

INDONESIAN MIGRATION INDUSTRY IN TAIWAN: SOME SOCIO-ECONOMIC IMPLICATIONS AND IMPROVEMENT CHALLENGES

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ABSTRACT

Institutional placement mechanisms are inevitable in migrant services industries. However, some business components in the recruitment process are unbalanced, whereby the migrant workers are entirely responsible for their departure costs and fees. Individual and institutional actors—banks, insurance companies, brokers, and private or even state recruitment institutions—are involved in the migrant workers sales market, and these conditions are faced by Indonesian migrant workers in general. As a result, debt bondage and slavery are typically characteristic of Indonesian migrant workers. Using existing literature and a qualitative approach through case studies of Indonesian migrant workers in Taiwan, this article demonstrates the role of brokers (agencies) in managing and controlling migrant labor abroad. Even some of the placement and financial policies designed to help migrants with their debt bondage and agency exploitation are also prone to manipulation. Therefore, this article also explores what circumstances and conditions might lead Indonesian migrant workers in Taiwan to debt bondage and suggests improvements for migrant empowerment.

Keywords: *debt, slavery, migration industry, brokers (agency)*

ABSTRAK

Kebijakan pengiriman tenaga kerja dan keputusan untuk bekerja keluar negeri terbukti telah memunculkan lembaga (aktor) parasit yang menanggung keuntungan dari proses penempatan tenaga kerja selain menimbulkan beban hutang bagi si pekerja. Walaupun kebijakan pengiriman tenaga kerja lumrah di lakukan negara dalam kondisi ketidakstabilan secara ekonomi, namun terdapat ketidakseimbangan posisi di antara para pelakunya. Hasil penelitian memperlihatkan industri pengiriman tenaga kerja (khususnya ke Taiwan) dikuasai oleh struktur aktor perantara (PJTKI dan agensi Taiwan), yang didukung oleh aturan masing-masing negara, berhak memonopoli biaya penempatan kerja dan potongan gaji yang harus dibayar oleh pekerja. Sistem ini sedikit banyak menguntungkan pihak perantara/ agensi dan menyebabkan kerugian bagi pekerja, dalam bentuk hutang kepada agensi atau kepada pihak lain. Hutang menjadi kata kunci untuk ‘menundukan’ pekerja turut pada aturan yang diberlakukan sepihak dan menjerat mereka pada kondisi perbudakan. Implikasi lebih besar sistem penempatan pekerja ini, antara lain: perdagangan manusia dan pekerja kaburan, berkurangnya pengiriman uang (remitan), serta ketiadaan akses bantuan hukum bagi pekerja yang di hinggapi persoalan. Pekerja yang mengandalkan diri pada mekanisme hutang tiada ampun dijadikan subyek pemotongan gaji dan pungutan lainnya atas nama asuransi. Tulisan ini berdasarkan hasil penelitian kualitatif dan penelusuran pustaka, pada kurun waktu 2014, terhadap pekerja migran Indonesia di Taiwan.

Kata Kunci: *hutang, perbudakan, industri pengiriman tenaga kerja, perantara (agensi)*

INTRODUCTION

International migration has become commonplace in the contemporary era of globalization. However, violations of workers’ rights and exploitation by agents, employers, or government agencies are coincident with such

migration, which is unacceptable. For instance, in the case of Indonesian migrant workers (*Tenaga Kerja Indonesia*, TKI), placement programs have reported instances of workers’ being subjected to verbal and physical abuse, debt bondage, and excessive exploitation through the recruitment

process, not only in the receiving countries but also after their return home (see *Trafficking in Persons Report Taiwan 2013*; Heyzer 2002; Human Rights Watch 2013; Fuch 2011; Sihombing 2008). In such cases, the state government and migrant agencies accused have neglected (not by coincidence) to protect migrant workers' rights in terms of both personal protection for workers and placement fee management (Silvey 2004: 259; Irianto & Truong 2014: 43). As a result, migrant workers often become victims in this unfair migration process that includes the recruiter/traffickers, the users (employers), and the policy makers who stand to gain in these situations (Fuch 2011: 2; Sihombing 2008: 43). Although some recent improvements have been made in preventive measures and the working conditions of Indonesian migrant workers in Taiwan (see Pawestri 2013; Anwar 2013; Widyowati 2014; Liang 2006), problems in their pre-departure situations and daily conditions remain unrecognized. Many migration-linked problems lack clarity, such as placement fees, debt bondage, and working conditions related to protection policies, which include migration financial credit, migrant empowerment, and law enforcement. Therefore, this paper seeks to question the conditions of Indonesian migrant workers in the context of the migration industry process and to examine the role of brokers (agencies) as main institutions—in fact, as an arm of the state—which, instead of regulating, have violated/manipulated migrant workers' employment rights. I attempt to reveal the alignments between brokers (including the state) and employers that represent their attempts to make a market economy flourish (i.e., brokers combined with the labor market), even as they extricate exorbitant job placement fees and provide substandard living conditions for migrant workers. In addition, this article offers critical notes and suggestions concerning protection policies that allegedly reduce placement fees, especially in terms of micro-credit schemes that still cost the workers.

I interviewed migrant workers and some institutions on the problems related to issues with the migration process, discrimination, or working conditions, and used these narratives to understand the human rights violations migrant workers are faced with, along with their social implications. I focus on the role of brokers for Indonesian migrant workers in Taiwan, especially with regard to misleading job placement promises, debt bondage, and unsatisfactory living conditions. I discuss the narratives of (mostly) victimized women workers to avoid gender bias because there are more Indonesian women migrant workers proportionately than men. I have also analyzed the moral economy of migration using debt philosophy. The data is based on my literature review as well as fieldwork in Taoyuan and Hsinchu Counties and Taipei City from June to December 2014. I observed and conducted interviews with migrant worker victims and staff in one migrant detention center and migrant shelter, labor agencies, researchers at academic institutions, and government officials. Related literature was identified through an Internet search with the following keywords: “illegal migrant,” “indebtedness,” “slavery,” and “business migrant Indonesia-Taiwan.” This study is organized into four sections. Section 1 focuses on the Indonesian and Taiwanese migration industry, and section 2 examines migrant regulations in Taiwan as well as the role of brokers. Section 3 discusses the link between the migration process and debt bondage/slavery process and its implications. The final section discusses an alternative perspective, focusing on migrant protection rather than financial problems for those who work abroad.

