work as migrant domestic workers. Prior to monitoring, they attend a briefing on the procedures for organising Indonesian overseas elections and their specificities, election monitoring methods, and reporting procedures. They are then deployed on the designated election day. So far, the KPU has always set the polling day for overseas elections earlier than for domestic elections. With the active participation of women migrant workers who have a better understanding of the field, the results of the monitoring of the conduct of Indonesian overseas elections can show the complexities and problems in the conduct of Indonesian overseas elections.

The growing awareness of the importance of the political rights of Indonesian migrant workers and the monitoring of Indonesian overseas elections has contributed to the identification of potential violations and fraud in Indonesian overseas elections. Indonesian migrant workers' access to social media (Facebook, Instagram, TikTok, and Twitter) has also become a means of articulation to communicate problems in the conduct of Indonesian overseas elections. Some of the key findings from monitoring the conduct of Indonesian overseas elections can be identified thanks to the active participation of Indonesian women migrant workers who have experienced repeated elections abroad (whether registered as voters or not).

Based on the results of Migrant CARE's monitoring of every Indonesian overseas election, the accuracy and low number of the DPTLN are the main problems that have never been resolved in the conduct of Indonesian elections. Based on the data on the mobility of Indonesian citizens abroad, which is indeed diverse (Rochim 2020), the number of the DPTLN set for each election has never exceeded 30 percent of the total number of Indonesian citizens abroad. Therefore, the possibility of Indonesian citizens (especially Indonesian migrant workers) not being registered as voters in the DPTLN is very high.

With each election, the number of domestic permanent voter lists (DPT) increases, but this is not reflected in the number of DPTLN. From the tabulation of DPT data processed by the KPU from 2009 to 2024, there

has never been a significant increase in DPTLN data; in fact, there was a decrease in DPTLN 2024 compared to DPTLN 2014 and 2019. In 2009, the number of DPTLN was 1,509,892; in 2014, it was 2,025,000; in 2019, it was 2,058,329; and in 2024, the number of DPTLN dropped dramatically to 1,750,474 (KPU 2024).

The low DPTLN turnout can be attributed to three factors. First, the election organisers did not maximise the socialisation of Indonesian citizens abroad on the importance of exercising their right to vote. Second, there is a lack of an accurate and comprehensive data collection process. Thirdly, the lack of a valid and adequate database on the presence and number of Indonesian citizens abroad leaves the election organisers with no reference to accredit the DPTLN. The determination of the DPTLN, which does not reflect the reality and accuracy of the number of Indonesian citizens abroad, creates problems in the distribution of election logistics and the swelling of the number of voters not registered in the DPTLN who are present at the Overseas Polling Station (TPSLN) on election day.

According to the KPU regulations, the conduct of Indonesian elections abroad differs from the conduct of elections at home. While there is only one method of voting at home, namely direct voting at polling stations (TPS), there are three methods of voting abroad, namely voting at polling stations, voting in mobile ballot boxes and voting by post. The latest regulations on voting procedures for Indonesian overseas elections are contained in KPU Regulation No. 25/2023, which contains specific articles on technical matters related to overseas voting. The three voting methods pose complex problems in terms of logistics distribution and determining which method will be used to identify potential voters. This also has an impact on the complexity of monitoring and supervising voting, especially in the case of the mobile ballot box and postal ballot methods.

In addition, while domestic elections are held on the same day with simultaneous voting, Indonesian overseas elections use the early voting method. The early voting period is usually one week before the simultaneous voting day in Indonesia and can be as short as one full day. In countries where the majority of voters are Indonesian migrant workers, polling days are usually held on weekends, Saturdays or Sundays, depending on local conditions. In the 2024 general election, the KPU determined the overseas polling days through KPU Regulation No. 122/2024.

According to Migrant CARE's monitoring from 2009 to 2024, the postal ballot method was the most widely used method for overseas voters, accounting for 40 percent of overseas DPTs, the mobile ballot box method was used by 35 percent, while the use of overseas polling stations was only around 25 percent. Even in 2024, the percentage of voters using the polling station method was likely to be even lower due to the Kuala Lumpur re-election and the Hong Kong authorities' ban on overseas polling stations outside the consulate accreditation area for the 2024 Indonesian elections.

In Malaysia, Hong Kong, Singapore, and Taiwan, for example, their freedom to vote is restricted by working hours/ holidays and permission from employers. Based on Migrant CARE's monitoring of migrant worker volunteers, most of whom were recruited from migrant worker organisations, many Indonesian migrant workers were unable to exercise their right to vote at the preliminary polls in Hong Kong, Malaysia, and Singapore due to long queues and slow service at polling stations, forcing them to go home as they had to return to work. Another obstacle they faced was the withholding of documents by agents or employers, making it impossible for them to meet the documentation requirements. Some were unable to vote because their names were not on the DPTLN.

Another problem that has arisen in the conduct of Indonesian overseas elections is the unavailability of tools to supervise and monitor the voting process through the mobile ballot box and postal/mail processes. These two special mechanisms for overseas voters have yet to be considered to ensure that the voting process is based on the principles of LUBER (direct, general, free and confidential) and JURDIL (honest and fair). The complexity of this issue led to tension and suspicion when news circulated that ballots had been cast in Malaysia and Taiwan. As the jurisdiction is overseas, the ability of Indonesian election organisers and law enforcement officials to conduct investigations or inquiries is limited. In addition, there were irregularities in the conduct of the overseas pre-poll.

The findings on the complexity of conducting Indonesian overseas elections are a contribution from the election monitoring process conducted by migrant worker volunteers who have experienced several elections during their time working overseas. The experience of being registered or not as a voter in Indonesian overseas elections has provided knowledge on the complexity of being a voter in Indonesian overseas elections. With access to social media and

the flow of communication (via messaging apps), Indonesian women migrant workers can receive reports of complaints from other migrant workers about elections. They can also produce content on issues related to alleged fraud and violations in Indonesian overseas elections.

Migrant CARE's notes and recommendations on the problems identified in the conduct of Indonesian overseas elections from 2009 to 2019 were shared with the KPU and the Bawaslu. The report also became the main material for the Bawaslu to compile the Overseas Election Vulnerability Index, which was launched in August 2023 (Wahyu, Johan et al. 2023). However, without the KPU's follow-up efforts, Indonesia's 2024 overseas elections will continue to repeat the same mistakes and even find new problems.

In addition to ensuring that the Indonesian overseas elections were conducted in accordance with the principles of LUBER, JURDIL and inclusiveness, and that every migrant worker was able to exercise their political rights, Migrant CARE also worked to ensure that the agenda for the protection of Indonesian migrant workers was included in the discussion of election manifestos. For each election, Migrant CARE brought potential women candidates together with migrant worker activists, both those who were working and those who had returned home. The process took the form of a candidates' policy dialogue forum, where the candidates' agendas on migrant worker protection were scrutinised, and Indonesian migrant worker activists responded with concrete experiences from the field.

Similar initiatives were also organised by women migrant worker activists in Hong Kong. For the first time in the 2014 General Election, Indonesian migrant worker organisations in Hong Kong organised a 2014 General Election Political Debate to scrutinise the candidates' vision and mission on the agenda of protecting Indonesian migrant workers. The debate was held at the Victoria Park field in Hong Kong and was attended by thousands of Indonesian migrant workers. The debate took place on 22 June 2014 and featured presidential campaigners and migrant worker activists (Wibisono 2014).

In 2019, Indonesian migrant worker organisations in Hong Kong consistently pushed for a migrant worker protection agenda in the 2019 general election. They took advantage of Hong Kong's relatively open democratic space, which allows migrant workers in Hong Kong to engage in political activism (Santosa 2023). This open democratic space is not enjoyed by

Indonesian migrant workers in Malaysia and Singapore, let alone Saudi Arabia.

However, the situation has changed as mainland China's influence in Hong Kong has grown. The democratic space is shrinking, even when there are pro-democracy actions in Hong Kong, there is repression and arrests of pro-democracy activists. This had a strong impact on the political activism of Indonesian migrant workers in Hong Kong during the 2024 elections. The Hong Kong authorities banned open voting at polling stations where tens to hundreds of thousands of migrant workers could vote (Muliawati 2023). In the end, 95 percent of Indonesian votes in Hong Kong were cast by postal ballot, while only 5 percent were cast in person at the Consulate General of the Republic of Indonesia (KJRI) in Hong Kong.

Migrant CARE is also actively involved in encouraging and promoting women candidates across electoral districts and parties who are interested in the protection agenda for migrant workers. They then become accelerator parliamentarians who actively fight for legislation to protect migrant workers, such as Law No. 21/2007 on the Crime of Trafficking in Persons and Law No. 18/2017 on the Protection of Indonesian Migrant Workers. Women candidates who later became Migrant CARE's partners in advancing the migrant worker protection agenda in parliament include Eva Kusuma Sundari (PDIP), Nihayatul Waforoh (PKB), Latifah Iskandar (PAN), Nova Riyanti Yusuf (Democratic Party), and Okky Asokawati (PPP, later moved to NasDem Party). The network established between the members of parliament and Indonesian migrant worker activists shows the strength of the constituency's mandate from the time of their candidacy during the election to the monitoring of their performance throughout their tenure in parliament. This is a way of ensuring the existence of policies to protect migrant workers and efforts to ensure that these policies are implemented (Sherlock 2020).

In the 2014, 2019, and 2024 elections, Migrant CARE always held a Candidate Dialogue on the Migrant Worker Protection Agenda for the DPR RI level in the Jakarta II electoral district, which includes Central Jakarta, South Jakarta, and Overseas. In addition, specifically at the district legislative level, Migrant CARE also held a Candidate Dialogue on the Migrant Worker Protection Agenda for migrant worker base areas, especially in Indramayu, Wonosobo, Kebumen, Banyuwangi, Jember, North Lombok and Lembata. In these areas, Migrant CARE worked with the community to establish the

Village that Cares for Migrant Workers (Desa Peduli Buruh Migran) initiative.

The existence of efforts to directly involve women migrant workers in monitoring Indonesian overseas elections has directly or indirectly encouraged the emergence of political activism among Indonesian women migrant workers as a form of response to the conduct of Indonesian overseas elections. In the course of their development, several Indonesian migrant worker activists who had been involved as Migrant CARE election monitoring volunteers became part of the Indonesian overseas election organisers in the next election, for example as volunteers of the Overseas Election Committee (PPLN), TPSLN officers, or overseas election supervisors. If some migrant worker activists were initially involved only as volunteer election monitors, some later became part of the Indonesian overseas election organisers, for example by becoming part of the Overseas Polling Organising Team (KPPSLN) or the Overseas Sub-District Election Supervisory Committee (Panwaslu). With the experience and knowledge of migrant worker policies and political interactions gained during the election monitoring process, they also became more consistent in becoming the backbone of the organisation to drive policy advocacy related to the protection of migrant workers.

When the 2014 elections gave birth to the phenomenon of political volunteers, women migrant worker activists also coloured the birth of political volunteers not only as followers but also encouraged them to become political volunteers carrying the agenda of protecting migrant workers. This will continue until the 2024 elections. By carrying out the main agenda of protecting migrant workers, the involvement of women migrant worker activists in partisan political work as political volunteers shows that political activism is an important praxis. The aim is to ensure that the interests of Indonesian women migrant workers are heard and translated into policies and implementations that are favourable to their problems and experiences. To achieve this, we must always be consistent in our commitment to monitor and encourage women migrant workers to participate in representing themselves in the Indonesian political arena.

### Closing

In the study of politics in Indonesia, the study of elections is a study that is often carried out, even today, after the development of democracy in Indonesia.

However, more specific studies, such as the political activism of women migrant workers in relation to the conduct of Indonesian overseas elections, have not yet been conducted. This research contributes to studies on the complexities of conducting Indonesian overseas elections and the political responses of women migrant workers who have been marginalised in all areas of public policy.

A review of the literature on the political dynamics of overseas elections involving migrant workers as voters, data on the results of monitoring Indonesian overseas elections, and the experiences of Indonesian women migrant workers' electoral participation show that there are no significant changes in the rules for conducting Indonesian overseas elections from year to year. These findings also show that the regulations have yet to reach the majority of women migrant workers and have yet to open up the affirmation of special parliamentary representation of overseas voters in the form of special overseas electoral districts.

Within the limited and narrow space for the participation of women migrant workers in the conduct of Indonesian overseas elections, the political activities of Indonesian women migrant workers have emerged. This activism is articulated in many political practices related to the full implementation, such as participating in overseas election monitoring, volunteering, or raising demands for the protection of migrant workers through dialogue with the candidates or criticising the vision and mission of the candidates. Several obstacles arise from the limited space for representation, the dominance of political power and money in determining legislative candidates, and the absence of a specific affirmative action policy regarding the representation of overseas voters in parliament. This limits the opportunities for women migrant activists to stand as candidates in legislative elections.

From all the findings of this study, the author concludes that it is important to fight for more qualified conduct in Indonesian overseas elections. This can be done by maximising the meaningful participation of women migrant workers and promoting the special affirmation of the representation of Indonesian citizens abroad and special overseas electoral districts so that it can be the aspiration of the activism of Indonesian women migrant workers in the conduct of Indonesian overseas elections. Thus, we can achieve the goal of a politically favourable struggle that listens to the experiences of Indonesian women migrant workers.

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## Political Representation of Indonesian Migrant Women Workers (PPMI) in Parliament: Opportunities and Challenges

**Ana Sabhana Azmy**

Political Science, FISIP, National Development University “Veteran” Jakarta  
Jalan R. S. Fatmawati, Pondok Labu, South Jakarta, DKI Jakarta, 12450, Indonesia

anasabhanaazmy@upnvj.ac.id

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### Abstract

The absence of Indonesian women migrant workers (*Perempuan Pekerja Migran Indonesia/PPMI*) in parliament reflects the unfulfilled political rights of citizens. With various problems of election violations such as double DPT, overseas election systems that are vulnerable to manipulation through postal and drop box methods indicate the vulnerability of the distribution of voting rights as a political right of a migrant worker, where the majority of migrant workers are women who work in the informal sector. The presence of migrant workers in parliament is important to accommodate political rights, both voting rights and the distribution of opinions. Their political representation in parliament will reflect the implementation of democratic values and be a positive example for other women in politics, especially in the context of gender justice. This paper uses the gender justice framework of Squires, the political theory of presence from Anne Phillips, and the representation theory from Hanna Pitkin to discuss the urgency of the representation of women migrant workers in parliament as a reflection of the fulfilment of political rights. The research method used is a critical and in-depth analysis of relevant literature studies.

Keywords: political representation, women migrant workers, parliament

### Introduction

One of the rights of citizens enshrined in the Constitution is the right to work in order to earn a decent living. This is enshrined in Article 27(2) of the 1945 Constitution, which states: “Every citizen shall be entitled to work and a living that is decent for humanity”. This means that the state is responsible for protecting its working citizens, both at home and abroad. However, the growing phenomenon of violence against Indonesian migrant workers (PMI), especially

women, shows that the government is not fulfilling its constitutional mandate. The state must improve the protection of Indonesian women migrant workers (PPMI), most of whom work in the domestic sector in vulnerable working conditions.

Based on data from the Indonesian Migrant Workers Protection Board (BP2MI), women outnumber men when it comes to working abroad as migrant workers in 2019-2024, as shown in the table below (BP2MI 2024b).

**Table 1. Placement and Protection Data of PMI 2024**

| No | Year         | Sex     |         | Number of Placements |
|----|--------------|---------|---------|----------------------|
|    |              | Women   | Men     |                      |
| 1. | 2019         | 191.237 | 85.316  | 276.553              |
| 2. | 2020         | 90.500  | 22.673  | 113.173              |
| 3. | 2021         | 63.855  | 8.769   | 72.624               |
| 4. | 2022         | 122.147 | 78.614  | 200.761              |
| 5. | 2023         | 167.863 | 107.102 | 274.965              |
| 6. | Jan-Sep 2024 | 156.419 | 71.107  | 227.526              |

Source: PMI Placement and Protection Data Publication Report 2024, accessed from (BP2MI 2024) and processed by the author

Data published by BP2MI on its website for 2019 to 2024 shows that women are the majority group involved in informal work. The data shows that there were 551.412 people in the informal placement sector and 526.523 people in the formal placement sector during this period. The data shows that women have always dominated the number of placements.<sup>1</sup>

Ironically, data on complaints to BP2MI's crisis centre over about six years shows that there were 17,070 cases of violations of migrant workers' rights. The majority of cases received by BP2MI in 2024 were related to migrant workers failing to depart (128 cases), migrant workers wanting to be repatriated (210 cases), unpaid wages (108 cases), and migrant workers' social security (57 cases) (BP2MI 2024a).

