Lund University
Centre for East and South-East Asian Studies
Masters Programme in Asian Studies
South-East Asian track
Fall semester, 2007

Non-Traditional Security Issue and International Conflict

A case study of Indonesian Migrant Labor in Malaysia

Author: **Mario Pandu. D**
Supervisor: **Dr. Kristina Jonsson**

Abstract

The relation between Indonesia and Malaysia has seen several tensions since 1960s onwards. Since 2002 it self, there were several issues related to Indonesian migrant labor in Malaysia that has strained bilateral relations. The aim of this thesis was to investigate the extent to which the Indonesian migrant labor issue has affected relation with Malaysia as the receiving country. The findings of this study suggest that letting such Non-Traditional Security concern as migration get out of hand could spill over to international political conflict. While bilateral approach between sending and receiving countries can only offer limited impact on the issue, regional perspective seems more comprehensive toward solving the problem. Furthermore, the Indonesian government in particular has to take immediate initiative within regional perspective to control what many see as growing anti-Malaysia sentiment resulting from its migrant labor issue.

Contents

Chapter 1

Introduction

1.1. Background

The lives of hundreds of thousands of Indonesia's villagers have been improved with money sent from relatives working in Malaysia.

Malaysia's modern skyscrapers rose up on the labor of foreign workers, the majority of whom came from Indonesia. Both countries mutually benefited and it further sealed close relations – until recently.

The year 2002 had just begun when reports of riots by Indonesian workers in a textile factory in Nilai, Negeri Sembilan and at a construction site in Cyberjaya triggered a series of action to deal with labor migration, particularly irregular migration. The Malaysian government immediately announced Indonesians will be the last priority in the hiring of migrant workers, the so called "Indonesian last" policy (Asis, 2004: 199).

This was followed by an announcement targeting the repatriation of 10,000 Indonesians every month, and taking into effect the amendments to Malaysia's Immigration Act of 963 on 1 August. The amendments provide for stiffer punishment against immigration violators – irregular migrant workers as well as employers and smugglers of undocumented migrants. Particularly for migrants who entered Malaysia in an irregular fashion, the punishment includes fines of RM 10,000, jail terms, and caning (ibid).

Malaysia's actions have ignited outrage over the treatment of Indonesians deportees, particularly as reports of deaths of children and elderly, sexual abuse and rape of a female migrant worker. There were protest from Jakarta over the treatment and strains were unavoidable. Amien Rais, speaker of Indonesia's highest law-making body, the People's Consultative Assembly (MPR), warned Mahathir (August 20, 2002) "He was playing

with fire" by caning illegal Indonesian workers, calling the punishment "inhumane and insulting." (Chew, 2002).

The thesis aims to study a transnational migration issue that arguably triggered a tension between neighboring countries. It explores transnational migration as an issue that has been embraced as one of Non-Traditional Security (NTS) concern. The paper first explains how transnational migrations become security issue – a departing point of the theoretical framework of the paper - and then analyzed the migration phenomenon of Indonesian labor to Malaysia that has affected relation between the two.

1.2. Objective and Research Question

Although *silently welcomed* in the beginning, now Indonesian workers in Malaysia are seen as pariah threatening the fabrics of Malaysian society (Liow, 2004). Negative perceptions, a rather unsympathetic and skeptical attitude towards the immigrant resulted from their unregulated massive influx to the host country. At the same time, Indonesians at home see Malaysia as an arrogant "new rich" neighbor, insulting the dignity of their overseas fellow citizens with all harsh action against them. This very issue has further complicates migration concerns for both Indonesia and Malaysia ranging from socio – cultural issues at the receiving society to human rights violations and political tensions threatening bilateral relations.

The thesis aims to analyze how transnational migration phenomenon affects relation between sending and receiving countries. Therefore, the main research question (RQ) is:
To what extent the issue of Indonesian migrant labor in Malaysia has affected the relation between the two countries?
Sub-questions that follows are: How Malaysia has seen the issue? What have been done by the Indonesian government?

1.3. Non-Traditional Security (NTS) Conceptual Framework

The security theory employed fundamentally in the thesis derived particularly from the work of the Copenhagen School of Security Studies, as to be found on its publications among others *Security: a New Framework for Analysis* by Barry Buzan, Ole Waever, and Jaap de Wilde (1998). Their work was established within the European context, but further adopted and modified to cover Southeast Asian environment by the Institute of Defence and Strategic Studies, in Singapore (IDSS).