THE MIGRATION INDUSTRY

Migration as a part of the business industry has been the subject of numerous interdisciplinary studies. For instance, Kyle and Liang (2012) recognized the existence of migrant exporting schemes in which “a diverse range of people

may profit from migration by providing either legal or illegal services (p. 2-3).” Meanwhile, Harney (1977) introduced the term “commerce of migration” in reference to the activities of a set of intermediaries who profit by offering services to immigrants in their travels between the state of origin and foreign destinations (p. 47). Based on these activities, Salt and Stein (1997) proposed that migration as a business concept is a system of institutionalized networks with complex profit and loss accounts, including a set of institutions, agents, and individuals, each of which stands to make a commercial gain (p. 468); this definition considers a relatively broad range of social actors operating in sending regions. Moreover, Salt and Stein (1997) attempt to identify these actors in the migration industry practices as active profit seekers in the international migration business and the migrants as playing an overly passive role in setting their own migratory agendas—or in other words, in the process of producing migration (p. 468).

The above three perspectives all noted that the actors in the commercialization process of international migration include labor recruiters and contractors, money lenders, travel agents, transportation providers, people providing legitimate and forged documents, smugglers, formal and informal remittance and courier service owners, as well as lawyers and notaries involved in legal and paralegal counseling. All of these actors offer services for profit, and they are routinely regarded as those who disrupt the orderly migration process (Hernández-León 2005: 32). In sum, the migration industry consists of underprivileged entrepreneurs and enterprises acting as antagonists, rather than the protagonists they are supposed to be in the migration process (Adler 2000: 165; Rodríguez 1996: 21).

Ananta (2009) developed and examined Indonesian migrant workers and the migration industry surrounding their employment (p. 2-3). He characterized overseas labor business as “selling cheap overseas workers” to cater the market in richer economies that are experiencing

a shortage of low-skilled workers. He argued that migrants become marketable goods that can be sold and purchased as well as merchandise. For instance, the business receives payment from the buyers of overseas workers. In this context, buyers are employers demanding cheap labor for industries, labor markets, or domestic requirements. The largest buyers of Indonesian cheap labors are from developed countries such as Malaysia, United Arab Emirates, Singapore, Hong Kong, and Taiwan. Businesses in migrants’ home countries provide services that place workers abroad with “handsome benefits”—that is, they manipulate the salaries the migrants will be paid, whereas the workers have an obligation to pay a deduction fee for 9-15 months to the agency. Such services, provided by local firms on a national and international level, involve numerous investors, actors, and various vested interests. Interestingly, the prospective workers are actually migration business customers, who are common people from villages, undereducated, poor, and lacking in information about working abroad. These workers are required to pay money by the migrant provider for a service that manufactures them so that they can be sold in the international market. It is a very interesting and extensive business practice, especially in rural Indonesia, wherein the workers must incur the cost of making themselves saleable.

Actually, many institutions are involved in the Indonesian migration industry (world worker sales market): banks, insurance companies, brokers, and recruitment institutions (e.g., *Perusahaan Jasa Tenaga Kerja Indonesia*, the PJTKI, or in local language commonly known as *PT*, *PJTKI*, *Agen*, *Sponsor*). As a business, the Indonesian overseas labor market is a very promising and captive market, wherein powerless customers (as prospective overseas workers) can afford to pay for the services offered by the banks. Insurance companies reap benefits from this captive, oligopolistic Indonesian overseas labor market by selling financial protection in the case of illness and/or accidents (Ananta 2009: 5). In short, international labor migration in Indonesia

occurs through various regulated and unregulated agencies as well as legal institutions. In addition, many invisible actors, such as the agency referred to as *Teikong's and Calo's*, a term used by Ernst Spaan (1994), serve as recruitment agents that take advantage of potential workers and neglect any placement rules and regulations in place (p. 93). According to the liaison officer of Migrant Care, Mrs. Anis Hidayah and Mr. Wahyu Susilo, although these agencies play a significant role in recruiting potential Indonesian workers, transporting and placing them overseas, as well as arranging their return, not all agencies provide perfect services to these workers. In addition, the Indonesian government is also responsible for ensuring that these labor recruiters do not breach migrant workers' rights

In Taiwan, the government decided to rely on the broker system to implement its guest worker program. Taiwan's government did more than relegate responsibility to the market; it moved beyond its traditional developmental duties of insulating industries and fostered competition through a neoliberal style (Surak 2014: 1). According to Surak, the resultant system meant not only that potential participants from the migrant exporting states were competing for limited spots but also that they were paying higher broker fees than those incurred by other countries for their guest worker schemes (Surak 2014: 10). This fact underscored the reality that employers hired people deemed to be "useless" (e.g., women for construction jobs) to maintain their migrant quotas, while the employment agencies—that is, the brokers—engaged in rabid competition. Furthermore, the 800 licensed firms in this close-knit sector, which is dominated by a handful of large businesses, paid employers as much as USD\$700 per migrant worker to handle their cases (CLA 2003). This fee was eventually redeemed from the migrants, which was typically will be deducted more than their wages for nine months (CLA 2003; Lan 2003). With the presence of activist governments and watchdog non-governmental organizations (NGOs) holding

down brokers' fees, migrant workers from the Philippines and Thailand were able to gain some money at year's end, but those from Vietnam and Indonesia were often less fortunate (Surak 2014; Lan 2003).