The data shows that in addition to the problem of physical violence, such as beatings, verbal abuse, and economic violence, there are also problems experienced by PPMIs in exercising their political rights in elections. Data and findings reported by Migrant CARE show that there are still many PMIs who are not registered in the Permanent Voters List (DPT). In the 2024 election, in addition to problems with the List of Permanent Overseas Voters (DPTLN), the votes of PMIs were not well distributed. The number of permanent voters has decreased since 2019. In the 2019 election, there were 2.086.285 people, while in 2024, there were 1.750.474 people. This shows that there are serious problems in realising the political rights (the right to vote) of migrant workers, the majority of whom are women. The electoral system, such as the method of sending ballots by post, which is still used, also has weaknesses and threatens the exercise of PMI voting rights (Migrant CARE 2024).

The challenge of fulfilling the political rights of PPMIs is not unique to the 2024 election but also to previous elections. The issue of PPMI participation is particularly evident in the main destination countries for PMIs, such as Malaysia, Singapore, and Hong Kong. In the 2014 election, for example, various problems were identified, including multiple DPTs, missing passport numbers, the arbitrary filling in of passport identities of underage migrant workers, and the registration of deceased migrant workers. Although there was an increase in the number of PMI voters from the 2014 to 2019 elections, the increase was not significant. Another issue that arose in the overseas elections was the use of mobile ballot boxes (KSK), which were not guarded by witnesses or the Election Supervisory Committee. On the other hand, voting systems in overseas polling stations often led to long queues without clear DPT sorting. In addition, the

postal ballot method was also vulnerable to fraud and electoral abuse (Migrant CARE 2019).

Suryani and Azmy's (2017) research on the political participation of Indonesian migrant workers in Malaysia in the 2009 and 2014 elections shows that there was an increase in PMI votes at that time, but not because of the socialisation or political literacy of PMIs, but because of the aspect of the figures of the presidential and vice-presidential candidates running at that time. The figures of presidential and vice-presidential candidates at that time were new figures who were believed to be able to change the working conditions and favour migrant workers (Suryani & Azmy 2017).

Huntington and Nelson, in their book (1984), state that the voluntary nature of participation is very important. This means that PMI votes should not be votes that can be easily mobilised for the benefit of political elites in elections. While it must be acknowledged that the form and degree of autonomous participation and mobilisation are not entirely clear, Huntington and Nelson (1984) believe that autonomous participation will have a greater impact on a democratic system of government (Huntington & Nelson 1984). This can be seen in the United States, particularly among black people, who are more active in many areas of political participation. This is due to a sense of identification as members of a community. The same principle can be used in the context of identity awareness as PMIs when examining the phenomenon of PPMI political participation, assuming that awareness of collective identity can have an impact on political participation. Unfortunately, according to the author, PPMIs working in destination countries other than Hong Kong<sup>2</sup> do not have the opportunity and permission to meet with other PPMIs, although meetings and gatherings allow them to discuss, exchange opinions, and associate.

The various problems encountered by PPMIs in exercising their political rights in electoral activities indicate that there are problems with the protection policy for PPMIs, which is currently regulated by Law No. 18/2017 on the Protection of Indonesian Migrant Workers. In her paper, Irianto (2020) explains that the 2017 Law is still gender-neutral as it does not specifically differentiate between female and male migrant workers. However, according to Irianto (2020), migration is not a gender-neutral phenomenon because migration has a more feminine face. Furthermore, when juxtaposed with the provisions of the Convention on the Elimination of Discrimination against Women (CEDAW), the 2017 Law does not specifically aim to protect PPMIs because the

word women is not specifically mentioned in the Law (Irianto 2020).

Furthermore, Article 2 of Law No. 18/2017 on the Protection of Indonesian Migrant Workers regulates the principle of equal rights as the protection of PMIs, equality, and gender justice. Article 3 regulates the protection of PMIs, which guarantees the fulfilment and enforcement of human rights as citizens and PMIs, while Article 6 regulates rights and obligations.<sup>3</sup> However, this policy is not sufficient because the articles do not regulate political rights (voting rights) and the conduct of elections. Thus, it can be seen that the exercise of political rights for PMIs is not specifically regulated by the law. The author goes on to criticise the lack of regulation of PPMIs' political rights, arguing that the fulfilment of PPMIs' political rights should not only regulate their participation as voters but also their political rights to be nominated, to become a candidate, to be elected, and to be elected in parliamentary political contests. The challenges that PPMIs face in realising their right to be elected include the political world being closely linked to the public sphere (men) and a patriarchal culture that discriminates against women being in the public sphere, as well as the political literacy that has not been developed among migrant workers. They have the right to politics, to be elected, to vote, and to have a voice/opinion. In addition, political parties have not paid attention to the lives of Indonesian migrant workers, except for the issue of labour migration and contribution to state remittances.

The right to vote and be elected is a right that should be accessible to everyone, but in the current reality, PPMIs are excluded. Today, PPMIs are still only seen as a mass base to increase the electability of the votes of the political elites competing in elections. In fact, many PPMIs' right to vote is still violated because they are not included in the DPT, there are multiple DPTs, and the absence of their employers' permission to come to the polling stations to exercise their right to vote. In addition, the ballot box and postal systems do not support the accurate distribution of their voting rights. Given that PPMIs play an important role in labour migration flows and in the gender justice agenda, the protection of PPMIs, both from cases of violence and the protection of their political rights, is an urgent agenda that needs to be addressed immediately. According to the author, in order to ensure inclusive political participation and political justice, the state must guarantee the political participation of PPMIs in the legislature. This may affect their ability to voice and fight for their protection needs and interests through formal political channels.

Against this background, this paper focuses on two main issues. First, it explores the reasons for the importance of political representation of Indonesian women migrant workers in parliament. Second, it examines the efforts or strategies to realise the fulfilment of PPMI representation in legislative seats. This paper uses the political theory of the presence of Anne Phillips and Hanna Pitkin in relation to the concept of representation, as well as the concept of gender justice from the perspective of political science, according to Judith Squires.

## Research Methods

In order to answer the two main questions above, namely the importance of political representation of PPMIs and the strategies to achieve political representation of PPMIs, this research uses a qualitative model. The arguments in this paper are based on literature review and critical analysis. The literature review is conducted using various references to analyse the urgency of political representation of PPMIs in parliament and the strategies that need to be implemented to achieve political representation of PPMIs. The use of various references is intended to provide an in-depth review and analysis of the importance of PPMIs' political representation in the legislature.

In his book, Pitkin (1967) outlines four categories of representation, namely formal representation, descriptive representation, substantive representation, and symbolic representation. According to him, if representation is understood only as descriptive or symbolic representation, then it is merely seen as an 'inanimate object' and not as an activity. In fact, representation is an action for others, that is, activity on behalf of the represented party, for their interests, and makes the representative an agent who plays a role for others. While a formalist perspective emphasises that the representative is an active figure acting for others, the status of the representative is still defined by the formal rules governing the representative's activities (Pitkin 1967). The representation of PPMIs in parliament can be understood within the formal political framework of the representation of Indonesian migrant workers. The presence of PPMIs in parliament is not limited to the appointment of a 'representative', but their role must actually fight for the aspirations and needs of PMIs on the ground. Pitkin underlines this with the analogy that representation arises because one cannot 'present' oneself in a certain role in order to do anything or to exercise the rights and obligations of that role.

Furthermore, in the context of political representation involving gender issues, Squires (1999) explains that sex refers to men and women, while gender refers to differences in the roles of men and women that are socio-culturally constructed, making masculine or feminine as biologically interpreted by the culture (Squires 1999). Anne Phillips adds to the importance of women's participation in formal politics for several reasons that reflect such participation. First, the argument about role models. Second, the argument about justice. Third, the argument about women's interests and needs, and fourth, the argument about revitalising democracy (Phillips 1995).

### **The Importance of the Representation of Indonesian Women Migrant Workers (PPMIs) in the Legislature**

The discussion on the political representation of PPMIs cannot be separated from the phenomenon of gender justice and how women are perceived in the public sphere. The lack of political representation of PPMIs in parliament shows the separation of domestic and public space for migrant women. Their work in the informal sector (domestic work) affects various other aspects of their lives, including politics in parliament.

According to Judith Squires in "Gender in Political Theory", gender is a set of culturally shaped characteristics that are at the core of many gender theories today. In the division of these characteristics, women's femininity is usually associated with gentleness and identical to the domestic space, so women are considered 'not in politics' because politics is understood as a public domain that is not considered a woman's space. In contrast, male characters are seen as assertive, straightforward, authoritative and occupying the public sphere (Squires 1999).

The labelling of women as only fit for the domestic sphere shows a form of femininity that is, at the same time, an implication of gender injustice, born out of cultural, socio-political constructions, and even religious interpretations. Mansour Fakhri (2013) explains that gender differences lead to various injustices, discrimination, and marginalisation for men and even more so for women. These injustices are clearly experienced by women migrant workers, both those working at home and abroad. One example is wage systems that discriminate against women. Women are often positioned as secondary workers or as mere companions to the main breadwinner, the men. In addition to wage issues, policies on the right to maternity leave, childbirth, and menstrual leave on

the first day of menstruation have not fully adopted a gender justice perspective. As a result, women have not been provided with adequate protection. In the development context, workers in general, and women workers in particular, are disadvantaged and tend to be vulnerable. They are seen as important because of their role in driving the economy, but at the same time the situation is critical because of the lack of policies that truly address the needs of women workers.

The position of women workers became important when we entered the development phase during the New Order. At that time, the government included women in the concept of Women in Development (WID). This approach was introduced in 1970 with Ester Boserup's work on Women's Role in Economic Development. She analysed the impact of changes from traditional to modern society on men and women (Boserup et al. 2007). Initially, the approach sought to establish egalitarian ideas and end discrimination against women. In its implementation, however, this approach failed to include women in development.

In the context of women workers, for example, this approach tends to understand gender justice as the phenomenon of women's inclusion in the economic scheme of development. The same logic is also used to read the situation of women's entry into labour migration around 1980, which became more female-dominated around the 1990s. On the basis of the data, it is true that women participated in the labour migration system to support their economic life.

Following the adoption of the Women and Development (WAD) approach, more attention has been paid to the place of women in the development process. This approach recognises that government policies can be a source of marginalisation for women. However, even this approach cannot respond to women's needs because it does not see women as the main actors in development. In the context of women migrant workers, although there are policies that address their presence in labour migration flows, women are not involved in policymaking. In short, neither WID nor WAD has satisfactorily addressed gender justice issues. In response to the shortcomings of the previous two approaches, the Gender and Development (GAD) approach emerged, which is a refinement of the previous two. GAD sees women as agents of change rather than passive objects (Azmy 2019). Women migrant workers began to be included in policy formulation or discussion agendas with the government to hear their aspirations and needs in the workplace.

However, in the context of development that brings modernisation, where the majority of women are actors in migration, the urgency of the existence and fulfilment of the rights of PPMIs has not received serious attention. Instead of being seen as important contributors to the economy who must be provided with the right to a safe working environment, women are seen as a means of generating remittances and economic benefits for the state. From a development perspective, women are often seen as 'targets' of most population control programmes sponsored by national and international agencies. As a result, women's education and health needs are neglected, which has implications for women's marginalisation (Rai 2002). Labour migration is the face of women. This suggests that the concept of the feminisation of migration does not arise simply because the majority of women involved in migration dominate informal work.

In light of the above, the protection of PPMIs also needs to be improved. The state's attitude towards the cases of violence experienced by Wilfrida, Adelina, Meriance Kabu, Erwiana, and Tutik Lestari<sup>4</sup> in Azmy (2023) shows that the problem of lack of protection of PPMIs is present even before their departure, precisely since the recruitment process of prospective PPMIs. According to Azmy (2023), the resolution of cases of PPMI rights violations has been initiated and promoted by civil society organisations. According to the author, the lack of protection for PPMIs is a consequence of the lack of gender-sensitive state actors. This is also due to the lack of representation of migrant workers in government. The complexity of this situation makes it difficult to develop policies that consider the interests of PPMIs. The journey of the revision of Law No. 39/2004 on PPTKILN into Law No. 18/2017 on the Protection of Indonesian Migrant Workers, which has been underway for almost seven years, illustrates the problem of representation questioned by Pitkin (1967) and Phillips (1995).

In her book, Anne Phillips explains four reasons why it is important for women to be involved in the public sector, in this case, formal political life (Phillips 1995). First, the role model argument. Phillips argues that if women are in parliament, other women will see the presence of women and become role models, seeing that women can achieve these positions. Second is the justice argument. For her, when women enter the formal political sphere, a form of justice between men and women can be seen. Because of the way women are viewed and stigmatised, the formal political space

becomes a difficult space for women to enter. Third, the argument about women's interests and needs. According to Phillips, when women enter parliament, they will be able to fight for women's interests and needs because those who can understand women's needs are women themselves.

In terms of fulfilling the political rights of PPMIs and protecting them from various forms of violence, those who sit in the legislative seats have the mandate to voice the needs of PPMIs and to make protection policies with a gender-equitable perspective, including making policies on overseas electoral systems that are participatory for PPMIs. PPMIs who enter parliament will have experience. This experience adds political capital that can be used for further achievements, changing existing rules and structures, supporting the new generation of women politicians, achieving a focused agenda for discussion and paying attention to issues that many women experience, such as violence, abortion, rape, work fulfilment and others (Lovenduski & Karam 1999).

Fourth, the argument about the revitalisation of democracy. When women enter formal politics, such as the parliament, it means that there is a revitalisation of democratic life. One of the values of democracy is equality. The fulfilment of PPMIs' political rights by becoming members of the legislature is a reflection of the context of equality: that PPMIs can also enter formal politics and become members of parliament, not only men and women who are networked with high financial and social capital.

Pitkin argues that different views of representation can be understood when applied to political life. A head of state, an elected legislator or a government official is, in certain contexts, a representative. They have the authority to bind the people whose interests they represent. However, elected political representatives can only be called 'true' if they are ultimately accountable for their actions to the parties they represent. According to Pitkin, the elements of political life that embody representation are diverse. For example, a government can be said to represent its state, nation, country or people. This statement may apply to all governments, or it may be used to distinguish 'representative' governments from other forms of government. For Pitkin (1967), the concept of representation is an ongoing debate between ideals and achievements.

When PPMIs are represented in parliament - fighting for the aspirations of women migrant workers - this is

a form of political representation. This condition shows the achievement and aspiration of migrant workers to be able to enter formal politics. Phillips, quoting Pitkin, states that representation 'means acting in the interests of those represented, in a way that is responsive to them'. Fair representation cannot be guaranteed because it depends on the process and the degree of responsiveness of the electorate (Phillips, 1995).

Thus, when PPMIs are present in parliament, they can act on the interests of those they represent (in this case, migrant workers) and bring about change in and through parliament. Based on the concept of gendering democracy, it is important to ensure that women and men sit together as equals in politics. Women and men are partners, not one dominating the other. However, in democracy, from a gender perspective, there are still significant inequalities in terms of minimum equality and increased participation. Phillips (1991) argues that this dilemma will continue, both in terms of quotas and women's representation in politics.

According to Lovenduski and Karam (1999), the political struggle of PPMIs does not end with their entry into parliament. Women must enter the political sphere and act in their interests by creating procedures that favour and accommodate their interests. The actual influence of women parliamentarians, according to both, depends on a number of variables that vary from country to country. These include the political context in which the country's institutions operate, the type and number of women in parliament, and parliamentary rules. Each aspect related to the presence of PPMIs in parliament can have a significant impact on bringing about change.

Therefore, it is important to look at the implementation of Law No. 18/2017 on the Protection of Indonesian Migrant Workers in terms of how the fulfilment of the political rights of PMIs is regulated, especially for PPMIs. At the beginning of the article, it is explained that although Articles 3 and 6 regulate gender equality clauses and the rights and obligations of PMIs, there is no specific clause on political rights. Article 21(1)(C) of the 2017 Law and Government Regulation No. 59 of 2021 on the Implementation of the Protection of PMIs only regulate the facilitation of the fulfilment of the rights of PMIs. The explanation on this point is in Article 16 of the Government Regulation and does not mention political rights, either to vote or to be elected.<sup>5</sup> The absence of regulations on the fulfilment of political rights shows that PMIs, especially PPMIs, dominate the flow of labour migration but not in formal political life.