The conventional definition of security has become a highly debated concept in the post – Cold War period. The very definition has been questioned and later become the object of multiple interpretations. Traditionally, security has been defined in geo-political terms, encompassing aspects such as deterrence, power balancing and military strategy in a state-centric sphere.

As with the end of Cold War, security analysis has moved to embrace a far greater sector than geopolitical – military based perspective. There was a debate that grew out of dissatisfaction with the intense narrowing of the field of security studies imposed by the military and nuclear obsessions of the Cold war (Buzan, 1998: 2). This dissatisfaction was stimulated first by the rise of the economic and environmental agendas in international relations during the 1970s and 1980s and later by the rise of concerns with identity issues (societal) and transnational crime during the 1990s.

Scholars have reflected on what the field of security studies should be and the direction it should take (Emmers, 2005: 2). Supporters of an alternative approach to security studies have contested the position that security can only be about a military dimension. They have concentrated on non-traditional security matters that include ecological degradation, HIV/AIDS, drugs and human trafficking, ethnic conflicts, illegal migration and others (ibid). It is in this move to a wider analysis of security studies that concerns over migrations and other NTS issue stands.

In the main, as Reinhard Lohrmann suggests, movements of persons across borders affect security in international relations at three levels: 1) the national security agendas of receiving and transit countries which perceive international population movement as a threat to their economic well-being, social order, cultural and religious values and political stability, 2) the relations between states, as movements tend to create tensions and burden bilateral relations, thus impacting upon regional and international stability, and 3) irregular migration flows might also have significant implications for individual security and dignity. The problem of illegal migration then, fits into the expansion of the security agenda in the sense that it not only highlights the vulnerability of the territorial state in terms of the contravention of its key principle of territoriality, but also other dimensions such as societal, economic and even human security (Liow, 2004: 8).

The expanding definition of security has further give room for the concept of *human security*, a concept that received its most familiar definition by the United Nations Development Program (UNDP, 1994). UNDP suggests *human security* as a concept that can recover the earlier on-the-ground focus of the state's security practices. Human security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life (ibid).

Human security concept in the thesis is used interchangeably with human rights, as Tapinos and Delaunay (Asis, 2004: 201) argue that: "the debate on migration has become inseparable from the issue of human rights, the political organization and economic development of the country of origin; and the national cohesion and future of the welfare states in the host society." Human security becomes essential in this discussion of Non-traditional Security concern, since human being is a core entity in security analysis (Waever, 1995: 50).

Human rights itself has been defined as international norms that help to protect all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the

right not to be tortured, and the right to engage in political activity. These rights exist in morality and in law at the national and international levels. They are addressed primarily to governments, requiring compliance and enforcement. The main sources of the contemporary conception of human rights are the Universal Declaration of Human Rights (United Nations, 1948b in Stanford Encyclopedia of Philosophy, 2006).

1.4. Methodology

The research problem in this thesis is to investigate a conflict between two sovereign states. To be more specific, the thesis aims at exploring how a migration issue has triggered a conflict between sending and receiving countries. Therefore I have chosen to conduct a case study as in general it is the preferred strategy when "how" or "why" questions being posed, and when the investigator has little control over events of a contemporary phenomenon within some real-life context (Yin, 2003).

Thus, to try to explain the research problem I tend to employ deduction reasoning in which the conclusion about particulars follows necessarily from general or universal premises (Kvale, 1996). In other words, I have conducted a hypothesis testing and came out with some findings which in this case confirmed the hypothesis.

The hypothesis itself is that movements of persons across borders affect security in international relations at three levels: 1) The national security agenda of receiving and transit countries which perceive international population movement as a threat to their economic well-being, social order, cultural and religious values and political stability, 2) the relations between states, as movements tend to create tensions and burden bilateral relations, thus impacting upon regional and international stability, and 3) irregular migration flows might also have significant implications for individual security and dignity.

In order to test the hypothesis I come across various literature studies. The first book was others *Security: a New Framework for Analysis* by Barry Buzan, Ole Waever, and Jaap de Wilde (1998). It has convincingly argued the broaden analysis of security studies that

now include military, environmental, economic, societal, and political sectors. It is in this widening perspective of security analysis that transnational migration basically lies, thus becomes the analytical framework of the thesis.