In sum, the migration industry encompasses a whole process in sending workers and involving many commercial actors/institutions. Thus, the migration industry needs to be perceived through a broader prism than it usually is, especially for understanding the impact of the commercialization of international migration and what may happen to migrants after they are placed in a job, particularly with regard to the conditions of petty harassment that often emerge. The consequence of the migration industry, in fact, is the emergence of negative aspects such as debt bondage and slavery in the countries faced with migration, and there are extensive economic implications as well.

THE MIGRATION BROKERAGE SYSTEM

In general, the migration brokerage system includes the intermediate mechanisms bridging people in one state to those in another state. Brokerage is used because not all persons are connected via direct links to the relevant others (Faist 2014: 6). It occurs at the interstices of formal and informal practices, such as acquiring a visa or connecting with traffickers or middlepersons; finding employment, housing, child or elderly care; accessing social services; entering organizations in the place of destination; and accessing channels for return or onward migration (Faist 2014: 7). Brokers (middlepersons) are often also involved in either official (i.e., institutional) or unofficial recruitment (Spaan 1994: 210). The migration brokerage system in Indonesia, which has been operating since 1983, was first introduced under the New Order Regime—namely, AKAN (Angkatan Kerja Antar Negeri or Labor Movement between Countries). Its name was changed periodically until, in 2004,

it became BNP2TKI (Badan National Penempatan dan Perlindungan Tenaga Kerja Indonesia or National Authority For Manpower Placement & Protection Abroad; see for detail history in Spaan 1999: 159; Silvery 2004: 251; Pawestri 2011: 30).

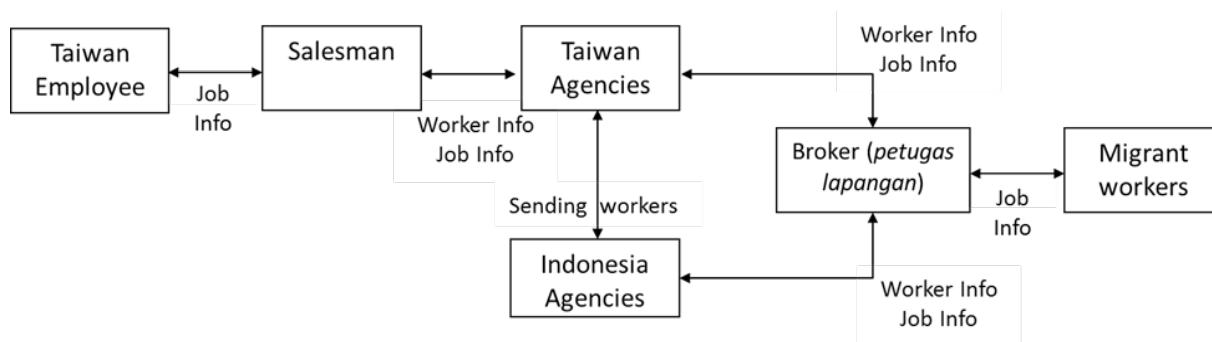
Two conditions get migrant workers into the brokerage system through deception. First, “the tricky law,” based on Law No. 39 (2004) on the Placement and Protection of Indonesian Workers Abroad, mandates that every Indonesian migrant worker who works outside the country must pass through the Labor Service Company of Indonesia (*Perusahaan Jasa Tenaga Kerja Indonesia/PJTKI*). This policy is called the “one exit door policy,” which means that migrants can work abroad only through this regulation; if not, the worker is regarded as an “illegal worker” (Mafruhah et. al 2012: 249-250). The law likewise defines a placement service as one that is “cheap, quick, uncomplicated, and safe,” as opposed to other means; this may be translated as “if you want quick, then you have to pay.” The second is called the “poverty condition.” The majority of Indonesian migrant workers going to Taiwan must secure loans to pay their placement fees, usually based on the cost management regulations pre-determined by the agency (brokers). In other words, to work in Taiwan, one must have the funds to *buy* the job. Indeed, most Indonesian migrant workers live in poverty because they cannot afford recurring payments. However, it can be assumed that even in cases where migrants could manage the funds, the brokers will not allow

them to contact the employers directly because of this profitable arrangement. As a result, upon arriving in Taiwan, these workers are immediately indebted to the brokers and forced to pay off the loans through salary deductions. The system ties workers into a hegemonic brokerage pattern.

Figure 1 shows the pattern of brokerage practices governing Indonesian workers in Taiwan in the job placement system. This chart shows the role of the commercial agents, which is to recruit the workers, provide training, find them employment (agents in Indonesia would contact agents in Taiwan), arrange their passage, provide loans, draw up contracts, remit their remuneration, arrange their repatriation, etc. The steps of Indonesian brokerage in the migration industry to Taiwan are as follows: first, the workers usually obtain work info abroad from migrant agency field brokers or unofficial persons. According to staff at the Indonesian Worker Association in Taiwan (IPIT), there is an unstated contract that indicates an “illegal” cost that migrants are obligated to pay: that is, they have to pay USD\$500 for job information retained from migrant worker to broker (*petugas lapangan*). Second, the workers go or are sent to a shelter for a short job training session, after which they depart to Taiwan.