In the history of women's participation in legislative politics during the reform era, when women's votes increased from 9 percent in the 1999 elections after the collapse of the New Order to 11.8 percent in the 2004 elections, to 17.86 percent in the 2009 elections, to 14 percent in the 2014 elections, and to 20.8 percent in the 2019 elections, there has been no representation of PPMIs as women members of parliament. As development actors, the importance of PPMI presence in parliament is not on the radar. In its publication, Migrant CARE explains why women need to enter the public sphere: because it is only in the public sphere that an issue can be contested for a just outcome. Therefore, women's voices need to be represented by themselves. Ensuring that PPMIs are able to express their own aspirations is not easy. It requires continuous empowerment (Maulida et al. 2019). The author believes that until the political representation of PPMIs in parliament is achieved, various issues of PPMI rights violations will not be adequately addressed by the state. This is a logical consequence of the absence of policies that favour and are based on the concrete experiences of PPMI groups.

According to the author, some of the obstacles arising from the lack or absence of PPMI representation in the legislature are 1) The lack of socialisation and political awareness of migrant workers that they have the political right to vote and be elected in electoral political contests through political parties. 2) The lack of concern and attention of political parties to the lives of Indonesian migrant workers. It is important to ensure that political parties are sensitive to the fact that their votes are not just numbers to be increased but that they are actors in development and democracy. Political parties' commitment should respond to the many challenges that PPMIs face in political engagement, such as lack of networks, capital and others. Political investment in PPMIs should be a shared concern and commitment.

### **Strategies for Realising the Representation of Indonesian Women Migrant Workers (PPMIs) in the Legislature**

Looking at the absence of PPMIs in formal politics, it can be said that PPMIs are not taken into account in elections and only become a temporary vote bank for interested candidates. Although there are still many obstacles that PPMIs face in achieving representation in the legislature, there are a number of strategies that can be implemented. As stated by Anis Hidayah (2014),

intervening in the decision of political parties to place their elected candidates can be done in commissions that are directly related to policies to protect migrant workers. Exercising the right to vote is not just about voting; it is also about ensuring that those elected represent our aspirations as voters. Migrant workers need to make sure that this happens, and if the political party does not recruit people who care about protecting migrants, then migrant workers can protest (Election 2014).

In his article, Susilo argues that the political rights of citizens are applied in the fulfilment of the right to vote and the right to be elected. Currently, only the right to vote has been granted, while the right to be elected has not been fully realised. In the Philippines, which is also a PMI-sending country, sectoral interests are accommodated in political parties. This allows the political aspirations of migrant workers to be channelled through migrant workers' parties or other parties that have an affinity with migrant workers' issues. In 2016, there were five parties in the Philippines that specifically championed the aspirations of migrant workers and managed to send three representatives to parliament, namely from the Acts OFW Party-list and the Gabriela Party-list (Susilo 2020).

In Indonesia, the Labour Party, which was founded in 2021, was one of the participants in the 2024 elections (Number 6). In the 2024 elections, the Labour Party faced various obstacles, such as external obstacles in the form of high-cost elections and administrative requirements to pass the KPU, including the need to win 4 percent of the national valid votes to be able to win votes in the DPR (Main 2024). The internal constraints of the Labour Party could be seen in the political participation of workers in trade unions/labour movements. According to the Indonesian Ministry of Manpower, there are currently 1 confederation, 197 federations and 12.346 trade unions. Meanwhile, the total membership of all of them is only 4 million people. The first problem is the fragmentation of the labour movement, and the causes of this fragmentation vary. However, most of them are caused by problems of organisational leadership, such as organisational splits that eventually give rise to new unions. There is also the paternalistic and personalised model of leadership. There is also the problem of the spontaneous and reactive nature of the movement, focusing on narrow and short-term issues. There is also a lack of a common political orientation to guide the union's political agenda (Hartono 2024). As a result of the KPU's recapitulation, 24 political parties participated

in the 2024 elections (KPU 2024), and only 8 political parties won seats in the DPR, while the Labour Party failed to win votes and seats at the national level with 972,910 votes (0.64 percent) (CNN 2024).

There are several important efforts and steps that need to be taken to build PPMI representation in parliament. *First*, improving internal policies in political parties to build a gender justice perspective in political parties. Political parties also need political education to improve gender justice perspectives. It is true that parties in Indonesia currently have a system called by Squires (2007) and cited by Soetjipto (2023) in his writing as a gender focal point in political parties (women focal point). These gender focal points take different forms, including Srikandi Demokrat (Democratic Party), PUAN (PAN), Perempuan Bangsa (PKB), Garnita Malahayati (Nasdem), and others.

The most important thing is not only the presence of this gender focal point but also whether the programmes and issues of struggle have targeted all groups of women, both fisherwomen and women workers in all sectors, both formal and informal, including Indonesian migrant workers. An interesting finding in Soetjipto's research (2023) is that even within political parties, there is a culture of seniority within the party. There is competition between female candidates for serial numbers and quotas. Although this can be resolved through the solidarity of senior women, Soetjipto's research explains that senior women underestimate the political abilities of junior women. This is a barrier for young women new to formal politics, who tend to join the women's wing of the party. There is also the use of political parties for cadres with a public figure background, which is only for the sake of publicity and does not familiarise the cadres with political life (Soetjipto 2023).

The findings of this study reflect the state of political parties in Indonesia, which do not fully support women's representation in formal politics. If there is no solidarity of support even among women, and parties are only concerned with publicity and high electability, what about PPMIs? What about ensuring the presence of migrant workers who are important to be involved and supported in entering formal politics? As an element that has a political recruitment function, political parties play an important role in realising the expansion of political participation. All elements of women, including PPMIs, can compete together if they are supported by internal political parties in the ongoing contests. In her paper, Shvedova explains that one of the political obstacles

to achieving women's representation in parliament is the lack of support from political parties. Parties do not provide adequate funding for female candidates, even though they have the resources to organise election campaigns. The number of women candidates depends on the number of elected women members, the selection and nomination process in political parties, which is also biased against women, and the masculine characteristics that are used and often become the criteria for selecting candidates (Shvedova 1999).

If political parties have internal policies that are responsive to gender justice, it will be easier for women to enter and represent themselves as representatives of women's struggles. PPMI representatives/activists fighting for the interests of PPMIs can work with political parties (not just the Labour Party) and have internal discussions about party policies that ideally include the voices of political participation of vulnerable groups. Whether from the backgrounds of industrial workers, migrant workers, fisherfolks, farmers and others.

*Second*, building political literacy for PMIs, especially PPMIs. Political literacy is a set of knowledge, skills, and attitudes that need to be developed together (Crick 2000). Political literacy focuses not only on knowledge about politics but also on how to encourage PPMIs to participate more actively in both formal and voluntary forms. Azmy and Kamila, citing Agnaou (2005), state that the involvement of people who are already literate along with those who are not yet literate is necessary to create effective literacy interventions. Therefore, political literacy is important for PPMIs to understand and realise the importance of their involvement in political participation.

Political literacy on gender justice issues is important because one of the challenges in increasing women's representation is the weak role and capacity of women politicians. Even when women are represented in the legislature, they do not automatically carry the gender justice agenda with them. In her research, Sigiro (2019) examines the importance of strengthening women's substantive representation in the DPR and DPRD and looks at models of women's engagement with parliament developed by several women's organisations. This means empowering women to strengthen their capacity as legislators. Political education for women supports their knowledge of the legislative process, their ability to undertake gender-sensitive budgeting and their involvement in oversight.

Empowering women in politics also strengthens their political skills, such as public speaking, media

relations, leadership, and understanding of pro-gender and pro-poor policies (Sigiro 2019). Political literacy is also urgently needed by PMIs under Indonesia's current electoral mechanism system, which, since the 2019 election, has combined the presidential and legislative election agendas. This makes election agendas very busy, especially domestically. Overseas voters, including PMIs, are not included in the political socialisation and literacy agenda. Different steps are needed when targeting PMIs with different educational backgrounds. It is, therefore, very important to have disaggregated data on the concrete situation of PMIs. Referring to the BP2MI 2024 data that there are 52.525 Indonesian migrant workers with primary education, 70.161 with junior high school education, 98.697 with high school education, 3.495 with diploma, 2.602 with undergraduate and 46 with postgraduate (BP2MI 2024b), the political literacy approach needs to address this diversity. It is also important to respond to the political/regulatory situation in the destination countries. Is it possible for PPMIs working in the domestic sector to meet, network and discuss with other PPMIs abroad?

*Third*, there needs to be an improvement in the electoral system and rules that favour ideological parties/new parties. In the 2024 elections, the Constitutional Court (MK) ruled that the electoral system used would remain open proportional. The use of this system has advantages and disadvantages. This system is expected to create more effective public oversight of political parties, bringing political inclusiveness and accommodating various community and democratic interests for political representation. However, this system has weaknesses, given the large number of political parties in Indonesia. The open proportional system opens a wide space for the phenomenon of money politics. Candidates who have many modalities and extensive networks have the privilege of winning. This undoubtedly leads to a decline in the quality of democracy. This situation is a multi-faceted challenge for PPMIs to compete fairly in the nomination and to become members of the legislature. In addition, the parliamentary threshold rule<sup>6</sup>, currently set at 4 percent, needs to be reviewed for its effectiveness in creating ideological parties that side with marginalised or minority issues, including PPMIs.

Although the spirit is to encourage the improvement of the functioning of political parties and to simplify the number of political parties in parliament, this high 4 percent threshold makes it difficult or even impossible for new parties with an ideology of struggle for the masses,

such as workers, to enter the national parliament. The MK declared that the threshold was constitutional in so far as it remained in force for the 2024 elections but that it was conditionally constitutional for the 2029 elections and beyond (Argawati 2024). The MK also stated that the determination of the percentage/majority threshold, which was not based on appropriate methods and arguments, violated the principle of proportionality of election results.

The rules and the size of the threshold are disrespectful to the voters' votes because they will be directed not only to the major parties but to all political parties participating in the 2024 elections. In terms of the presence of the Indonesian Labour Party as a party with an ideology of struggle for the lives of workers at home and abroad, there are 972.910 votes or 0.64 percent (Sanur 2024). The parliamentary threshold is one of the important points in the electoral system that will have a direct impact on the process of converting votes into seats. So where will the Labour Party's 972.910 votes be allocated if the party fails to pass the threshold and reach the 4 percent limit considered high for new parties? Won't this lead to disproportionate results?

In fact, the parliamentary threshold rules perpetuate the existence of large parties that can pass the parliamentary threshold percentage in every election. It is necessary for the MK to make a firm decision on whether to continue to apply the parliamentary threshold or to abolish it, or to keep it in force but with a reduced percentage. The labour movements, including PPMIs, can conduct and participate in hearings to the MK and initiate a judicial review of the parliamentary threshold policy.

*Fourth*, strengthening the protection policy for migrant workers, namely Law No. 18/2017 on the Protection of Indonesian Migrant Workers, which has been enacted by the government. The law does not regulate the system of fulfilling the political rights of migrant workers, which is part of the protection. Article 3(b) only mentions the guarantee of legal, economic, and social protection of PMIs and their families. Meanwhile, Article 6 on rights and obligations also does not regulate the right to vote and the right to be elected for migrant workers (Law on the Protection of Indonesian Migrant Workers 2017), especially for women, as the majority of migrant workers. Although the derivative regulation of the 2017 Law discusses protection rules, namely Government Regulation No. 59/2021 on the Implementation of the Protection of Indonesian Migrant Workers, there is no regulation on

the political rights of PMIs (Government Regulation No. 59/2021 on the Implementation of the Protection of Indonesian Migrant Workers 2021).

Provisions on political rights can only be found in Law No. 6/2012 on the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which implements the Indonesian government's ratification of the 1990 Convention. Article 41 states that: 1) Migrant workers and members of their families have the right to participate in the public affairs of their State of origin and to vote and be elected in elections in that State, in accordance with its legislation. 2) The States concerned shall facilitate, as appropriate and in accordance with their legislation, the exercise of these rights<sup>7</sup> (Wirata 2013). The 2017 Law and the regulations derived from it, namely Government Regulation 2021, were intended to regulate the fulfilment of political rights for PMIs, in addition to social, economic and legal rights, as a political integration of the 2012 Law. Not only the right to vote, but PMIs must also have the right to be elected in electoral contests. There must be additional provisions in the implementation of the protection regulation, namely Government Regulation 2021, which regulates the political rights of Indonesian migrant workers.

The non-regulation of the fulfilment of political rights in the 2017 Law shows that the government does not pay serious attention to the political rights of PMIs, especially PPMIs. The phenomenon of violations of political rights in the form of multiple DPTs, lack of permission from employers, and the vulnerability of voting methods such as postal voting, mobile ballot boxes, and voting directly at polling stations shows that the government does not care about the conduct of overseas elections. The unavailability of tools to supervise and monitor the voting process through the mobile ballot box (KSK) and postal/email processes is a recurring problem in various migrant worker destination countries every time an election is held. Unless monitoring works, there is no guarantee that overseas elections can meet the principles of direct, general, free, confidential, honest, and fair. Susilo (2020) explains that because of the overseas jurisdiction, there are limitations for election organisers and law enforcement officials when they want to investigate ballots cast abroad. It requires the seriousness of the government to increase citizen participation abroad, simplify voting methods and use information technology, and improve supervision and monitoring procedures that are not the same as domestic elections.

Strengthening protection policies abroad based on a gender perspective that regulates the exercise of political rights is certainly not possible without coordination with the government of the destination countries of PMIs. The conduct of overseas elections requires special attention, both in terms of organisers, coordination with local governments, and monitoring, as they take place outside Indonesia. Not all destination countries of PMIs, especially PMIs who work mostly in the informal sector, have policies to protect informal sector workers. The presence or absence of such policies correlates with the fulfilment of PPMIs' political rights, for example, whether they are allowed to come to the Indonesian embassy polling station to exercise their right to vote and whether ballot papers are delivered to PMIs. The fulfilment of PMI representation in parliament also depends on the existence or absence of a political rights policy for PMIs. Of course, if the protection policy includes a political rights scheme for PMIs to vote and be elected, its implementation requires the cooperation of many parties. The government and civil society need to work together to bring about electoral democratisation for PMIs, especially PPMIs. As Mundayat et al (2009) explain, when an effective government presents a participatory government and a strong civil society, the relationship between the two can present a democratic government and the creation of substantive democracy.

### Closing

Indonesian women migrant workers face many forms of violence and multiple vulnerabilities, starting from a patriarchal perspective that has implications for the narrowing of workspaces, of views on domestic work, of private spaces, and that women are not fit to be in public spaces. This perspective presents gender injustices that can be seen in the implementation of wages, labour contracts, work classification, educational opportunities, employment rights, legal protection, public spaces, and government policies, including the distribution of political rights (the right to vote and the right to be elected). We currently have a national policy, the law on the protection of migrant workers, which is better than the previous law (Law No. 39/2004 on PPTKILN), namely Law No. 18/2017 on the Protection of Indonesian Migrant Workers. However, the provisions on rights and obligations are still limited to labour protection mechanisms and do not touch on the political rights of migrant workers as citizens. Similarly, the derivative of Law No. 18/2017 on the Protection of Indonesian Migrant Workers, namely Government

Regulation No. 59/2021 on the Implementation of the Protection of Indonesian Migrant Workers, does not regulate political rights. The political participation of Indonesian migrant workers is important to channel the aspirations of their protection needs.

Direct political representation of PPMIs in parliament (rather than being represented by others) can build trust and credibility with other migrants, rather than having to wait for people who do not understand migrant worker issues, particularly PPMIs, to learn from scratch and enter parliament. Although PMIs can initially voice their needs to the people who are supposed to represent them, this does not guarantee that PMIs' protection agenda will be championed. Pitkin explains that elected political representatives can only be called true representatives if they are accountable for their actions to the party they represent. Since not all representatives can represent the interests of migrant workers, the author argues that the political participation of PPMIs is very important, not only the right to vote as a political right but also the right to be elected. The process of entering the world of parliament is certainly not easy for PPMIs. Of course, it is not just the breadth of organisational networks and social capital but also the alignment of political parties and party perspectives that migrant workers are an important component that has the right to voice their needs in the political sphere of government, to participate, to become part of government policy, and to enter the political system. This is a challenge for PPMIs to be able to approach political parties, both the Labour Party and other parties, to work together and then to participate politically. As Anne Phillips explains, when women enter government politics, they can become role models for other women. Not only that, but it also signifies the rise of democratic values in a country. The principles of democracy, in the form of freedom, equality, human rights and justice, have become a way of life for labour movements, including the PPMI movement.