Ralf Emmers' *Non-Traditional Security in the Asia Pacific* (2004) has also contributed in understanding the socio-political process of when and how various issues become "security" matters (securitization) and when and how security issues become mere political matters (desecuritization). Emmers looks at not only verbalization of security issues in official statements, but also actions taken by the government to respond to the newly defined "security" situations.

In addition to explain the concept of security and its implication in international politics, I have referred to a book by Ronnie Lipschutz (1995). The book also covers a theme on securitization theory or extreme politicization of an issue that has contributed in explaining the securitization act of migration issue in Malaysia.

To explain the securitization phenomenon and its effects on international relations among ASEAN countries, I was able to go through two other original works published by the Institute of Defence and Strategic Studies, Singapore. The first one was published in 2004 as a research paper, discussing Malaysia's approach to its illegal Indonesian migrant labor problem. The other research paper was published in 2006, and looked into the securitizing / desecuritizing effects of Filipino's outward migration issue in the Philippines' relations with other Asian governments.

I also worked with secondary data such as statistics on Indonesian migrant labor published by The Ministry of Manpower and Transmigration of The Republic of Indonesia. It was treated as source to monitor numbers of Indonesians working abroad periodically. However, I found difficulties on accessing data of older years from 2003 and before that. To tackle this problem, I was able to access the same subject from a migration information organization. News articles from local media were also used as they give updated contextual factors.

Besides that, the thesis also owes data from international/ multilateral organizations such as the Human Rights Watch of human rights abuse on Indonesian migrant labors in Malaysia.

1.4.1. Criticism of the sources

I have been working with a great magnitude of data retrieved from internet, and there might be a criticism of the sources since the net is full of information that has not gone through the same kind of quality screening as published academic material. However, I was fully aware of this, thus I have only accessed reliable web-page. Most of the retrieved data comes from research institution with accessible author names and international news agency with high reputation at stake on their published materials.

1.5. Disposition

I have divided the paper into six chapters. The first chapter explains contextual background of the study and the analytical framework. The next chapter follows to give historical perspective of Indonesia – Malaysia relations that were believed to have affected the way they see each other thus characterizes the sensitive nature of the relation.

Chapter three, which marks the analysis parts, explains the relations between migration issue and security concern as the main hypothesis. The following sub-chapters (3.2 and 3.3) explain how a specific non-traditional security concern of the migrant's individual well-being (human security) could face challenge against such actions as human trafficking, human rights violation (as in physical abuse of domestic helper, and violations against property) and harsh policy from receiving country. This chapter argues that the interconnectedness of transnational migration and non-traditional security (particularly human security aspect) has contributed to the complexity of the issue.

Chapter four describes different reactions from the Indonesian side: The strong reaction from the House of Representatives against Malaysia's harsh policy and the seemingly

politically overshadowed gesture of the Indonesian government. The chapter argues that while Indonesian audience was really disturbed by the harsh policy undertaken by Malaysian government toward their unregulated migrant issue, the Indonesian government seemed to hold the politics of ASEAN Way of non-confrontation and mere bilateral arrangements. The chapter furthermore argues that the action – reaction chain from Malaysian and Indonesian government within bilateral perspective has only limited impact on the issue, insensitive against human security aspect and complicating tension between the two countries, hence describing the extent to which the issue has affected relation between Indonesia and Malaysia.

The next chapter comes up with a regional perspective which according to its advocates is more comprehensive approach in addressing migration related issue. Chapter five argues that transnational migration should be addressed from regional approach since it was one consequence of regional economic disparities. Finally the findings of the thesis shall be summarized in the conclusion.

Chapter 2
Historical Perspective

2.1. Migration in Southeast Asia

Malaya's integration into world commodity and capital markets engendered an accelerated demand for the country's resources and the full economic potential of some tropical products was only realized when the new technologies in industrial Europe created a demand for them. Moreover, the particular way in which the export industries developed was influenced by the availability of mineral and agricultural resources; vast tracts of land; sparse and unevenly populated areas; and the response of Malay peasants to the possibilities of export production. However, there were limits to the willingness or ability of the peasants to respond to the opportunities opened by the growing market for tropical commodities. The Malayan administration thus sourced labor from outside the country – mainly India and Chinese labor - also moved into the region and was initially absorbed into the mining sector. A third migrant labor stream was from Indonesia, reflecting the historical links in the Malay world (Kaur, 2004).