Employers in Taiwan typically rely on the services of labor brokers in Taiwan and placement agencies in migrant home countries to fill their labor requirements. In Taiwan, middlemen in recruitment, hiring, and employment are referred to as “labor brokers,” or sometimes as

Figure 1 Indonesia-Taiwan Brokerage Role and Job Placement System



Source: Rudolf, Fieldwork 2014

“foreign worker coordinators.” The Taiwan Labor Standards Law divided recruitment of migrant workers into three categories: brokerage system (the agencies are given the right to make salary deductions), **income tax** and forced saving, and regulation and management of migrant workers (CLA 2013). **In terms of the brokerage system, placement fees and wage deductions**, as of September 1, 2004, the Council of Labor Affairs (CLA) imposed a new regulation requiring migrant workers (new hires), employers, and brokers to sign affidavits specifying the loan amount that migrants “borrowed” from their placement agencies prior to deployment (CLA 2013). This “Salaries, Fees and Declaration Form” also specifies the migrant worker’s monthly salary, monthly broker’s service fee, health and labor insurance fees, income tax, resident permit fee, medical check-up fees, and return airfare (O’Neill 2008). These placement fee regulations were applicable not only for Indonesian migrant workers but also for those in various positions from the Philippines, Thailand, and Vietnam (Lan 2003). It takes an Indonesian migrant worker with regular wages an average of around 9–15 months to pay off the debts. In addition to repaying the placement fee, loan, or any money borrowed, they must also pay a broker’s fee (usually a three-year contract), legally collected through monthly installments (O’Neill 2008). Taiwan-bound migrant workers also have to pay for their own travel apart from the aforementioned salary deductions. In earlier times, their air travel was reimbursed by the employer. The following instance of an Indonesian female working as a domestic worker in Taipei demonstrates the required payment of a placement fee and salary deductions. It also describes the typical amount for salary deductions and placement and brokerage fees in Taiwan (see Table 1).

Ayu (a pseudonym), a female factory worker from Bandar Lampung, Lampung Province, has come to Taiwan twice. Each time, she had to pay Rp. 20,000,000 (USD\$2000) to Indonesian agencies for agency fees, training fees, tickets,

visa fees, and an administrative letter from the Taiwan Economic and Trade Office and BNP2TKI. The fees also included transportation and job fees for the broker officer (petugas lapangan). She also had to pay a salary deduction and others deductions/obligations while working in the factory for such items as food, dormitory, agency fee, bank deduction, health insurance, savings, and taxes for as long as 10 months. She cannot complain about all these deductions because, first, this is the rule, as her broker said. Second, there is no direct hiring mechanism for workers in factory jobs, so she has to follow the same situation as well as the first came to work abroad. She said, “We [Indonesian workers] can’t do anything; we just accept what we get (nrimo) and keep saving our money to send home” (interviewed October 10, 2014).

Clearly, overseas workers are the most important “customers” in the business of sending workers abroad. It is ironic that the value of a better income and life for migrants is reduced by the economic value of being taken advantage of through measures for “helping” the workers. Based on my observation of the experience Indonesian workers in Taiwan, these practices are common, and every stakeholder involved knows the rules of the game, the so-called “looking money from migrants, *cari duit dari TKI*.” Such services are sold to the captive market of Indonesian overseas workers in all of their migration stages. It is a market wherein the workers do not have many options except to follow and pay for the services provided by the industry. Moreover, rather than teaching the workers ways to gain employment by themselves, the industry has created a dependency on various actors for working overseas.

A CONSEQUENCE OF MIGRATION INDUSTRY

Lisa (28) had prepared the documents: her passport and the application form

Table 1. Placement Fees for Indonesian Workers in Taiwan

No	Placement cost	Formal Work			Informal Work
		Factory	Ship Crew	Old Folk Home	Domestic Workers
1	Placement fee in Taiwan (China Trust)	NT\$ 8250 x 10 months	NT\$ 8500 x 9 months	NT\$ 8500 x 9 months	NT\$ 9,525 x 9 months = NT\$ 114,300
2	Health insurance (from Taiwan Gov)	NT\$ 283 Per month	NT\$ 283 Per month	NT\$ 283 Per month	NT\$ 283 Per month
3	Accident insurance (from Taiwan Gov)	NT\$ 307 Per month	NT\$ 307 Per month	NT\$ 307 Per month	NA
4	Accommodation fee	NT\$ 4500- NT\$ 2500		-	NA
5	Broker's fee (legally by Taiwan Gov)	Firs year NT\$ 1800 x 12 = NT\$ 21,600 Second year NT\$ 1,700 Third year NT\$ 1,500			
6	Tax (from Taiwan Gov)	- Before 1 July (6%: NT\$ 1,040 - After 1 July 20% (NT\$ 3450x 6 month), after 6 months NT\$ 1,040 per month.			
7	Medical body check (from Taiwan Gov)	NT\$ 2000 per year			
8	Identity card (ARC) (from Taiwan Gov)	NT\$ 1000 per year			
9	Saving (Not must but must)	NT\$ 2,000	NT\$ 2,000	NT\$ 2,000	NT\$ 2,000
10	Placement fee in Indonesia pay to PJTKI (averages*)	NT\$ 50,000	NT\$ 20,000	NT\$ 40,000	NT\$ 30,000

Source: Migrant Struggle (2012)

to return home for good after working illegally in Taiwan for 1.5 years. I accompanied her to Hsincu Immigration Office to report and go through an administrative procedure. She was a bit nervous and worried that the police would arrest and send her to jail or detention center. However, she was simply asked several questions and informed of the standard deportation procedure for an illegal migrant as they were checking her documents. Meanwhile, I observed a group of illegal migrants who also reported and submitted the documents needed in order to return to their home country. While waiting for the deportation document to be processed, Lisa told her story about why she became an illegal migrant

worker. She began by saying that being an illegal migrant worker (TKI Kaburan) is like having an “abnormal” life. She could not make friends normally, not even a boyfriend, or get a normal salary or health insurance. On the other hand, a legal worker's life seems to be just “normal.” As addition information, according to data from The Ministry of Taiwan, at the end of July 2014, there were 45,579 illegal/ undocumented migrant workers in Taiwan, with detailed numbers as follows: 21,521 Indonesians; 20,615 Vietnamese; 2,460 Philippines; and 983 from Thailand.