However, PPMI representation in policymaking is not without its obstacles and constraints. Obstacles can be in terms of policy and support from different parties in government or society. Opportunities and challenges for PPMIs today are that despite a rich mass base and the presence of different organisations/trade unions, which are actually opportunities and strengths for PMIs, solidarity and common movements on the same issues/needs are still minimal. The need for political representation of PMIs, especially PPMIs, must be a common issue that is taken up to create good accommodation and

seriousness in the implementation of the protection of PMIs. In fact, this need can only be felt and responded to by PMIs through direct participation in the process of creating protection policies based on gender equality.

In addition to political literacy for PPMIs, it is also important for political parties to be literate and to understand that when discussing Indonesian migrant workers, it is not only about the economic perspective and remittances but also about the distribution of their political rights (the right to vote and to be elected). Political parties can show their seriousness by including the voices of women, including PPMIs, in their statutes. Improvements in the electoral system and rules that favour ideological parties close to the issues of the marginalised are also important. With the existence of the party, PPMIs will have access to more political resources/containers in addition to the parties that currently exist.

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## Footnotes

- 1 Regarding the conditions of labour migration, data from the overall placement and protection system for migrant workers for the period 2019-2024 and previous years can be accessed in more detail at <https://bp2mi.go.id/statistik-penempatan>. Data collected by BP2MI shows that the majority of placements are filled by women working in the informal sector as domestic workers, elderly care workers, childcare workers, and others. Women dominate the sector of work known as 3D (difficult, dangerous, dirty).
- 2 As a destination country, Hong Kong allows migrant women workers to meet, organise, and discuss various issues, including the strengthening of political rights. Hong Kong is known as the only destination country for migrant workers that recognises domestic work as work. The Employment Ordinance is the main piece of legislation regulating working conditions in Hong Kong. It covers a comprehensive range of employment protections and benefits for workers, including: 1) wage protection, 2) rest days, 3) paid holidays, 4) paid annual leave, 5) sick pay, 6) maternity protection, 7) paternity leave, 8) long service pay, 9) employment protection, 10) termination of employment, and 11) protection against anti-union discrimination. In practice, however, most labour cases in Hong Kong are decided only as civil cases by the Labour Court and settled through the mechanism of money and partial compensation. For more details, see Ana Sabhana Azmy's book (2023).
- 3 Article 2 of the Law on the Protection of Indonesian Migrant Workers states that the protection of Indonesian migrant workers is based on the following principles: a. integration; b. equality of rights; c. recognition of human rights and dignity; d. democracy; e. social justice; f. gender equality and fairness; g. non-discrimination; h. anti-human trafficking; i. transparency; j. accountability; and k. sustainability. Article 6(1) explains that every prospective migrant worker has rights, including access to self-improvement through education and job training, the right to worship in accordance with their own religion and belief, and access to communication. Meanwhile, the obligations of prospective PMIs include complying with the legislation, both in the country and in the destination country; complying with and performing their job in accordance with the employment contract; and reporting the arrival, location, and repatriation of PMIs to Indonesian missions in the destination country.
- 4 Wilfrida was a migrant worker in Malaysia who was physically abused by her Malaysian employer in 2010. As a result of the constant abuse, she fought back and pushed her employer to the ground in self-defence, resulting in her death. She was arrested in 2010 and charged with the death penalty. After a lengthy negotiation and legal process, Wilfrida was finally able to return home to Indonesia in 2021. Adelina was a migrant worker in Malaysia who suffered from severe injuries and malnutrition. She had animal (dog) bites and was forced by her employer to sleep outside with pets. She was not fed and was abused by her employer. Adelina has never been paid since she started working in 2014. She was admitted to the hospital when she was found because a neighbour of her employer reported her, and then taken to the hospital by a Malaysian city councillor for examination, but she could not be saved and died at the hospital. Meriance Kabu was a migrant worker who worked in Malaysia and suffered violence at the hands of her employer, including physical injuries to her body and face. Her employer pulled out her teeth with a screwdriver while she was unconscious. She was hospitalised, and the Indonesian Embassy demanded that the agency pay Meriance her full salary, even though she had not worked for two years. Erwiana, a migrant worker in Hong Kong, was physically abused by her employer. A metal tube from a vacuum cleaner was inserted into her mouth. Erwiana was forced to stand for hours, doused with cold water, and subjected to inhumane treatment, including not being fed and not being paid. Tutik Lestari was a migrant worker in Hong Kong who was physically abused by her employer for a year. The employer hit her with a ruler, a cleaning cloth, a duster, and other objects. The violence had been going on since 2011 and was only brought to court in 2015 (Azmy 2023).
- 5 Article 21 of Law No. 18/2017 on the Protection of Indonesian Migrant Workers regulates the protection during work, and paragraph (1)(c) of the Article regulates the facilitation of the fulfilment of the rights of Indonesian migrant workers. However, Article 16 of the Explanation of Government Regulation No. 59/2021 as a derivative regulation of the Law explains that the facilitation of the fulfilment of the rights of Indonesian migrant workers, as provided for in Article 13(2)(c) of the Regulation, is carried out through: a) reporting to the competent authority, b) fulfilling the rights of PMIs in accordance with the provisions of local laws and regulations, c) providing assistance in resolving the claims and/or disputes of PMIs with employers and/or business partners, and d) facilitating access to labour and health social security services.
- 6 Parliamentary threshold is an instrument used to reduce the number of political parties in parliament in order to simplify the party system and achieve stable political conditions. It is expected that the parliamentary threshold can help improve the work of parliament, and as the percentage of the parliamentary threshold increases, members of parliament will be motivated to work more optimally. The Constitutional Court's website states that the purpose of the parliamentary threshold is to encourage the improvement of the functioning of political parties in order to improve the quality of political parties. The regulation on parliamentary thresholds in Law No. 7/2017 on General Elections explains that the lowest threshold

is 4 percent of the total valid votes in the country, to be included in the determination of the seats of members of the DPR. This regulation is intended to simplify political parties in parliament, downloaded from <https://www.mkri.id/index.php?page=web.Berita&id=19790&menu=2>, 24 June 2024.

7 In addition, read Law No. 6/2012 on the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which existed prior to the approval of the revision of Law No. 39/2004 on PPTKILN into Law No. 18/2017 on PPMIs.



# 10 Years of Jokowi's Policy on the Protection of Migrant Workers: Fulfilment of the Right to Protection for Indonesian Migrant Workers is Still Limited

**Savitri Wisnu Wardhani**

Migrant CARE and activist at Jaringan Buruh Migran (JBM)  
Jalan Karang Pola V Nomor 1, RT 4 RW 3, Pasar Minggu, Jakarta Selatan, DKI Jakarta, 12540, Indonesia

savitri@migrantcare.net

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## Abstract

The migration of Indonesian migrant workers has brought positive contributions to economic development in both the countries of origin and destination of Indonesian migrant workers. In an effort to provide protection for Indonesian migrant workers, the government has issued Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and has carried out several protection initiatives. However, cases experienced by Indonesian migrant workers for 10 years actually show a lack of protection efforts for them. Women migrant workers in the informal sector are even more vulnerable to violence. This is due to the policy perspective that is more targeted at the area of economic gain than protection. Qualitative method exploration was carried out through the collection of literature study data and compilation of policy data for Indonesian migrant workers during the 10 years of President Joko Widodo's administration. The findings of this study indicate that there is a lack of commitment to protection efforts due to the lack of involvement of the experiences of Indonesian migrant workers in the process and implementation of policies. This study also proposes further steps that need to be taken to improve policies and implementation related to the protection of migrant workers.

Keywords: feminization of migration, policy implementation, development planning, Indonesian women migrant workers, protection of Indonesian migrant workers

## Introduction

In Indonesia, the history of migration goes back to the Dutch East Indies (1596-1942), for example, the construction of 1,000 kilometres of roads for military purposes using slave labour during the time of Governor Willem Daendels (Basmatulhana 2022). Many people migrated to do this work. Since then, the process of migration, domestically called transmigration, which is a programme implemented by the Indonesian government to move people from a densely populated area to another area (village) within the territory of Indonesia, and overseas migration (such as to Suriname and later to other countries) has become a familiar practice for both citizens and the Indonesian government.

The history of labour migration policy dates back to the issuance of Ministerial Regulation No. 4/1970. This ministerial regulation was issued by the government of the Soeharto era as a way to create jobs because, at that time, employment opportunities in Indonesia were still limited, and there was a great need to create jobs not only at home but also abroad. The need for job creation

at that time was reflected in Soeharto's speech at the inauguration of the Indonesian Manpower Foundation Building on 24 February 1977 (Maharani et al., 2017).

The need to create jobs was based more on economic interests than on protection. This was reflected in Article 3 of Ministerial Regulation (Permenaker) No. 4/1970, which gave more space to employers than to the rights of Indonesian migrant workers. In the 13 years since Permenaker No. 4/1970, the government has not issued a policy on the protection of migrant workers but has issued three policies that focused more on the placement and deployment of workers. In 1983, there were three policies on labour migration (Hidayah 2013), namely: 1) Regulation of the Minister of Manpower and Transmigration No. PER-01/MEN/1983 on Recruitment Companies for Overseas Employment of Indonesian Workers. This regulation regulates business licences and the procedures for obtaining such business licences, including the requirement that the sending company must be able to finance at least 500 people per year to send Indonesian workers abroad, the rights and obligations of the company, revocation of business

licences, and criminal provisions; 2) Decision of the Minister of Manpower and Transmigration No. KEP. 128/MEN/1983 on the Use of Identity Cards of Indonesian Working Abroad. This decree regulates the main items of data to be included in the worker's identity card, such as the identity of the cardholder, passport data, data on the sending company, data on the labour contract, and card renewal; 3) Decree of the Minister of Manpower No. KEP 149/MEN/1983 on the Procedure for the Implementation of the Placement of Indonesian Workers to Saudi Arabia. This decree regulates the procedure for sending Indonesian workers to Saudi Arabia, the obligation to send 50 percent of the salary through a government bank, and the regulation of the recruitment fee to Saudi Arabia, which at the time was USD 1,750.

The above three policies are the earliest policies adopted by the Indonesian government with regard to Indonesian migrant workers, and they clearly do not contain elements of protection, as they do not explain in detail the mechanism of supervision of labour recruitment agencies. The three policies also fail to outline the government's obligations to provide more comprehensive information, data collection, and case handling services. The government's presence in the protection of Indonesian migrant workers in the above three regulations can only be seen in the power to revoke the business licence of a recruitment agency if it does not recruit Indonesian workers abroad, does not take prospective Indonesian migrant workers from the office of the Directorate General of Manpower Placement and Expansion of Employment Opportunities (Binapenta), and does not submit monthly reports on the placement and return of Indonesian migrant workers. In other words, the policy at the time was to regulate the placement of migrant workers rather than to provide protection.

Before 2004, there was no law specifically regulating the Indonesian labour force (then Tenaga Kerja Indonesia/TKI). Existing policies were only at the level of ministerial regulations. In 2004, the government and parliament enacted a policy above the ministerial level by passing Law No. 39/2004 on the Placement and Protection of Indonesian Workers Abroad. This Law gives a lot of space to recruitment agencies, minimal space to local governments, and no access for civil society participation to be involved in the agenda of protecting Indonesian migrant workers. In addition, the passage of Law No. 39/2004 was also motivated by the Indonesian government's need to obtain financial support from

the International Monetary Fund (IMF) to maintain macroeconomic stability, strengthen the financial sector, increase investment and exports, and create jobs through flexible labour markets (International Monetary Fund 2003).

LBH Jakarta notes that the impact of the 2003 IMF loan to the Indonesian government has been that workers' rights have been ignored, workers' welfare has been minimal, and unemployment has been high (Hutabarat 2013). On the other hand, opportunities to work abroad have increased, especially for low-skilled workers. Domestic work, such as domestic work, agriculture, construction, and other sectors, was not desired by locals because the salaries offered to local workers were too low. Meanwhile, for prospective Indonesian migrant workers, this salary offer was considered much higher than the salary offered in Indonesia (IOM 2010). This situation created new vulnerabilities for Indonesian migrant workers, particularly Indonesian women migrant workers. This vulnerability was caused by the type of work offered in a 3D situation (Dirty, Dangerous, and Difficult). In addition, Indonesian migrant workers also experienced an unauthorised/ undocumented migration status, which not only left them unprotected but also exposed them to harsh police actions leading to detention and deportation (GCIM 2005).

While the need to fill the domestic sector in destination countries is high, the safety and protection of workers remain a challenge. Based on the results of cases managed by civil society organisations (CSOs), when it comes to the fulfilment of the rights of Indonesian migrant workers themselves, they still do not enjoy the right to decent work. This is evidenced by very low wages, lack of adequate working facilities, long working hours, physical and psychological violence, and withholding of documents. This situation is exacerbated when migrant workers lack legal documents or have undocumented status, as they are more vulnerable to exploitation and threats to their personal security, such as kidnapping and trafficking. In terms of security, the presence of Indonesian migrant workers is also stigmatised by other groups of workers, such as disease carriers, and seen as criminals because they can disrupt order and community in the destination country (Saftri & Wibisono 2023).

The Indonesian government has implemented various policies to protect Indonesian migrant workers, starting with Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers, which was completely revised into Law No. 18/2017 on the

Protection of Indonesian Migrant Workers. The main aim of the policies is to create a sense of security for Indonesian migrant workers who will migrate abroad. Unfortunately, its implementation is still disappointing. There are still shortcomings that need to be improved both in terms of pre-departure and post-departure services. A case study conducted by Makakita in 2021 in one of the villages in NTT (Nabutaek Village) shows that not a single Indonesian migrant worker migrated through the local government (related agencies), so no data was recorded by the Central Bureau of Statistics (BPS) or the local government. Research data and government data also differ. This data gap has implications for the use of false identities and the limited protection provided by the local government, as the local government does not know that its residents are going abroad (Beliu & Fina 2023).

The paradigm sees domestic workers and fishing crews as a burden because migrant workers work in the informal sector and are vulnerable to problems. Therefore, to reduce problems in the world of work, all policies on migrant workers aim to increase employment in the formal sector in the hope of reducing problems. The 2023 data from the Indonesian Migrant Workers Protection Board (BP2MI) show an increase in formal placements compared to informal placements (152.760 formal placements compared to 122.205 informal placements), although in terms of the composition of the type of work, the participation rate of Indonesian women migrant workers working as domestic workers and caregivers still dominated. In the 2023 BP2MI publication report, of the 26 types of jobs accessed by Indonesian migrant workers, 24 percent were Indonesian migrant workers working as domestic workers, and 19 percent were working as caregivers. Although the proportion of formal migrant workers has increased, trends in migrant workers' job titles show that many still work as domestic workers and caregivers. It should be noted that these two occupations have been the top two occupations for Indonesian migrant workers (PMIs) for the last three years (2021-2023).

In terms of placements of Indonesian migrant workers, Indonesian women migrant workers continued to dominate participation in the last three years (2021-2023) with 61 percent. This figure even increased in 2021. In fact, 87.9 percent of Indonesian migrant worker placements were dominated by women migrant workers. The phenomenon of women working abroad is known as the feminisation of migration. The feminisation of migration is not a new phenomenon.

Literature shows that since the 1990s, labour migration patterns in Asian countries have shown a higher participation rate of women than men. The feminisation of labour migration has become a global phenomenon. This labour migration requires migrant workers in destination countries to fill domestic, industrial and care work (Maymon 2017). Unfortunately, care work is still considered unskilled work and does not require protection. In ASEAN countries such as Malaysia, the protection of domestic workers is excluded from Malaysian labour laws (Human Rights Watch 2004).

In Indonesia, despite the government's efforts to protect Indonesian migrant domestic workers (DWs), including through the provision of education and training at vocational training institutions (LPKs), the curriculum of the existing Indonesian National Competency Standard (SKKNI) is not yet gender-sensitive and human rights-compliant (ILO 2022). The SKKNI focuses more on technical skills that are measurable, specific and objective (hard skills). It does not emphasise social and interpersonal skills (soft skills), such as the ability to communicate, find solutions and work well together.