Lisa came to Taiwan for the first time in 2010 as a legal worker. She took care of an elderly paralyzed lady. She worked for just two years and returned home

when the person whom she had cared for died. Coming home at Bintan City, Sumatera Island, she found her mother was sick and she needed some money for medical treatment. The salary she had made and saved during her two years of working in Taiwan was not enough to pay the expenses of the treatment as well her family's daily needs. In early 2012 she decided to go back to Taiwan with a lot of debt: USD\$1,300 for her mother's treatment that she had borrowed from her uncle and USD\$1,000 from the agency for paying her trip tickets and administrative fees. She had worked just two weeks when the immigration police came to check her employer and found false documents and other fake information about her work: there was no paralyzed person at home, for example. She was forced to finish her job and return home again. The agency that had arranged her work in Taiwan also suggested that she return home, and she had to pay back the loan because they failed to find another employer for her. Considering her debts both to her relative in Indonesia and the agency, she decided to work without legal documents. She moved from Taipei to Kaoshiung to visit a friend who was also an illegal worker (TKI Kaburan) and was introduced to an illegal agency. As usual, an illegal worker is introduced to the illegal worker/agency by another illegal one.

Business relating to illegal/undocumented workers seems risky, but it is profitable. For instance, from each employment, the agency gets "service money" (uang jasa) of 3,000-5,000 NTD (USD\$120-200) per month from the total salary. During her six months of working illegally, Lisa changed her work several times, from nursing old people at the hospital, to picking up kids at school and waitressing in a restaurant. Her salary ranged between 25,000 and 30,000 NTD (USD\$1,000-1,200). However, she had to pay the illegal agency "service

money" and cost of living, and she saved the rest of the money. Finally, after six months of working illegally, she could pay her debts. Then, she was offered a job at a fruit plantation around the Nantou Mountain area, but this time her agency asked for 8,000 NTD per month (USD\$320) out of 25,000 NTD (USD\$1,000). The deduction fee was abnormally high, but as usual, illegal workers cannot complain. Luckily, her boss (laopan) was very kind, and he understood the situation. Lisa and her boss staged a drama to deceive the "bad" agency. She told the agency that she had been badly treated by her boss, and the boss also complained to the agency that they had sent a lazy worker. Then, her boss called the agency saying that the worker had escaped and that he could not pay the salary anymore. When the agency came to check, they could not find her because she was hiding in an underground "bunker" on the plantation. Consequently, the agreement between her boss and the agency was cancelled, and after that, Lisa got a full salary and could save more money. Her boss facilitated anything she needed accept health insurance because she worked illegally. One year later, Lisa decided to go home for good because she wanted to take care of her mother, who was sick and old (interviewed October 18, 2014).

Three situations in this employment process evoke reflection, based on the aforementioned explanation: 1) unemployed migrant workers, because of their poverty, accept a job offer from an agent or friends; 2) they must pay money to an agent/company in order to work; and 3) they struggle to earn a salary to support their families at home while paying off their own debts. This cycle indicates that some workers fail to predict the grim working conditions and, consequently, face abusive working conditions and uncertain business practices. My observations of Indonesian

domestic workers have shown that it takes them months or even years to be debt-free, although they work a grueling schedule. Such situations tend to occur when workers are either tricked or trapped into working for low/no pay or if the details of the contract are ambiguous. The Asia Pacific Forum on Women, Law and Development (APFWLD) has observed that the value of domestic work is unfairly assessed. These experiences indicate that the work contract can become an instrument of debt bondage by legal definition and may be used as a tool for work limitations (APFWLD 2011: 27).

In regard to migrant debt as a consequence of the migration industry, the migrant workers' position is that of debtors who must pay a lender for buying jobs in which they provide the energy for the work. According to David Graeber (2011), a debt in the migration industry is an exchange that has not been brought to completion (p. 73-87). One party receives the goods/advantages; the other is owed a payment. To fail to honor a debt, therefore, is to be in a condition of guilt on either moral and economic grounds, or in other words, "they'd borrowed the money. Surely one has to pay one's debts." As David Graeber observed, although a wage-labor contract is, ostensibly, a free contract between equals, it is also "an agreement between equals in which both agree that once one of them punches the time clock, they won't be equals anymore." Moreover, debt essentially is an "agreement between equals to no longer be equal" (Graeber 2011: 73-87). Graeber mentions this situation as an economic paradigm, ignoring the moral paradigm, which is a moral obligation in the context of the migration industry to understand the social reciprocity of the actors involved and migrant workers as a part of human relationships. Thus, this kind of relationship is supposed to express certain equality between creditor and debtor, with no exploitation of the debtors.

We may extend Graeber's perspective by observing that because humans are social beings, they need each other. Thus, in social relationships

there should no controlling or being controlled. However, contrary to this perspective, in the migration industry, there is, in fact, no mercy for migrant workers who work abroad so that they can improve their living conditions. Instead, employers and brokers exploit salaries based on legal contracts that clearly state that the debtor must repay the debt. This situation is worsening because many workers are undereducated and unaware of their rights. Employers and brokers take advantage of this lack of knowledge by providing false information about laws and the attitudes of authorities or by simply threatening that workers who complain will be sent home. In this context, if workers attempt to report an abusive situation to the police, the act is synonymous with returning home. This type of vulnerability and dependence created through the brokerage system can be seen as a possible origin of slavery.

One can argue that migrant workers' debt bondage can be a form of slavery in advanced or, in other words, forced labor, as both situations (debt bondage and forced labor) enslave a person with regard to the broker/employer. It is common in Taiwan for migrant domestic workers to work every day of the week without a break and to be ready for work 24 hours a day, as they live in the employers' household. As mentioned earlier, they have to work for low pay and unreasonable working hours because paper contracts are often not clear. Even male factory workers have similar experiences, as they have to do other work besides their main job, such as cleaning factory machines. The high demand for migrant workers in destination countries and the existence of recruitment agencies and people willing to facilitate jobs have provided the thrust for transforming these migrants into slaves. Like the Asia Pacific Forum on Women, Law and Development (APFWLD 2011: 76), I believe that inadequate employment opportunities, poor living conditions, lack of basic education, and poor health services are the factors that have caused the emergence of this business industry. Furthermore,

the contractual relationship can become a form of bondage or slavery in two ways: (1) if the value of the service is not applied toward paying off the debt or, in other words, if the worker is performing much more work than he or she should to pay off the loan and (2) if the duration and nature of the work are not respectively limited and defined. This is a result of an unclear contract, as mentioned above, by which migrants get trapped into bad working conditions (APFWLD 2011: 76).

Based on the explanation above, another consequence of the Indonesian migration industry is the relatively new phenomenon of people entering (modern) human slavery (Fuch 2011; Allain 2012). Traditionally, slavery refers to persons who are trafficked and enslaved in the country of their birth (Human Rights Watch 2006: 1). They may be terrorized by their owners into fearing the authorities, even though they are technically entitled to state protection. This perspective is based on the traditional idea of natal alienation, wherein persons who find themselves illegally transported to foreign countries fear seeking the protection of law enforcement and other state authorities (Patterson 2012: 6). As a result, they are isolated from familial and social ties. However, modernization has radically institutionalized traditional slavery (Davidson 2013: 2). In this current situation, laborers are increasingly alienated from traditional contractual relationships (employer to employee) and are instead recruited by middlemen contractors (state and brokers) and sub-contractors, many of the workers being exploited laborers from poor villages and families. In the past, employers would buy slaves from other employers, but in modern-day slavery, the migrant workers themselves must repay any recruitment-related debts to labor agents, sub-agents, banks, and moneylenders (Davidson 2013: 20). In addition, indebted and bonded factory workers, like their counterparts in the modernized farming sector, have little or nothing to do with the recruitment process, apart from the few regular employees that constitute the formal workforce (Allain 2012).

I would like to offer another case to illustrate migrants' situation in working abroad. I will call her Sari (27 y/o); she is a migrant worker from Semarang, Central Java. I was surprised to learn that she had been an illegal worker in Taiwan since about seven years ago. The first time, she came to Taiwan to work as a caregiver in a private household. She borrowed Rp. 18,000,000 (USD\$1,800) from her agency. Her working contract specified her duty as taking care of the elderly parents in the household, but in fact she also had to do housework and other tasks assigned by her employer. Even at that young age she had experienced working abroad, but she had never before experienced the working conditions here: not being allowed to leave the house because the elderly parents were not to be left alone, no holiday, no mobile phone, and an unreasonable fee deduction (the first month she received 3,000 NTD (USD\$120) and the second month 3,500 NTD (USD\$140). She held out only three months before deciding to become an undocumented worker for seven years as a *TKI kaburan*, though she retained the same profession of housecleaning (Interview in August, 2014).

The abundant and growing body of slavery appears under the guise of domination of individuals by institutions in the present era of globalization. The role of broker or agency in this kind of migration industry is visibly expressed by abusive employers, which is occasionally described as "modern slavery" (Davidson 2013: 1). Many migrant workers in Taiwan, who are under the control of labor contractors, are in temporary debt bondage that verges on servitude. In a number of migrant workers' cases of debt bondage to labor contractors (or who have been sold by these contractors to employers), the persons have been reduced to actual slavery. For instance, Bridget Anderson, in her work on immigrant domestics in Britain, compellingly identifies the key element that transforms domestic labor into genuine slavery as the fact that what the employer wants is not the "the labor power" of the domestic worker but her "personhood" (Anderson

2012: 55). Similar to the case in Taiwan presented above, the employer is buying the power to command, not the property of the person but the whole person. Because migrant workers end up being employed by private persons, they work in the private sphere, which is not considered as a workplace, thus escalating the risk of forced labor and slavery. In many cases, because of salary deductions, they are even dependent on their employers for shelter and food. A few who are brave run away.

CERTAIN PRACTICAL IMPLICATIONS

Human Trafficking and Smuggling in Taiwan

Besides the illegal/undocumented worker conditions as mentioned above, Taiwan faces a problem with human trafficking and smuggling. There were 484,367 foreign workers in Taiwan in 2013, with Indonesia being the largest contributor at 211,118 migrant workers, which was almost half of the total number of foreign workers in the country (CLA 2013). The Taiwan immigration office identified and assisted 462 trafficking victims in 2012, of which 152 were victims of labor trafficking and 310 of sex trafficking, most of whom were Indonesian and Vietnamese; all 462 victims were referred to care facilities for assistance (American Institute 2013). In 2012, the Taiwan Human Trafficking in Persons Report stated that the largest number of human trafficking victims was Indonesian (American Institute, 2013). According to the Chief of Immigration Division and Chief of Labor Division of Division at the Indonesian Economic and Trade Office (IETO), Indonesian human trafficking victims in Taiwan can be divided into three types: 1) runaways trapped by illicit agents in Taiwan; 2) victims of internal trafficking in Indonesia, which is very rare in Taiwan; and 3) laborers exploited by employers. According to them, most of the victims in Indonesian human trafficking are runaway workers facing challenges in adapting to

their employers because of cultural and religious differences. The Chief of the Illegal Immigration Management Section (Immigration Affairs Division) from the National Immigration Agency (NIA) in Taipei also acknowledge this particular motive. Additional reasons for runaway workers include forced salary deductions to pay the debt of the initial expenses and to reimburse the agent in Taiwan, and illicit pressure from agents wishing to increase their revenues. The Deputy Director of the IETO Shelter in Taoyuan also mentioned that the modus operandi involving Indonesian human trafficking victims can be attributed mostly to “bad agents” and “bad employers” who encroach upon employees’ rights and want to take advantage of the victims’ weaknesses.