Communication problems with employers often make Indonesian migrant workers vulnerable to violence. They find it difficult to seek help from the Indonesian embassy or local migrant worker organisations to defend their rights. As a result, some workers go without help and reportedly die from violence or disease, even becoming victims of human trafficking and being employed elsewhere without legal documentation.

## Research Methods

This paper uses a qualitative methodology with a literature review that includes research findings, news, data on Migrant CARE's case handling, and statements from Migrant CARE and other CSOs collected between 2014 and 2024.

Migrant CARE has documented various statements in the media in response to government policies on the protection of Indonesian migrant workers. These statements, both from the institutions and in collaboration with other CSOs, have been subjected to in-depth analysis in order to assess the impact of the policies on the protection of Indonesian migrant workers.

Indonesian migrant workers and CSOs continue to demand protection, including through advocacy for

the revision of Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers. Although the revision of Law No. 39/2004 was included in the 2010-2015 National Legislative Programme (Prolegnas), it was not discussed more intensively in the DPR until 2012. Unfortunately, the revision of the PPMI Law was not completed during the 2009-2014 parliamentary term. According to various literature, Law No. 39/2004 contains legal uncertainty, which is characterised by unclear legal subjects, inconsistency in regulation, inconsistency in the content of legal rules and sanctions, and overlapping regulations, so that private actors have a greater role than the government in dealing with CTKI/TKI (the term at that time). However, in 2012, at the insistence of CSOs, 22 years after the adoption of the 1990 UN Convention, Indonesia ratified the 1990 UN Convention through Law No. 6/2012 on the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

This paper focuses on analysing a phenomenon within a certain period that is specific, descriptive, and concrete (Savin-Baden & Major 2013) to understand policy implementation. Therefore, this paper aims to analyse Indonesia's labour migration policy under President Joko Widodo (2014-2024), from development planning to the implementation of policies and protection programmes for Indonesian migrant workers.

#### **2014: State Presence in the Protection of Indonesian Migrant Workers**

Although in terms of policy, there is no legal umbrella to protect migrant workers because Law No. 39/2004 has not been replaced, in terms of the National Development Agenda Framework (RPJMN), the principles of protection have been outlined in a document that will become the planning of all ministries/agencies through the inclusion of Nawacita in the 2014-2019 RPJMN.

Nawacita was the nine development priorities for five years (2014-2019) that represented the vision and mission of the Joko Widodo and Jusuf Kalla administration. Nawacita was a continuation of the spirit of Soekarno's struggles and ideals, known as Trisakti (i.e. politically sovereign, economically independent and culturally distinctive). In the labour sector (labour migration), the protection of Indonesian migrant workers was presented through the Fourth Nawacita, which was to restore the state to protect the entire

nation and provide security for all citizens by protecting the rights and safety of Indonesian migrant workers, with the main goal of reducing the number of migrant workers facing legal problems at home and abroad. The priority labour agenda included: 1) the implementation of recruitment and placement mechanisms that protect migrant workers, 2) increasing the number of migrant workers with skills and expertise in line with market needs, 3) increasing the role of regions in labour market information and recruitment services for prospective migrant workers, and 4) the availability of regulations that provide protection for migrant workers (Minister of Manpower Regulation No. 14/2015).

The policy directions and strategies adopted were: 1) improving the governance of recruitment agencies; 2) expanding cooperation to improve protection; 3) equipping migrant workers with knowledge, education and skills; 4) expanding the use of financial services for workers through the introduction of financial services; and 5) improving protection through increased monitoring and welfare improvements and the preparation of effective insurance schemes (Minister of Manpower Regulation (Permenaker) No. 14/2015).

#### **2015: Awaiting Policy Reforms to Protect Migrant Workers**

After one year of the Joko Widodo-Jusuf Kalla administration, Migrant CARE's analysis shows that the protection agenda for migrant workers was still slow because the existing legal umbrella, Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers Abroad, had not been revised. Although the legal umbrella had not yet been revised, there were changes in the nomenclature of ministries/agencies, for example, the nomenclature of the Ministry of Manpower and Transmigration was changed to the Ministry of Manpower to focus more on employment (labour) policies both at home and abroad. In addition, the Ministry of Foreign Affairs also made efforts to protect Indonesian migrant workers by being active in various bilateral, regional (ASEAN) and multilateral forums to advocate for the problems of Indonesian migrant workers and make it a priority agenda. The National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI) also took transformative steps in terms of designing a reduction in recruitment fees to Taiwan, evaluating the performance of PPTKI (as it was then called), and involving civil society in designing and proposing policies regarding Indonesian migrant workers.

Unfortunately, the transformative steps taken were limited because some rules and policies still overlapped and contradicted the spirit of human rights. This could be seen in the continuation of the policy of abolishing migrant DWs through the roadmap for the protection of Indonesian migrant workers. Furthermore, in 2015, the government also changed the policy on the deployment of Indonesian migrant workers to the Middle East from a moratorium on the placement of Indonesian migrant workers to a permanent policy through the Minister of Manpower Regulation No. 260/2015 on the Termination and Prohibition of the Placement of Indonesian Migrant Workers to 19 Destination Countries in the Middle East. The policy has been in effect since July 2015. According to Sri Palupi, a researcher at the Institute for Ecosoc (through an interview conducted by the author), Permenaker No. 260/2015 aims to temporarily protect the rights of Indonesian migrant workers in the Middle East while the government prepares protection infrastructure from the village level to the centre. Unfortunately, the government did not have a roadmap for the protection of Indonesian migrant workers in the Middle East. There was also very limited monitoring, which was exploited by brokers/sponsors/traffickers to send prospective Indonesian migrant workers illegally.

Indonesian missions abroad have not been optimal in providing protection for Indonesian migrant workers. For example, the Malaysian Ministry of Home Affairs (MoHA) policy on the 6P (Registration, Legalisation, Amnesty, Supervision, Enforcement and Deportation) programme requires undocumented Indonesian migrant workers to obtain their documents through IMAN Resources. IMAN Resources is the only company appointed by the Malaysian MoHA to provide permit renewal and repatriation services for undocumented migrant workers. Because it is the only company appointed by the Malaysian government, many are forced to pay high fees with no guarantee of repatriation. Many Indonesian migrant workers have asked the Indonesian government to take action against the exploitative practices of IMAN Resources. However, it has only negotiated a price reduction without making more progressive efforts (Wahyudi 2015).

Another issue was the overlap of regulatory authority in Indonesia between the Ministry of Manpower and BNP2TKI. The recruitment of prospective Indonesian migrant workers was regulated by two ministries/institutions with different systems, through the labour market (Ministry of Manpower) and the private Indonesian Migrant Workers Placement Agency (BNP2TKI).

Based on the above situation and conditions, Migrant CARE sees that the Joko Widodo-Jusuf Kalla administration is still slow and not in line with the vision and mission contained in the Nawacita promise after one year. This is related to the presence of the state in the protection of Indonesian migrant workers and the seriousness of fixing labour policies by prioritising consistent human rights protection towards the roadmap for the abolition of the death penalty in Indonesia (Migrant CARE 2020).

### **2016: Labour Migration Policy in Indonesia**

Entering the year 2016, women migrant workers in Indonesia continued to experience multiple vulnerabilities. These vulnerabilities were caused by discriminatory and exploitative policies. In 2016, UN Women launched the theme of "Step It Up for Gender Equality in the 2030 Agenda". The theme was launched in response to the Sustainable Development Goals (SDGs), which were agreed by 190 countries and endorsed by the UN General Assembly on 25 September 2015. This global development agenda covers the period from 2015 to 2030. The SDGs are global and national commitments to improve the well-being of societies, which include 17 global goals and targets. One of the 17 goals is gender equality.

This condition did not go hand in hand with Indonesian policy. Some important issues were not even resolved immediately. Some of the conditions were not conducive to the protection of migrant and domestic workers, including the failure to enact the Migrant Workers Protection Bill (PPRT Bill) and to ratify the ILO Convention 189 on Decent Work for Domestic Workers. As mentioned in the introduction, women's participation in labour migration is very high. The employment trends that Indonesian migrant women have access to are still dominated by domestic work and care work. However, there is no protection to prevent the increased vulnerability of migrant domestic workers as the government has not ratified ILO Convention 189 on Decent Work for Domestic Workers.

The call for the Government of Indonesia to ratify ILO Convention 189 is important and relevant as this Convention establishes fundamental labour rights for domestic workers, such as the protection of human rights (Article 3), respect and protection of fundamental principles and rights at work such as freedom of association and recognition of the right to collective bargaining, elimination of all forms of forced labour, elimination of child labour, elimination of discrimination

in respect of employment (Articles 3, 4 and 11); effective protection against all forms of abuse, harassment and violence (Article 5); and fair working conditions and decent living conditions (Article 6). Some of the fair labour provisions include information on terms and conditions of employment in a written contract of employment; clear working hours and compensation, such as overtime and holidays; wages; occupational health and safety; and social security.

In addition to ILO Convention 189, legal protection for domestic workers through the passage of the PPRT (Draft Law on the Protection of Domestic Workers) is also important. The PPRT Bill has been in and out of the DPR's Prolegnas, but has never been discussed for 20 years. Although it has been designated as a DPR Initiative Bill and the List of Issues (DIM) is already in the hands of the DPR to be discussed at the DPR Plenary Meeting on 21 March 2023, in reality, the PPRT Bill is still stuck in the hands of the DPR. In fact, having a domestic worker protection policy can be one of the protection tools for the Indonesian government with the destination country of migrant workers in implementing bilateral/MoU agreements. It is also a concrete form of the Indonesian government's commitment to achieve decent working conditions for all workers, as stated in Goal 8 of the SDGs.

The second condition is that the Memorandum of Understanding (MoU) instrument between the Indonesian government and the destination country does not contain human rights standards. In the MoU between the Indonesian government and Malaysia, there are no regulations on working hours, minimum age, no explanation of the rights to be protected, and a ban on unionisation. Migrant CARE also notes that there are 9 MoUs with other countries that also need to be reviewed for their enforceability, standards, and human rights guarantees. Almost all of the MoUs are not based on mutual benefit and do not respect human rights. In fact, according to the study, one of them, the MoU between Indonesia and Japan, is only a derivative of the economic agreement and agreement between Indonesia and Japan in the IJEPA (Indonesia-Japan Economic Partnership) programme, using economic principles that ignore human rights issues (Migrant CARE 2020).

### **2017: The Birth of the Indonesian Migrant Workers Protection Law**

The passage of the Law on the Protection of Indonesian Migrant Workers (PPMI Law) was the result

of pressure from various parties, particularly migrant workers' organisations and organisations advocating for Indonesian migrant workers. The PPMI Bill was discussed in 2014 as an initiative of the DPR. The Law was only passed on 22 November 2017. This Law is a comprehensive revision of Law No. 39/2004 on the Placement and Protection of Indonesian Migrant Workers. Several studies have shown that Law No. 39/2004 prioritises business interests and treats Indonesian migrant workers as mere commodities. In contrast, Law No. 18/2017 emphasises the role of the government in managing the placement and protection of migrant workers in line with the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which the Indonesian government ratified through Law No. 6/2012.

The enactment of the PPMI Law is a policy reform that improves and fully regulates all efforts to protect the interests of prospective PMIs/PMIs and their families in ensuring the fulfilment of their rights. As explained in the PPMI Law, the protection of prospective PMIs and PMIs aims to 1) ensure the fulfilment and enforcement of human rights as a citizen and Indonesian Migrant Workers and 2) ensure legal, economic, and social protection for Indonesian Migrant Workers and their families. Despite its limitations, the content of the protection of migrant workers' rights in the PPMI Law is quite comprehensive and covers all stages of migration (from pre-work, during work, and after work) in legal, economic and social aspects.

The PPMI Law also incorporates the 1990 UN Convention. The 1990 UN Convention, which Indonesia ratified through Law No. 6/2012, has been a struggle of all civil society, including the efforts of Migrant CARE, to encourage the government to immediately ratify the UN Convention on the Protection of Migrant Workers. According to Jennifer Yau (2005), the Convention does not create new rights for migrant workers but rather highlights the basic rights that migrant workers should enjoy, as stated in other United Nations (UN) documents related to the protection of civil and political rights, economic, social and cultural rights of migrant workers. The core of the Convention affirms the equality of human rights between migrant workers and the local population (Yau 2005).

### *The Law on the Protection of Indonesian Migrant Workers Still to Be Implemented*

Based on the strategic objectives of the Ministry of Manpower's programme for 2015-2019, the policy

direction was more towards expanding the placement of Indonesian migrant workers formally or working for legal employers rather than optimising the protection of informal employment opportunities. This included ensuring that the government, from the village to the central level, fulfils its role. This included job security for prospective Indonesian migrant workers, as well as easy access to information on labour flows abroad (which is safe and verified for Indonesian migrant workers).

The government needs to pay more attention to migrant workers in the informal sector, such as domestic workers and caregivers. This step is important as this sector remains one of the most common types

of jobs held by women migrant workers. According to the United Nations Department of Economic and Social Affairs (UN DESA), nearly half of global migrant worker remittances flow to rural areas, contributing to economic growth and development in these areas. In addition to financial remittances, the contribution of Indonesian women migrant workers is also in the form of social remittances related to knowledge and skills acquired while working abroad that contribute to and benefit the communities in their villages (UN Women Indonesia 2022). Unfortunately, the strategic plan of the Ministry of Manpower did not include these economic and social contributions in the strategic policy to improve the rights of women migrant workers.

**Table 1. Ministry of Manpower Strategic Plan 2015-2019**

| Programme/Activity   | Outcomes/Outputs/Indicators  | Unit |      |      |      |      |
|--|--|------|------|------|------|------|
|  |  | 2015 | 2016 | 2017 | 2018 | 2019 |
| Programme Objective 3: To increase the amount of data on job placements through the Job Placement System |  |      |      |      |      |      |
| Programme performance indicator 2.3  | Percentage in increase in workers placed through the job-sharing system        | 13%  | 14%  | 17%  | 19%  | 20%  |
| Programme Objective 4: To increase the number of formal job placements for migrant workers               |  |      |      |      |      |      |
| Programme performance indicator 2.3  | Percentage increase in placement of migrant workers to users with legal entity | 9%   | 11%  | 13%  | 14%  | 15%  |

Source: Minister of Manpower Regulation No. 4/2015 on the Ministry of Manpower's Strategic Plan 2015-2019

Quoting Dye (1981), public policy is everything the government chooses to do or not to do. Any public policy chosen by the government must be objective so that the goals to be achieved are clear. Of course, there are always actions that accompany any chosen policy, be it political, economic, legal, social, educational and so on. Dye also asserts that in any public policy process, there is always the possibility of a difference (gap) between what is expected by policymakers and what is actually achieved as a result or performance of policy implementation.

On the other hand, the data in Table 2 show that there was no significant decrease in the number of cases before and after the PPMI Act was passed. In fact, comparing the placement data with the case data, there was a high increase in cases in 2019 and 2021. In 2019, the COVID-19 pandemic started in all countries. From the data collected by BP2MI on the variety of case complaints, the highest number of cases compared to the previous two years were for other cases (5.570), overstay (805), unpaid salaries (660) and illness (642). In 2021, the most frequent complaints compared to previous years were for repatriation (508), unpaid salary (216), death at destination (172) and failure to depart (147).

**Table 2. Placement Data vs. Case Data of Indonesian Migrant Workers 2014-2023**

| Description | Year    |         |         |         |         |         |         |        |         |         |
|-------------|---------|---------|---------|---------|---------|---------|---------|--------|---------|---------|
|             | 2014    | 2015    | 2016    | 2017    | 2018    | 2019    | 2020    | 2021   | 2022    | 2023    |
| Placement   | 429.874 | 275.737 | 234.451 | 262.899 | 283.640 | 276.553 | 113.436 | 72.624 | 200.802 | 274.965 |
| Case        | 3,942   | 4.894   | 4.761   | 4.349   | 4.779   | 9.337   | 1.812   | 1.700  | 1.987   | 1.999   |
| %           | 0,92    | 1,8     | 2,0     | 1,7     | 1,7     | 3,4     | 1,6     | 2,3    | 1,0     | 0,7     |

Source: Compiled from BP2MI data

Based on case handling data documented by Migrant CARE, Indonesian migrant workers who complained about their cases were predominantly female, at 57 percent (Migrant CARE 2017).

*Violation of Right to Life: 290 Indonesian Migrant Workers Face the Death Penalty*

Although there is an umbrella of protection, the PPMI Law does not guarantee the abolition of the death penalty for Indonesian migrant workers. Migrant CARE’s records show that in April 2015, Siti Zaenab, a migrant domestic worker from Indonesia, was one of the Indonesian migrant workers executed in Medina, Saudi Arabia. Siti Zaenab was forced to kill her employer in self-defence against her employer’s abuse during her two years in the house. Siti Zaenab was one of 290 Indonesian migrant workers facing the death penalty. Although the Indonesian government has called for Siti Zaenab’s release from death row, the practice of the death penalty in Indonesia has meant that the government has lost the moral legitimacy to call on other countries to release Indonesian migrant workers on death row.

Following the death of Siti Zaenab, which was condemned by various PMI organisations, particularly Migrant CARE, the next day, 15 April 2015, the Saudi Arabian government executed Karni Bt Medi Tarsim, a migrant domestic worker from Brebes, Central Java, without officially notifying the Indonesian government. In addition to the death penalty cases, there were 26 other cases handled by Migrant CARE in 2015-2019. The cases handled by Migrant CARE reflect the thousands of cases experienced by Indonesian migrant workers that require protection, swift response and fulfilment of victims’ rights.

Migrant CARE has also documented at least ten Indonesian migrant workers executed since 2008. Executions carried out by the competent authorities of the destination country were often carried out without

prior notification to the Indonesian government, denying access to justice in ongoing legal proceedings (Floretin 2018). A Task Force for the Handling of Indonesian Citizens/ Indonesian Migrant Workers Abroad Facing the Death Penalty was established by Presidential Decree No. 17/2011. One of its tasks is to provide advocacy and legal assistance, as well as to monitor the outcomes of Indonesian citizens/migrant workers abroad facing the death penalty, in order to provide maximum legal assistance and support for a period of six months until 2012. However, the role of the Task Force has not been transformative in terms of saving Indonesian migrant workers from execution.

**2018: The Adoption of the Global Compact on Migration (GCM) for the Protection of Indonesian Migrant Workers**

In 2018, Indonesia also adopted the Global Compact of Migration or Global Compact for Safe, Orderly and Regular Migration (GCM). This global agreement among countries covers all issues that regulate all dimensions of international migration in a comprehensive and inclusive manner. Although the Global Compact is not legally binding, it is legally relevant. The Global Compact can be used to help interpret or develop national migration-related legislation.

The GCM agreement is based on the values of state sovereignty, shared responsibility, non-discrimination, and human rights. It recognises that a cooperative approach is needed to maximise the overall benefits of migration - while addressing its risks and challenges for individuals and communities in countries of origin, transit, and destination. The Global Compact aims to improve the management of migration at the local, national, regional, and global levels. It also aims to reduce the negative push and structural factors that prevent people from building and maintaining sustainable livelihoods in their countries of origin. It aims to reduce the risks and vulnerabilities faced by migrants at different stages of migration by respecting,

protecting, and fulfilling their human rights, and providing them with assistance.

Unfortunately, these efforts at the global level have not been followed by protection efforts at the ASEAN level, as on 14 November 2017, at the 31st ASEAN Summit in Manila, Philippines, ASEAN leaders signed the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers after 10 years of discussions at the ASEAN level. This Declaration was adopted to implement the Cebu Declaration on the Promotion and Protection of the Rights of Migrant Workers, which was launched in January 2007. According to Migrant CARE and various civil society organisations, this Consensus, while welcome, is not sufficient and has not been significant to become an operational ASEAN instrument for the protection of migrant workers, as it is non-binding. Despite its limitations, it is hoped that the ASEAN Consensus can be a progressive first step towards the protection of Indonesian migrant workers at the ASEAN level.

### **2019: The Marginalisation of Indonesian Migrant Workers' Political Rights**

In terms of numbers, the number of overseas voters in the 2019 election increased compared to the previous election period (2014), reaching 2.086.285 people. However, this number was still very low, which indicates that it did not cover all Indonesian citizens living abroad, the majority of whom are women migrant workers, totalling around 6.5 million people. Migrant CARE points out that the overseas voter turnout in the three elections (2009, 2014 and 2019) was still rather low (30 per cent). On the other hand, there were differences in the voting methods used in the 2019 overseas election compared to the voting methods used at home. Three methods were used, including polling stations (TPS), mobile ballot boxes (KSK) and postal voting. The overseas election was also held earlier than the domestic election. A concrete and comprehensive monitoring mechanism is needed to ensure that the conduct of the elections does not violate the ethics and principles of democracy.

Some records of election monitoring reports documented by Migrant CARE in 2019 show findings such as: 1) There was no integration of data on Indonesian migrant workers to improve the List of Permanent Overseas Voters (DPTLN); 2) The widest possible opportunity for Indonesian people, including Indonesian migrant workers, to participate in elections

and serve as overseas election committees (PPLN) was not opened; 3) Voting through mobile ballot boxes (KSK) was still used, although voting through KSK has a high potential for fraud; 4) Voting socialisation by the Overseas Electoral Commission (PPLN) officials was still uneven; 5) The practice of vote-brokering continued; 6) There was no simplification of voting methods to take into account long distances, so that the principles of LUBER and JURDIL could be implemented; 7) There were no mechanisms and procedures for the supervision and monitoring of all overseas voting methods, especially those prone to manipulation; 8) No mitigation measures were formulated for the possibility of an increase in the number of voters, both technical and non-technical, to ensure the stability of the elections and the accommodation of all voters' rights, especially in the direct voting phase through polling stations; 9) The provision of voter pick-up facilities at potential gathering points (bus and MRT stations) with a larger number of potential voters has not been optimised; 10) There has been no reformulation of the working mechanism for the effectiveness of manpower in conducting simultaneous elections in response to the excessive burden on election organising staff in the voting and counting phases, which has the potential to undermine the principles of health and social security (Migrant CARE 2019).

Citing Ripley (1985) in Purwanto (2012, pp. 106-110), the success or failure of policy implementation can be measured by policy outputs and policy outcomes. Policy outputs cover the coverage, bias, access, frequency, service delivery, accountability, and appropriateness of the programme to the needs. Meanwhile, policy outcomes cover the results or impacts of policies in terms of changes in the conditions of the community as the target of the policy or programme. Based on the above data, it can be concluded that the implementation of the PPMI Law and the GCM is still very low according to the policy output indicators. This conclusion is based on the fact that the number of cases increased and even doubled in 2019 due to three things that tripled compared to previous years such as overstaying, unpaid salaries, and Indonesian migrant workers who fell ill. This situation continued in 2020 when the COVID-19 pandemic occurred, further demonstrating the iceberg problem in the case of Indonesian migrant workers. Data on the status of cases documented by the government prior to the COVID-19 pandemic do not reflect the true data on the vulnerability of Indonesian migrant workers. In fact, it is possible that the number of cases is much higher than what is documented on the BP2MI website.

**2019: Mandate and Rule Shifts that Ignore the Law on the Protection of Indonesian Migrant Workers**

The PPMI Law stipulates that the ratification period for all regulations derived from the Law is limited to 2 years. However, the regulations were not issued at the government level but at the ministerial level. On 2 July 2019, the Ministry of Manpower issued Ministerial Regulation (Permenaker) No. 9/2019 on the Procedure for the Placement of Indonesian Migrant Workers, which became the implementation of the placement of PMIs. Migrant CARE, together with the Indonesian Migrant Workers Union (SBMI) and the Migrant Workers Network (JBM), believe that this Ministerial Regulation has both formal and substantive flaws. The substantive flaws are in the content of the Permenaker, which contradicts the PPMI Law and may hinder the implementation of the PPMI Law, which has the effect of reviving private businesses that result in the exploitation and human rights violations of migrant workers, especially women. Recruitment costs will become expensive as medical and psychological screening will be carried out by private parties. This also opens up opportunities for overlapping roles between governments (both central, regional and village) and has the potential to extend bureaucratic services that have been simplified by the One-Stop Integrated Services (LTSA).

**2020-2024: Repeated Vulnerabilities of Indonesian Migrant Workers**

2020 was President Joko Widodo’s second term until 2024. Migrant CARE’s 2020 Outlook Report shows that

migration policies were still not effective, inclusive, and sufficiently implemented. The transformation of labour migration governance from centralised to decentralised was still limited to written rules in the form of regulations. Policy implementation has not taken place. The results of the UNDP assessment with SBMI in 2023 show that local governments had problems in implementing the PPMI Law, especially in ensuring safe migration at the provincial level, due to lack of budget (22.5 percent), lack of coordination (21 percent), and lack of information (13.7 percent). These three points indicate that there has not been a continuous process of knowledge transfer from the central government to the regions on the roles and functions of the regions. The limited public budget for PMI protection reflects the lack of prioritisation and guidance in policy implementation (UNDP 2023). The technocratic framework of the RPJMN 2020-2024 shows that inclusive development design is still a challenge, as it still prioritises the economy as the main objective compared to protection.

*Poor Quality Policies*

The review of the National Manpower Plan 2020-2024 prepared by the Ministry of Manpower shows that despite the prioritisation of Nawacita’s 9 main agendas, the protection of Indonesian migrant workers in this second period was directed towards improving the economy through participation and access to employment opportunities for migrant workers. This policy can be seen in Table 3.

**Table 3. Direction and Policy of Labour Migration of Indonesian Migrant Workers**

| No. | Policy Direction and Strategy of the Ministry of Manpower (2015-2019)   | Policy Direction and Strategy of the Ministry of Manpower (2020-2024)  |
|-----|---|--|
| 1   | <p>To increase the competence and productivity of workers entering the labour market:</p> <ol style="list-style-type: none"> <li>To increase the competence and competitiveness of the national workforce, able to place and channel skilled labour within and outside the country, supporting skills-based industries.</li> <li>To increase the provision of skills training for vulnerable workers entering the labour market.</li> </ol> | <p>Transformation of the programme to increase employment opportunities:</p> <ol style="list-style-type: none"> <li>Development of an affirmative, needs-based programme to expand employment opportunities through the implementation of the Employment Opportunity Expansion Programme in the Pockets of Indonesian Migrant Workers (PMIs).</li> </ol> |
| 2   | <p>To improve the quality of job placement and empowerment services:</p> <ol style="list-style-type: none"> <li>Strengthening cooperation to improve protection.</li> <li>Improving the quality of governance for the implementation of placement.</li> </ol>   | <p>Expansion of the overseas labour market:</p> <ol style="list-style-type: none"> <li>Strengthening PMI placement governance.</li> <li>Developing the Indonesian Migrant Worker Placement System.</li> </ol>  |

| No. | Policy Direction and Strategy of the Ministry of Manpower (2015-2019)   | Policy Direction and Strategy of the Ministry of Manpower (2020-2024)  |
|-----|---|--|
|     | <ol style="list-style-type: none"> <li>3. Equipping migrant workers with knowledge, training, and skills.</li> <li>4. Increasing the use of financial services for workers (bank accounts, access to credit, remittances).</li> <li>5. Improving the quality of optimal overseas labour placement and protection services through regulation and coordination with the regions in the system and mechanism of services and legal assistance within the framework of the AEC free market.</li> </ol> | <ol style="list-style-type: none"> <li>3. Overseas labour market planning.</li> <li>4. Skills upgrading through training of prospective migrant workers.</li> <li>5. Expansion of PMI destination countries.</li> <li>6. Placement of PMIs in the formal sector.</li> <li>7. Strengthening the protection of migrant workers' rights.</li> </ol> |
| 3   | <p>To improve labour protection, create a sense of fairness in the economy, and develop a labour inspection system:</p> <ol style="list-style-type: none"> <li>1. Improve the quality of the application of labour standards and social security through standards for the placement of Indonesian workers at home and abroad.</li> </ol>   |  |

Source: Ministerial Regulation No. 4/2015 on the Ministry of Manpower's Strategic Plan 2015-2019 and the Review of the National Manpower Plan 2020-2024, Ministry of Manpower.

Table 3 shows that although there are overlaps in protection, such as strengthening governance and protecting the rights of migrant workers, these policies still do not specifically target the protection of Indonesian migrant workers, especially women. Economic-oriented policies are also reflected in the adoption of Law No. 11/2020 on Job Creation. This law was widely opposed, especially by civil society organisations, because the drafting process did not follow the rules of lawmaking and did not favour workers.

The situation that is not in favour of Indonesian migrant workers is the result of poor-quality policies. There is a tendency for leaders to be judged only by their image and not by the ability and impact of the policies they make. If this is allowed to happen, then there is a bias that obscures the quality of the policies adopted (Morgenthau 1948). This bias is certainly felt by migrant workers. The problems caused by Law No. 11/2020 on Job Creation increase the injustice for migrant workers, especially for Indonesian women migrant workers.

The centralising spirit of the Job Creation Law also has the potential to eliminate the role of local governments and reduce the space for civil society at the local level. It also weakens oversight of the private sector, which is often the perpetrator of PPMI rights abuses. In the PPMI Law, the licensing requirement for Indonesian Migrant Worker Placement Companies (P3MI), which is one aspect of ensuring the protection of PPMIs, has been simplified to an administrative licence. Migrant workers

are seen only as economic tools and not as human beings entitled to protection. The existence of the Job Creation Law was a setback after Indonesia ratified the 1990 Migrant Workers Convention and passed the PPMI Law.

#### *Protecting Indonesian Migrant Workers Remains A Challenge*

The situation during and after the COVID-19 pandemic leaves much to be desired. Indonesian migrant workers not only experienced labour rights violations such as unpaid wages, unilateral dismissal, repatriation, and others but also experienced extreme violence, security measures, and the risk of becoming victims of human trafficking in the form of online scams. Various efforts have been made at the national level, such as the adoption of almost all the derivative regulations of the Indonesian Migrant Workers Protection Law (only one was not adopted, namely the regulation on labour attachés). The PPMI Law derivative regulations on employment guarantees have also been revised to meet the protection needs of Indonesian migrant workers.

Several forms of Standard Operating Procedures (SOPs) have been created in an effort to provide protection services during the adaptation to the new normal. These SOPs include: 1) The development of the National Action Plan (NAP) of the Global Compact on Migration into SOPs for P3MI and BLKLN through the

Decision of Director General (Kepdirjen) No. 3783 on the SOP for the Implementation of Services and Protection of Indonesian Migrant Workers in Indonesian Migrant Worker Placement Companies (P3MI) during the Period of Adaptation to the New Normal and 2) Kepdirjen No. 3782 on the SOP for the Implementation of Services and Protection of Indonesian Migrant Workers at the Overseas Job Training Centres (BLKLN) and Overseas Job Training Institutions (LPKLN) during the Period of Adaptation to the New Normal. The police also involve CSOs in anti-trafficking efforts.

At the regional level, there are a number of policies that could serve as a reference for the protection of migrant workers. Unfortunately, they are still under

development. Some of them are: 1) Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN; 2) ASEAN Leaders’ Document in Labuan Bajo on the Protection of Migrant Workers and Family Members in Crisis Situations; 3) ASEAN Declaration on the Placement and Protection of Migrant Fishers; and 4) Declaration on Combating Trafficking in Persons Caused by the Abuse of Technology.

The lack of attention to the protection of Indonesian migrant workers has led to various cases of violence (as shown in Table 4). Table 4 reflects the lack of political commitment on the part of policymakers to work together to protect Indonesian migrant workers.