Remittances Impact on Indonesian Overseas Workers

The workers often migrate for domestic work with the expectation of remittances to care for their families. However, such expectations sometimes do not come to fruition. Migrant workers in some cases even choose to stay and become illegal workers rather than returning home without repaying their debts. There are very many examples of Indonesians workers like Lisa’s case, as mentioned above, wherein both legal and illegal/undocumented migrants send half their salaries to their family in Indonesia. Because of salary deductions in Taiwan and debts in Indonesia, most of them cannot send remittance money until after they have worked a year. Those who need emergency money for children’s education, sick parents, a pregnant wife, or something else, do not have much choice, and some of them choose to become runaway workers and to risk being an illegal worker as a shortcut to gaining money for their families. As illegal/undocumented workers, they risk being put in jail, deported, working under employer pressure, or becoming victims of human trafficking. Their unforeseen situations intensify their sufferings as they give up hope for a better life.

However, this debt bondage is contrary to the

government's idea of promoting foreign exchange (*devisa negara*) through migrant workers. The Indonesian government has focused on mobilizing annual remittances (money transfers) rather than prioritizing migrant protection (see PSDR report, 2009). Although the Indonesian government relies on migrant workers' remittances, it has had no serious policy with regard to remittance management. Indonesian migrant remittances from Taiwan have been poor compared to those from Vietnam, Thailand, and the Philippines (*Jakarta Post* 2012). One of the reasons for these countries' success was that they established policies to send migrant workers abroad with governance-oriented migration protection through low-cost migration schemes. The Philippines and Vietnam even applied a standard money exchange for remittance transfers (*Jakarta Post* 2012). However, in Taiwan, private companies, such as remittance institutions and Indonesian stores, take advantage of the money exchange to make a profit by informally using Internet banking, reaping advantages from the remittance cost and the differences in currency exchange rates. In such cases, Indonesian workers are subject to extortion via their remittance money. I recommend maximum protection from the government and NGOs in the form of regulating remittance systems to provide a sense of productivity and decent wages that will boost remittances for the migrant workers. At the time I completed my research, the regulation of remittance systems had not yet been realized.

The government's strategy to increase the volume of migrant workers' remittances is still very traditional with the thought that a maximum number of migrants will ensure higher remittances. Politicians lack the will to design a policy for low-cost migration, although the costs of placement fees have increased annually. Such high costs have forced migrant workers into debt bondage, trafficking, and even unintended slavery. Given that the Indonesian government lacks a comprehensive policy for remittance management, perhaps it is not considered to be an

immediate problem. Nonetheless, remittances are related to migration costs. Unchanged conditions in low-cost migration, to some extent, will affect the sending of remittances to migrants' countries (villages) of origin, in turn, failing to stimulate regional economies. Remittances are one of the most visible and tangible contributions of migrants to their home countries. The money migrants send to their families pays for food, education, and healthcare, easing day-to-day hardship and poverty and contributing to the achievement of the local development goals (*PSDR Report* 2009). In high-cost schemes and debt-finance migration, the circulation of migrant remittances conforms to a hierarchy of debt repayment, consumption, and finally economic investment. Such schemes introduce a vicious cycle wherein the remittances of migrant workers are used only to pay debts, fall into more debt, and make successive payments to settle them (known as *gali lubang tutup lubang/robbing Peter to pay Paul*). Thus, without government's involvement in remittance management, migrant workers will be further subject to debt bondage, trafficking, or slavery.

Lack of Legal Protection Services

An Indonesian worker with little education and a poor intention to migrate overseas may encounter various challenges during each phase of migration as experienced workers in Taiwan. The challenges faced at pre-departure include the possibility of high cost recruitments and document manipulation. Based on my observation and interviews with the Indonesian Migrant Worker Organization in Taiwan (*Ikatan Pekerja Indonesia di Taiwan*, IPIT) and Indonesian Workers Association in Taiwan (*Asosiasi Tenaga Kerja Indonesia Taiwan*, ATKI), typical cases include the following: 1) recruitment by an illegal supplier of the Service of Indonesian Workers (PJTKI); recruitment arranged by a legal supplier of the PJTKI without a clear job order; recruitment and departure arranged by agents and not through the PJTKI; recruitment of children below the

age of 18, and recruitment of illiterate immigrant workers. Other challenges faced at and beyond recruitment include the following: 1) counterfeit documents, 2) being fettered to the creditors, 3) not being paid for work, 4) being prohibited from contact with their own families or relatives, 5) torture or other mistreatment; 6) inability to return home; 7) detention by security at the airport or harbor for various reasons; 8) unjust treatment at the airport or harbor; and 9) incidences of mental illness and depression.

In Taiwan, the Indonesian government is responsible for protecting migrant workers whose rights have been violated and for redressing them. On April 28, 2013, the headquarters of *Kantor Dagang dan Ekonomi Indonesia di Taipei* (KDEI Taipei) formed the Labor Protection Task Force of Indonesia with 20 members. The team's goal is to protect the interests of TKI in realizing the fulfillment of their rights in accordance with the laws and regulations. It also attempts to improve the handling of TKI in a more intensive, effective, and efficient manner to resolve their issues. Meanwhile, the Indonesian government has begun to provide temporary shelter for migrant workers and is channeling resources to create crisis centers (shelters) for victims of violence in Taiwan. Between January and August 2014, there were 16 TKI in Shelter Taoyuan, 8 in Shelter Taichung, and 6 in Shelter Zhongli (IETO, 2014). However, most of these shelters are small, representing isolated, ad hoc efforts to address the needs of migrant workers.