**Table 4. Cases Experienced by Indonesian Migrant Workers (2022-2024)**

| Case Type                           | Case Details  |
|-------------------------------------|---|
| Trafficking in Persons (TPPO) Cases | <ol style="list-style-type: none"> <li>1. TPPO cases increased significantly from 361 cases in 2021 to 752 cases in 2022. The destination countries for online scams were dominated by ASEAN member countries, namely Myanmar, the Philippines, Cambodia, Laos, Vietnam, and Thailand.</li> <li>2. Number of victims in 2022 (668 people). In 2023 (3.208 people).</li> <li>3. Number of TPPO crimes in 2022 (145 cases), in 2023 (982 cases).</li> <li>4. Number of suspects in 2022 (172 persons), in 2023 (1.361 persons).</li> <li>5. Migrant CARE complaint data showed that a total of 420 cases were submitted in 2022-2023, of which 64 percent (270 cases) were trafficking in persons (online scammers).</li> </ol> |
| Labour Cases                        | The number of complaints from Indonesian migrant workers in the Asia and Africa region has increased in the last two years. 2021 (1.031), 2022 (1.142) and 2023 (1.251). (BP2MI, Publication Report, 2023)  |
| Death Penalty Cases                 | As of May 2024, there are 165 cases of Indonesian citizens in 5 countries, namely Malaysia, Saudi Arabia, United Arab Emirates, Laos, and Vietnam, with the most cases in Malaysia being 155 cases. (Ministry of Foreign Affairs)   |
| Violent Extremism Cases             | As of 2023, a total of 94 migrant workers (53 men and 41 women) have been deported on suspicion of involvement in or exposure to violent extremism.   |

Source: Processed by the author from various news reports

This situation can be a common reflection of the need to include the experiences of migrant workers, especially women migrant workers, in order to develop policies that better protect them. The political participation of Indonesian migrant workers must be prioritised as a form of the state's political commitment to its citizens. Looking again at participation, the number of DPTLN voters in 2024 was lower than in the 2019 election. In 2019, the number was 2.061.414, while the data for the 2024 election was only 1.750.475. This number was not proportional to the number of Indonesian migrant workers abroad who participated in the election. The central bank (Bank Indonesia) recorded 3.6 million, the Ministry of Manpower recorded 6.5 million, and the World Bank predicted 9 million (Susilo 2023). In addition to the low DPTLN data, voter turnout in several destination countries for Indonesian migrant workers, such as Singapore, was as low as 30 percent (Maulana & Susanti 2024). The low participation rate of Indonesian migrant workers shows that migrant workers are not considered as part of citizens who have the right to vote. As a result, the protection agenda for migrant workers also has the potential to become a marginal, low-quality agenda that provides no protection, especially for women migrant workers in the informal sector.

### Closing

The year 2024 was a political year and a national development agenda to be implemented by all Indonesian people, including Indonesian migrant workers. This research focuses on exploring the participation of Indonesian migrant workers as political subjects who are genuinely involved in the decision-making process. This includes how their experiences are taken into account in planning, policy-making, budgeting and programme implementation. Furthermore, this research shows how the Indonesian government has not created a space for protection in the 2014-2024 period, especially for informal workers, which are dominated by women migrant workers.

The many regulations put forward by the Indonesian government do not solve the complex problems faced by Indonesian migrant workers. Policies that focus only on economic interests show a lack of commitment to protection, especially for migrant workers in the informal sector. There should be good cooperation between the government, civil society organisations, employers, and Indonesian migrant workers. The high number of cases experienced by Indonesian migrant workers, especially women migrant workers in the

informal sector (domestic workers and caregivers), shows a lack of commitment by the government to recognise their work and rights as Indonesian citizens.

There are two things that we need to highlight as the cause of this situation: First, there is no perspective in policymaking that places migrant workers as subjects with their experiences. Policymakers only look at access to participation and employment opportunities without considering the benefits for migrant workers, especially in terms of protection. In this case, Indonesian migrant workers are not included up to the policy level. Second, the impact of the wide range of public policies implemented by the government, which often does not pay attention to continuity with previous policies when implementing them.

The 10 years of Joko Widodo's government must be a major turning point in the protection of migrant workers, especially Indonesian women migrant workers. The narrow definition of formal-informal work leads to discrimination against women migrant workers who work in the domestic sector (informal sector). There is a need to change the process of policy formulation and implementation so that all stakeholders, especially migrant workers, can be involved. There must be a real commitment with a spirit of synergy and cooperation between governments (national, central and regional), civil society organisations, employers and, of course, migrant workers and their families. This hope is important for us to remember together so that there is a network of protection based on policies in favour of Indonesian migrant workers, especially women migrant workers in the informal sector. This hope is also what we need to remember so that there are no more conditions of violence experienced by Indonesian migrant workers so that we can position them as empowered subjects whose rights are guaranteed by the state.

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## Affection and Political Awareness of Indonesian Migrant Women Workers

**Ikhaputri Widiyanti<sup>1</sup> & Abby Gina Boang Manalu<sup>2</sup>**

University of Indonesia<sup>1&2</sup> & Jurnal Perempuan<sup>1&2</sup>  
UI Campus Depok, West Java, 16424, Indonesia<sup>1&2</sup>  
Alamanda Tower 25th Floor, Jalan T. B. Simatupang kav. 23-24, Jakarta 12430, Indonesia<sup>1&2</sup>

ikhaputri@ui.ac.id<sup>1</sup> & abby@jurnalperempuan.com<sup>2</sup>

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### Abstract

The problems experienced by Indonesian female migrant workers both in their own country and in the destination country show how vulnerable they are to violence. Most of them are workers in the informal sector, such as domestic and care workers, who are categorised as low-skilled workers. As a result of this categorisation, they often experience discrimination and even violence. This is the impact of neglecting experiences, especially in fulfilling political rights, which hinders full access to policy guarantees that protect them. Data were collected using literature analysis and secondary research. This study uses a philosophical approach based on Sara Ahmed's theory of affection and Nancy Fraser's recognition of how the experiences of Indonesian female migrant workers need to include empathetic emotional values and recognition of the political rights of Indonesian female migrant workers. The findings of this article highlight the importance of fostering political awareness through the integration of affection and recognition in understanding and overcoming the political injustice of Indonesian female migrant workers.

Keywords: affection, political awareness, Indonesian Female Migrant Workers, recognition

### Introduction

Indonesian women migrant workers (hereafter referred to as PPMI) play an important role in supporting the national economy. In 2022, more than 61 percent of Indonesia's total migrant workers were women (BP2MI 2024). Of these, about 23.2 percent were domestic workers (Solidaritas Perempuan 2024). Despite their huge economic contribution, they are often marginalised in political discourse. In Indonesia's 2024 election, the issue of migrant workers, especially women, was only superficially discussed. Female migrant workers are rarely recognised as an important political issue by either the country of origin or the country of destination.

In Indonesia, there are still many barriers to the participation of migrant women workers. Access to voting is often limited due to the lack of socialisation of political rights, the lack of electoral infrastructure in destination countries, and the unclear legal status of most women migrant workers (Solidaritas Perempuan 2024). The sense of alienation they experience in the destination country, both socially and politically, deepens the distance between them and the political process in their country of origin. Experiences such as longing for family, feelings of powerlessness, and

frustration due to labour exploitation add an emotional dimension that reinforces their political marginalisation (IMWU 2022).

The process of recognising the experiences of women migrant workers is urgent, especially in relation to positioning them as political subjects. Experiences - including the emotions they feel - do not only function as passive responses to social conditions but can also serve as important drivers of political awareness and social mobilisation (Lindio-McGovern 2019). Emotions such as alienation and frustration, when framed in a collective context, can form the basis of strong political solidarity. Women migrant workers have great potential to be a significant political force, particularly in how they directly engage with experiences of injustice as citizens with political rights.

Traditional political approaches tend to marginalise the role of affection. Emotions and personal experiences are seen as irrelevant to political action. However, personal emotions and experiences can be developed into a unique political awareness. Collective affection can facilitate the mobilisation of political movements in the midst of systemic injustice. In her book "The Cultural Politics of Emotion" (2004), Sara Ahmed<sup>1</sup> argues that affection can form a collective identity that allows

marginalised groups, such as Indonesian women migrant workers, to build solidarity among themselves. In this context, Indonesian migrant workers, especially women, can use their emotional experiences - related to frustration and disappointment over the lack of guarantees from PMIs' labour-related policies - to create social movements that demand their political and social rights.

The social movement of PPMIs can then be strengthened through collective actions such as protests, campaigns, and advocacy to fight for their political rights. Compared to some migrant worker movements from other countries, political action by Indonesian migrant workers has indeed been observed. PPMIs have also formed organisations and solidarity networks to demand political recognition.

We can learn from the example of a political movement in the Philippines. Since 1984, an alliance for the collective political mobilisation of Filipino women (UN 2007) has been formed through the General Assembly Binding Women for Reform, Integrity, Equality, Leadership and Action (GABRIELA). The GABRIELA Alliance fights for the rights of Filipino women in general, including securing representation in the legislature. The GABRIELA Alliance also addresses many grassroots issues, including the struggle for the rights of women migrant workers (Karan, Gimeno, & Tandoc 2009). The Alliance also encourages Filipino women migrant workers to play an active role in the political process in their home countries, including in elections. Thanks to these social and political movements, the Filipino women migrant workers' movement has a more organised structure and is gaining support from the government and international organisations.

We can use the example of the experience of the women's political movement in the Philippines as a lesson that forms the basis of this research - in relation to efforts to guarantee the rights and protection of women migrant workers - so that we can find the philosophical roots of the problem. In particular, we will focus on the problems and limitations of Indonesian PPMIs' political rights as a basis for strengthening the analysis of the importance of understanding the role of affection in shaping collective political awareness - through recognition and solidarity. This is expected to support the organisation of Indonesian women migrant workers in claiming their political rights. To this end, several research questions need to be formulated, including 1) How can affection shape the political awareness of Indonesian women migrant workers? 2)

How can the recognition of Indonesian women migrant workers' experiences be a driver of political movement and solidarity? 3) How can Indonesian women migrant workers bring up the uniqueness of social movements as a form of collective mobilisation in their political struggle? These three broad questions will form the basis of the research.

This research aims to explore how the affective experiences of Indonesian women migrant workers shape their political awareness and how these affections trigger social movement mobilisation in the destination country as a form of concern for the political situation in the country of origin. Thus, this research seeks to understand how Indonesian women migrant workers can transform themselves from a marginalised group into active political subjects through solidarity based on affective experiences.

### **Theoretical Framework and Research Methods**

We begin this research with the question of the role of affection in shaping political awareness before moving on to the question of social and political justice - as a form of the social and political movement of Indonesian women migrant workers. The authors see affection as the main element, encompassing different feelings and emotions that migrant workers experience in their daily lives. These include feelings of alienation, longing, injustice and hope. At the very least, these experiences and emotions can be explored to prove that they are not just emotional reactions - as they can be the basis for the formation of political awareness and solidarity.

Sara Ahmed's approach to political and cultural emotions will show that emotions are ultimately not private (2004). There is an interconnected social and political nature that can be a driver for collective movements. These collective emotions combine personal experience with greater solidarity (Ahmed 2004). Having explored the relationship between affection and social awareness - in the form of solidarity - we turn to Nancy Fraser's approach<sup>2</sup> in "Social Justice in the Age of Identity Politics: Redistribution, Recognition and Participation" in her book with Axel Honneth, "Redistribution or Recognition? A Political-Philosophical Exchange" (2003). Fraser stresses the importance of recognition as part of social justice alongside economic redistribution. Social justice also includes recognition of the identity and rights of marginalised groups (Fraser 2003). Recognition in this context is linked to equal treatment and full political participation for each

individual. This requires active political participation. For Fraser (2003), an effective social movement must advocate for two things: 1) redistribution (economic and social improvement) and 2) recognition (recognition of social and political identity).

We use these two theories in a layered discussion to strengthen the framework for understanding the social movement of Indonesian women migrant workers. Affection serves as a starting point that triggers political awareness through collective solidarity. The affections and experiences of Indonesian women migrant workers provide the motivation for them to move. The theory of recognition then becomes a further impetus to create a more structured social movement - involving the redistribution of resources and the recognition of political rights.

We built this theoretical framework to analyse the data collected through the literature review method and secondary research to understand the experiences and affections formed in the political awareness of Indonesian women migrant workers. The literature review in this research was conducted to understand more deeply the theories and research related to affection in politics, social movements, and the positioning of Indonesian women migrant workers as political subjects. We conducted secondary research by analysing various research reports from different organisations that document the conditions of Indonesian women migrant workers in destination countries, especially in relation to their access to political rights. We analysed the data using a thematic approach to identify key themes related to affection as a trigger of political awareness that is the basis of solidarity among Indonesian women migrant workers, the experiences of social and political movements of various Indonesian women migrant workers organisations, and reflections and highlights on the uniqueness of the emerging social movements among Indonesian women migrant workers.

### **Common Sense: Discrimination in the Name of Skills Differentiation**

A sense of commonality is one of the defining factors in the exploration of this study. Women migrant workers from Indonesia share similar histories and experiences with several countries in the Southeast Asian region. Southeast Asia is known as a region that channels many migrant workers to different countries (Yeoh 2024). The huge demand for labour from Southeast Asia began with the oil boom in the Middle East and Gulf countries in the

1970s, which required large numbers of construction workers. The Philippines, Indonesia, and Thailand had the largest numbers of migrant workers in the oil sector. In the absence of proper wage regulations, migrant workers from Southeast Asia tended to be underpaid, partly for reasons of political neutrality (Yeoh 2024). The Philippines capitalised on this situation by promoting migration as one of the country's development strategies - both for unemployment and foreign exchange.

The demand for domestic workers began to emerge in the 1980s. Many countries in Asia experienced economic growth due to the development of the industrial sector, which required low-skilled and informal workers in care and domestic work. Even in Southeast Asia, countries such as Singapore, Malaysia, and Brunei Darussalam received large numbers of migrant workers from Indonesia and the Philippines. Thailand itself has become a destination country for migrant workers from Myanmar, Cambodia, Laos, and Vietnam (Yeoh 2024). The large-scale use of migrant domestic workers - predominantly women - has supported development policies that emphasise the benefits to migrant workers, destination countries and countries of origin. The emphasis that migration, if well managed, will reduce poverty has led many employers to encourage more people from some of these areas to engage in economic improvement, both for their families and for the country (Yeoh 2024).

Problems arise when the state ignores the 'skills' of migrant workers. There are various rights violations experienced by migrant workers, particularly those classified as low-skilled and those in the domestic sector (domestic workers and caregivers). Skilled migrant workers are generally more likely to enjoy privileges in their destination countries (Goh & Yeoh 2017; Yeoh 2024). Facilities and easy access to permanent residence, employment and life insurance, and citizenship are more readily available to 'skilled' migrant workers - including their families (Hewison & Young 2006; Yeoh 2024). Low-skilled migrant workers, on the other hand, experience a different treatment that seems to separate them as 'human beings' from a decent life. Women migrant workers in the domestic sector find it more difficult to secure employment because of the policy distinction between the formal and informal sectors (in this context, domestic work falls into the informal sector).

Informal work has led to the emergence of many middlemen who play a role in organising and channelling migration. This opens up opportunities for the exploitation of women migrant workers in

the domestic sector in the absence of strong state protection. This principle of labour differentiation means that low-skilled migrant workers are seen only as temporary workers with no prospect of being allowed to settle or integrate into the society of the destination country (Yeoh 2024). There are various issues of discrimination that migrant workers face from the communities in which they work. Many are also scapegoated when there is an economic or health crisis - as happened during the COVID-19 pandemic (Hewison & Young 2006; Goh & Yeoh 2017; Yeoh 2024).

This situation leaves migrant workers without social and legal guarantees and protection in the country of destination. On the one hand, their presence is needed to do jobs that the people of the destination country do not want to do (such as manual labour, construction, domestic work, and maintenance), but on the other hand, neither their country of origin nor their country of destination provides guarantees of employment and decent life as citizens. Their access to various rights and facilities is limited. They are more vulnerable to exploitation, denial of origin, unilateral termination of contracts, and inappropriate deportation. This condition is exacerbated by commercial exploitation by labour brokers, who impose labour risks on migrant workers - a tendency to exploit vulnerability in the name of corporate profit (Yeoh 2024).

### **Affection As A Trigger For Political Awareness**

Feelings and emotions are not only personal in nature but also emerge from the social forces that shape the individual - embodiment and collective experience (Ahmed 2004). Ahmed (2004) highlights the affective perspective as an orientation that presents feelings and emotions as the result of repeated and consistent interactions between individuals and others (in the community). This will shape the body of individuals and groups not only on the surface but more deeply as it brings together experiences. Affection is then not only a reflection of what individuals and groups feel but also a reflection of how power relations work.

In the context of Indonesian women migrant workers, affection is present through alienation in the destination country, longing for the region/country of origin, and frustration at the injustices experienced at work. This shapes their political awareness. The experience of alienation in the destination country positions them as 'the other', both in the social structure of the destination country and in the political narrative of the country of origin. Emotions are often articulated

through this process of alienation when certain groups (Ahmed 2004) - in this case, women migrant workers - are perceived as 'other' and potentially threatening to social and economic stability.

Affection in the context of longing for family in Indonesia is not only an emotional experience but also a political one. This longing has a certain directionality: it connects migrant workers to their identity of origin while underlining the lack of recognition of their role as political subjects at the national level. Emotions will continue to cling to individual and collective bodies (Ahmed 2004), creating solidarity among migrant workers who share similar experiences.