Other self-help institutions exist to which migrants may turn in their difficulties, one example being the *Toko Indonesia* (Indonesian store). Indonesian stores can distinguish themselves as non-formal migration agencies, as the proprietors can help immigrants with their problems and thereby be assured of attracting Indonesian migrant clients. From their standing among Indonesians in Taiwan, they serve as brokers between troubled Indonesian migrant workers and the Taiwanese government (immigration office or police), as well as translators and

agencies for solving administrative problem. The relationship between entrepreneurs and migrant workers, in a broad sense, shows the possibility of empowerment and capacity building in Indonesian migrant society in Taiwan. However, it is important to note that adequately addressing the needs of migrant workers who have been cheated, exploited, or abused requires a strong, well-coordinated response by various organizations and strength of political will.

NOTES FOR IMPROVEMENT

In this case, there are three important situations that need improvement if migrant worker problems are to be addressed: education of workers, equal rights, and joint cooperation (Setyawati 2013: 275– 277; Farbenblum et al, 2013: 24; Irianto & Truong 2014: 37). Educating and training prospective migrant labors is vital to the improvement of their knowledge of basic rights and reduced number of mistreatment cases by their prospective employers. However, based on Indonesian Law No 39/2004, the Indonesian government has assigned the right to educate workers to private agencies. In the context of migration as an industry, agencies have advanced in terms of business aspects rather than in educating migrants. The Indonesian government's only function is to monitor whether the workers have received adequate training through the Final Pre-Departure Briefing program (*or Pembekalan Akhir Pemberangkatan/PAP*) (IOM, 2010), and in education, the government has not been effective. In terms of migrant rights, both governments are obliged to ensure workers' basic human rights, including the right to return to their home countries, the right to be informed of working conditions before taking up employment, and the right to form trade unions. Unfortunately, migrant workers have often become isolated machines, deprived of the freedom and opportunity to claim and exercise their rights (Fuch 2011; Li 2011: 139-151). In regard with institutional endeavors, joint cooperation among different local NGOs, and between Indonesia and other related international

organizations in Taiwan, is quite limited (Li 2011: 139-151). Thus, at least in Taiwan, the three basic aspects in which migrant improvement is required should be studied further.

We should note one important program regarding placement fees for working abroad. In December 15, 2010, the Indonesian Government launched a business credit program (*Kredit Usaha Rakyat, KUR*), designed to give Indonesian workers the ability to access bank credit for paying their placement fees. Interest rates for financing credit are set at a maximum of 22 percent per annum, for a maximum of three years and not to exceed three years' worth of deductions from the migrants' contracts (see for detail Kementrian Koordinator Bidang Ekonomi 2014: 9-13). However, this scheme lacks consideration of the migration process and the worker administration procedures, as already explained above. For instance, placement fees in Taiwan are theoretically the employers' responsibility and are charged to the workers as one month's salary. In fact, all administration fees, such as tickets, visas, and training fees are charge to migrants and they have to pay it over 9-10 months through salary deductions. Other criticisms of this business credit program are the demanding banking regulations, such as a fixed payment time, the requirements for a letter of guarantee and complicated request letter, and interest rates that are still high compared to those of private banking and migrant company agencies; thus, this programs needs further evaluation. In this case, private agencies offer more flexibility administratively, and they are better coordinated with local migrant manpower agencies. Thus, migrant workers are still disadvantaged subjects of the migration industry schemes.

Another aspect for improving migrant protection and empowerment is migrant group's solidarity. I refer to the idea of bonded solidarity (Portes 1995), which itself is the source of collective work, embodied in the form of cooperation among Indonesian migrants in Taiwan. In my study (Yuniarto 2014), collective work is deter-

mined by the financial limitations of the migrants, the long distances required to spread information, and networking among migrant organizations in Taiwan. The purpose of the collective work model is to strengthen individual, organizational or religious kinship. Collective work, rather than being simply for economic purposes or group networks, forms the basis for long-term group identity, as Vertovec (1999) and Lewellen (2002) have shown, and sets migrants off from other ethnic groups. As observed, Indonesian migrant communities in Taiwan tend toward collectives, indicating that they are more unified and ecumenical than they are in their homeland. They are certainly easily affected by acts of love and kindness from their friends in the host society, such as the forming of migrant group associations. This exemplary collective work helps migrant workers to bring their homeland values and apply them in the host country, which can affect group solidarity and help migrants face their problems. As Atin Savitri (chairman of the ATKI Taiwan) has said, "...one problem faced by Indonesian migrant workers in Taiwan is that they do not have the right to participate at local trade unions, so in any problem they face, they don't have the same rights as local workers. Indonesian migrant workers have no power to solve their problems through the courts or mediation from third parties. They are more likely to rely on a friend." Thus, it is necessary to explore both solidarity and social networks as new challenges to migratory studies in Taiwan, whose complexities seem to deserve a more detailed empirical investigation. The ability to overcome obstacles in the migration process and in the receiving nation is not enough in itself; migrants also need socialization with friends to solve their fragmentation.

CONCLUSION

The experience of Indonesian migrants in Taiwan indicates that the migration industry has largely reduced everything to a matter of supply and demand, the profit motive being the ultimate aim. This approach dehumanizes migrant workers,

making them into nothing more than economic commodities to be bought and sold. This paper has explored the migration industry and migrant situation in Taiwan, revealing that migrants are trapped in debt. This condition arises from the debtor's pledge of his or her personal services, or those of a person under his or her control, as security for a debt. All these challenges regarding human slavery are just the logical endpoint, the most extreme form separating the human economy from the commercial economy). As Graeber (2011) shows, there is and always has been a curious affinity between wage labor and slavery (p. 163), whether an individual has been sold or simply rented out, but the involvement of money belittles individual identity until the person is capable of doing his or her duty (Graeber 2011: 352). However, this study demonstrates the salience of the migration industry and its socio-economic implications among Indonesian migrants in Taiwan. Although migrant workers make an important contribution to economic development in their home countries, the attention to improving their protection and empowerment both inside and outside the country is still inadequate.

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