Frustration with labour exploitation and legal exclusion often triggers social mobilisation. These frustrated emotions can create 'affective politics', where emotions not only affect individuals but also flow between groups, creating political solidarity. In the case of Indonesian women migrant workers, these collective emotions are mobilised through various organisations, such as the Indonesian Migrant Workers Union (IMWU) in Hong Kong, which uses affective experiences as a platform to demand social justice and political recognition.

As such, affection is not only an emotional response to unjust structural conditions but also a catalyst for the formation of political awareness and collectivity. Affection organises the 'orientation' of individuals' bodies to the world around them, enabling them to read structural injustices as political issues that require systemic change (Ahmed 2004). In the case of Indonesian women migrant workers, affective experiences such as alienation and longing become important starting points for building political solidarity and justice-oriented social movements.

### **Recognition of the Political Rights of Indonesian Women Migrant Workers**

Having understood the issue of affection orientation in situations of injustice experienced by Indonesian women migrant workers, we can begin to answer the second question of this research, which relates to the recognition of the experiences of Indonesian women migrant workers. The theory of recognition in this study is based on Fraser's approach, which proposes that social justice requires the integration of two main dimensions: redistribution and recognition (Fraser 2003). She divides social injustice into two categories: 1) economic injustice, which is rooted in political-economic structures, and 2) cultural injustice, which is rooted in patterns of social

representation and interpretation. These two categories of injustice are inextricably linked to understanding the emergence of social inequality. There needs to be an understanding of recognition that is integrated with the redistributive dimension. Economic injustice is often reinforced by patterns of recognition injustice, where groups experiencing economic exploitation also face cultural marginalisation (Fraser 1997; 2003). Therefore, social justice solutions must include both equitable economic redistribution and equitable cultural psychosocial recognition.

According to Fraser, recognition refers to the need for respect for the identity and dignity of an individual or group (2003). Injustice in recognition occurs when patterns of representation and cultural values discredit the identity of a particular group, rendering it unrecognised or disrespected. This injustice can take the form of invisibility or disrespect. Without adequate recognition, individuals or groups cannot participate equally in social, cultural, or political life (Fraser 2003). Recognition itself can be divided into 1) affirmative recognition, which maintains identity differences without changing the underlying structures of injustice, and 2) transformative recognition, which aims to change the patterns of representation and cultural values that produce such injustice (Fraser 2003). The transformative approach is more radical in that it proposes a complete reconstruction of the social and cultural structures that support injustice.

Recognition is not only a matter of respecting the identity of individuals or groups but also involves full participation in social life (Fraser 1997; 2003). Without recognition, individuals or groups cannot enjoy social justice because they are prevented from participating in the decision-making processes that affect their lives. Recognition is, therefore, one of the key pillars in creating an equal and inclusive society.

Recognition is closely linked to the quality of democracy because social justice achieved through recognition not only guarantees respect for the identity of individuals or groups but also ensures their equal participation in public life. When recognition is achieved, individuals or groups are not only recognised symbolically but also empowered to participate fully in the decision-making processes that determine the direction of common life.

The democratic theory itself emphasises the relationship and importance of individual freedoms, fundamental rights, participation, and representation - values that are also promoted by the recognition

theory approach. The quality of a country's democracy is measured by how it responds to the interests and will of its citizens (Soare & Gherghina 2024). The quality of a country's democracy is measured by how it fulfils the political rights of its citizens. Political rights refer to the guarantee of participation in public affairs, the right to be elected and to vote, the right to participate in the public administration of one's country, the right to join a political party, the right to stand for election, and the right to participate freely in political meetings and/or protests (Conte & Burchill 2009; Conge 1988).

Political rights are thus inseparable from citizenship rights and are at the heart of democratic societies. Therefore, the quality of a country's democracy is measured by whether the state responds to the problems and needs of its citizens to participate in politics (Soare & Gherghina 2024). In terms of the political participation of migrant women workers, the state has not been fully present to respond adequately to the challenges of participation.

Some of the problems faced by Indonesian women migrant workers include: 1) Difficulties in exercising the right to vote (barriers to political access and participation): In Hong Kong and Macau, the majority of migrant workers were unable to exercise their right to vote directly at polling stations. Instead, they voted by postal ballot, which was notoriously difficult to monitor and prone to fraud, such as missing ballot papers or manipulation of results. The lack of mobile ballot boxes as an alternative further limited migrant workers' access to participation. These structural barriers mean that while they have the right to vote, the reality is that access to exercise that right is severely limited, creating a sense of frustration and disappointment (Susilo 2023); 2) Lack of government attention to the conduct of overseas elections (unpreparedness of election organisers): The overseas elections were not fully organised. For example, polling stations in Indonesian consulates were not opened, and inaccurate voter registration led to lower turnout. Migrant workers felt less involved in the process, leading to a sense of alienation and frustration. The emotions arising from this lack of attention can trigger political awareness to demand better representation and fairer access to the electoral process (Idham Holiq in Basyari & Purnamasari 2023); 3) Concerns about transparency and potential fraud (vulnerability of postal voting methods): Postal voting, which was the only method used in Hong Kong and Macau, was very difficult for election officials to monitor. This increased the potential for manipulation

and fraud. This created distrust in the electoral system, which raised political awareness among migrant workers about the need for a more transparent and fair system (Idham Holiq in Basyari & Purnamasari 2023); 4) Political marginalisation of migrant workers (lack of a migrant worker protection agenda): In addition to technical issues in the electoral process, the migrant worker protection agenda was not prioritised in the elections. Migrant workers are often seen only as a vote bank, without any real effort by political candidates to fight for their rights and welfare. This lack of attention has led to a sense of disappointment among migrant workers, leading to the realisation that they need to be more involved in the political process to fight for their own interests (Susilo 2023), and 5) Limited oversight in overseas elections (lack of representation in formal institutions): Postal voting makes it difficult for election officials to ensure that the votes received and counted are accurate and transparent. The absence of polling stations or mobile ballot boxes exacerbates this situation and shows how little effort election organisers make to ensure fair participation for migrant workers (Idham Holiq in Basyari & Purnamasari 2023). This condition may create political awareness among migrant workers that they are often overlooked in formal processes and, therefore, feel the need to fight for their rights outside formal political channels (Susilo 2023).

Women migrant workers' political participation is not limited to electoral or national politics but includes other forms of participation that are equally important and valid. Although their participation in formal or national politics is relatively low, this can be compensated by their involvement in local and informal politics, which provide more inclusive and relevant spaces for participation in their daily lives (Lindekilde in Momesso 2022). Women migrant workers' political participation should, therefore, be seen more broadly, beyond the boundaries of conventional politics.

The importance of recognising the political rights of Indonesian women migrant workers cannot be separated from their role as significant contributors to the national and transnational economy. This recognition includes not only formal recognition of their political rights but also recognition of their participation in public life. Without adequate recognition, Indonesian women migrant workers will continue to be on the margins of the democratic system - as voters without full access to make a substantive contribution to the political process. Justice is not only about the redistribution of resources but also about the recognition that allows for the equal

participation of all groups. In this context, recognition of women migrant workers' political rights must include structural transformation that removes barriers to their participation, ensures inclusive and fair electoral processes, and positions them as legitimate political subjects. Only through full recognition can Indonesia's democracy become truly inclusive, responsive, and socially just - including the full participation of Indonesian women migrant workers.

### **Reflections on the Social and Political Movements of Indonesian Women Migrant Workers**

It is important to highlight the political rights of Indonesian women migrant workers. In principle, Indonesian women migrant workers have the same political rights as Indonesian citizens. In reality, however, they are ignored in policymaking. They are not even involved in political activities. An example of this is the lack of attention paid by the Indonesian government to guaranteeing the right to vote, especially in the context of overseas elections. Although women migrant workers have the right to vote as part of their citizenship, the political processes they experience show a gap in direct engagement between their affective experiences and the state's attention to these emotions. Their experiences reflect emotions that indicate the existence of unequal power relations when the state is present only as a technical regulator and not as a party truly connected to their emotions and realities.

Affection for the emotions felt by Indonesian women migrant workers due to limited political access, the lack of inclusive electoral infrastructure, and the lack of political protection are not isolated experiences. These emotions are present collectively (Ahmed 2004), including institutionally - they are not just 'owned' by individuals. The emotions felt by women migrant workers are, in fact, a reflection of the state's failure to respond empathetically to their needs. The state dissociates itself from the collective emotional part of the experience of Indonesian women migrant workers. As a result, the state fails to articulate policies and protections that recognise collective emotions as a basis for political decision-making.

This affective orientation towards political rights is a manifestation of a just democracy in a country. The absence of the state in the emotions of women migrant workers reinforces their affective orientation towards political rights. As frustrations and disappointments continue to be ignored, women migrant workers begin to realise that their participation in electoral or formal

politics is not fully valued. This not only creates an emotional distance between the state and its citizens but also encourages migrant women to seek other forms of participation that allow them to voice their needs and interests.

This affective orientation, shaped by their everyday experiences, is the starting point for a broader political awareness. For example, the lack of the state's attention to the conduct of overseas elections, such as limited access to polling stations or unpreparedness to ensure the transparency of the electoral process, shows that the state is present only as a passive facilitator. The absence of the state as an entity that truly understands and engages with these collective emotions makes women migrant workers feel alienated from the political process that should be their right. The affective orientation that emerges from this experience reinforces their awareness that political rights are not only the right to vote but also the right to participate in an inclusive and transparent political process.

In this context, affection becomes more than an emotional response to injustice; it serves as a mechanism to identify the gap between the state and its citizens. This gap highlights the importance of recognising women migrant workers' political rights not only as an administrative obligation but also as an emotional and political responsibility of the state to be present in their collective experience. As such, women migrant workers' affective orientation towards their political rights not only reflects resistance to exclusion but also becomes a call for deeper political consciousness and more empathetic state engagement.

The state has not only affectively rejected the experiences of Indonesian women migrant workers. It has also failed to give substantive recognition to the existence of Indonesian women migrant workers. The state's failure to respond to these collective emotions not only deepens the emotional distance but also reveals a lack of recognition of the political rights of women migrant workers as full subjects in the political system. The affective problems they experience cannot be separated from the need for wider recognition, including recognition of their dignity, experience and political rights. Indonesian women migrant workers are not only foreign exchange earners for the economic benefit of the country; they are also legitimate Indonesian citizens entitled to protection - even in their destination countries.

The lack of recognition of women migrant workers' experiences in Indonesia's political process reveals a

deep divide. When Indonesian women migrant workers are seen only as a source of economic revenue for the state, there is a political marginalisation that ignores their presence as citizens - both in Indonesia and as Indonesian citizens in their destination countries. This economic exploitation can also be seen in the underpayment of wages and the precarious working conditions to which they are subjected. This economic injustice is certainly due to the injustice associated with the lack of recognition of their experiences. Indonesian women migrant workers are seen not only as cheap labour but also as 'second-class citizens' whose political rights are not fully recognised. This lack of recognition includes invisibility in state policies, as well as disrespect arising from stereotypes of migrant workers as an unimportant group in political structures.

In the context of elections, Indonesian women migrant workers often face barriers that reflect gaps in political recognition. The lack of adequate polling stations in destination countries or unmonitored voting methods such as postal voting suggests that the state does not recognise their role as legitimate political subjects. These barriers not only limit their right to vote but also create a sense of alienation and disappointment. These conditions reinforce patterns of injustice that trap women migrant workers in a cycle of economic and cultural subordination.

It is important to consider solutions that combine redistribution with recognition. We need to provide legal protection for migrant workers - including Indonesian women migrant workers, many of whom work in the informal sector (as low-skilled workers) - and easier access to political processes such as elections (either to vote or to be elected). These efforts must be accompanied by recognition to ensure that women migrant workers are seen as an integral part of Indonesian democracy. This recognition includes not only respect for their political rights but also the transformation of patterns of cultural representation that discredit their position as citizens. Recognition becomes an important element in overcoming the democratic gap faced by women migrant workers. Without recognition, economic redistribution efforts will result in partial solutions that do not address the root of the problem. Conversely, by ensuring that women migrant workers are fully recognised in political and cultural structures, Indonesia can build a democracy that is more inclusive and responsive to the needs of all its citizens.

These two approaches of affection and recognition then reveal a unique element that belongs to women

migrant workers. Transnational identity is a unique element that enriches the social movements of Indonesian women migrant workers. As migrant workers are dispersed across different countries, they bring a transnational perspective that allows them to adopt mobilisation strategies from local and international contexts. For example, the Indonesian women migrant workers' movement in Hong Kong retains local narratives that reflect their own needs and experiences. This transnational identity allows them to bridge different cultural and political contexts, creating a social movement that is flexible yet focused on a common goal.

A unique feature of Indonesian women migrant workers' social movements is their ability to integrate non-formal forms of political participation into their struggles. While they are often hampered by structural barriers in formal politics, they use informal spaces such as cultural communities, migrant workers' organisations, and social media to fight for their rights. This approach reflects their ability to navigate and challenge conventional political boundaries, creating new spaces for inclusive and relevant engagement. By harnessing collective power rooted in affective experiences, demands for recognition, and transnational identities, Indonesian women migrant workers can create a social movement that is not only unique but also structurally and culturally transformative.

## Closing

Indonesian women migrant workers have very specific and collective experiences that distinguish them from other groups in the political struggle. This uniqueness is rooted in a transnational identity that brings together a combination of economic conditions, migration status, and the cultural identities they carry. This philosophical research has presented a reflection that addresses the complexity of injustices experienced by Indonesian women migrant workers in the context of their political rights. By combining perspectives of affection and recognition, this research highlights how collective emotional experiences such as alienation and frustration not only reflect conditions of injustice but also catalyse the formation of political awareness. On the other hand, the lack of recognition of women migrant workers' rights and experiences reinforces their political marginalisation, both in formal democratic processes and in wider social spaces.

One of the main factors shaping the uniqueness of their social movements is the affective experience of

alienation, exploitation, and lack of recognition in the socio-political system. This affection not only reflects structural inequality but also creates a strong sense of solidarity among them, providing the basis for collective mobilisation for social justice. Recognition also plays an important role in their struggle. Indonesian women migrant workers are often characterised as 'cheap labour' or 'foreign exchange earners' without the guarantee and protection of their rights as citizens. Their social movements reflect a demand for recognition as full political subjects in both their countries of origin and destination.

Affection and recognition are two complementary dimensions in understanding and addressing the injustice experienced by Indonesian women migrant workers. Affection, rooted in collective emotional experiences of alienation, longing, and frustration, is not only a response to structural injustice but also serves as a trigger for political awareness and solidarity. This affective experience is the basis for the building of collective power to demand more inclusive and just change. However, this affective experience is meaningless without recognition. Without recognition, Indonesian women migrant workers will continue to be marginalised in the democratic system, seen only as a source of foreign exchange without full access to substantive participation in the political process. Recognition must be realised not only through formal recognition but also through structural and cultural transformation that ensures economic justice and recognition of their experiences.

Based on the philosophical exploration and reflection in this study, we recommend some concrete actions that can be taken: 1) Management of affection through a community-based political education programme. This programme is the best form of collective emotional management of the experiences of women migrant workers so that they can be positioned as active political subjects; 2) Documentation and promotion of good practices in the work of social organisations of migrant workers. National governments can support this initiative through cooperation and solidarity networks of migrant workers in each destination country where migrant workers work. Governments should also facilitate transnational approaches in cooperation with other countries and international labour organisations; and 3) Recognition of migrant workers, especially women migrant workers, without exception (all skill levels) in public policy. The government must recognise them as part of a policy agenda that provides legal protection and political access. This includes educating

policymakers about the importance of recognising women migrant workers as economic contributors and political subjects. By integrating affection and recognition into policy and advocacy approaches, Indonesia can create a truly inclusive democracy. The state should provide guarantees and space for women migrant workers to become active, involved, and valued political subjects.

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## End Notes

- 1 Sara Ahmed (1969- ) is a British-Australian writer and academic who focuses on the research and development of (intersectional) feminism, lesbian feminism, queer theory, affect theory, critical race theory, and post-colonialism. Ahmed explores the social dimensions and circulation of emotions in addressing intersectional issues of injustice.
- 2 Nancy Fraser (1947- ) is an American philosopher, critical theorist, and feminist. Fraser is known for her theories of identity politics and concepts of justice - including her writings proposing the confluence of redistribution, recognition, and participation - to critique issues of social injustice, particularly from the perspective of contemporary liberal feminist critique.