Later in the 1950s and early 1960s, Indonesian migration into Malaya was also encouraged by the Malayan Government for political reasons, as their easy integration into the Malay community allowed Malays to maintain a numerical edge in population over the Chinese and Indians. A scholar of this phenomenon had observed that in the early years these immigrants were "silently welcomed" by the Malays, for the immigrants were then perceived as *bangsa serumpun* (of the same racial stock) who would eventually assimilate with the local *bumiputera* (indigenous person, literally "sons of the soil"). Thus, in the long run, the Indonesian immigrants were regarded to have strengthened the

Malays' electoral power vis-a-vis the non-Malays because it was assumed that they would assimilate with the local Malays (Liow, 2004).

After a racial riots occurring in late 1960s, Malaysian government made a political maneuver seeking to reduce economic disparities between the Malay *bumiputera* and ethnic Chinese populations. Malaysia instituted its "New Economic Policy" in 1971 which aggressively pursued export-oriented industrialization and public sector expansion.

The policies resulted in urban job growth and a mass migration of rural Malaysians to the cities. Industrial growth also led to an increase in demand for labor in manufacturing and construction that could not be met by the domestic workforce. By the early 1980s, the scarcity of labor in the agricultural sector and the heightened demand for domestic workers among an expanding middle class catalyzed a surge of migrant workers, 83 percent of them being Indonesian (HRW, 2004). Ananta and Evi Nurvidya Arifin's argument (2004: 20) confirms the crucial role of foreign workers to the Malaysian economy, especially in the manufacturing, plantation, and domestic sector.

2.2. Political Tensions from the 1960s Onward

As neighboring countries in Southeast Asia, the relationship dynamics between the two has sought many ups and downs. Although it is not the main concern of the thesis to fall deeply into the history of bilateral relations however, it is almost impossible not to look such consideration in assessing the international relation and diplomacy between the two.

Indonesia and Malaysia have once engaged in a hostile attitude towards each other just after transfer of power from colonial authority to the national government. An act of Confrontation (*Ganyang Malaysia* / Crush Malaysia) was politicized by the then Indonesian first President Sukarno during 1960s, being suspicious that the Malay newly born nation–state was a British imperialist puppet threatening Indonesian sovereignty and Southeast Asian region (Haacke, 2003).

Reconciliation was only achieved after a controversial transfer of power from Sukarno to Suharto. Under his regime a 'peaceful and friendly neighbor' status was managed smoothly for three decades although some migrant labor related issues has already started to take place (Ananta, 2004).

The downfall of the authoritarian regime under Suharto in 1998 remarks the new chapter in Indonesian politics known as *era reformasi* (reform era). During this period (1998 – present) once again the relationship with Malaysia escalates. The dispute over two islands namely Sipadan – Ligitan, a tourist destination resort was settled only at the International Court of Justice on 2002 winning the Malaysian claim. The dispute might be settled but not the dissatisfaction among Indonesian laymen.

This chapter gives historical insight on how Indonesia and Malaysia have several times engaged in conflicts. Every issue could basically spill over to political confrontation, be it territorial or issue affecting Indonesian citizen in Malaysia; and this has characterizes delicate relations between the two countries (Bandoro, 2007).

Chapter 3
Migration and Security

3.1. Transnational Migration and Non-Traditional Security

Conceptually, the relationship between migration and international security can be located in the move to broaden definitions of security away from its traditional military political renditions of state survival; a shift in the level of analysis that has comprised threats to the whole international community, specific social or ethnic groups and the welfare of individuals (Liow, 2004).

Departing from Lohrmann's argument we can see that movement of persons across national borders affects security in international relations of both sending and receiving countries (besides transit country) at three levels: 1) the national security agendas of receiving and transit countries which perceive international population movement as a threat to their economic well-being, social order, cultural and religious values and political stability, 2) the relations between states, as movements tend to create tensions and burden bilateral relations, thus impacting upon regional and international stability, and 3) irregular migration flows might also have significant implications for individual security and dignity. The problem of illegal migration then, fits into the expansion of the security agenda in the sense that it not only highlights the vulnerability of the territorial state in terms of the contravention of its key principle of territoriality, but also other dimensions such as societal, economic and even human security (Liow, 2004: 8). This chapter aims at explaining the interconnectedness between transnational labor migration and (non-traditional) security concern.

Transnational labor migration phenomenon is a very broad and complex issue. Many works has been devoted to this matter. Asis argues that similar process drive both legal and illegal migrations (Asis, 2004: 202). In the countries of origin, factors such as

unemployment, low wages and poverty are conditions that may push people out, although not sufficient to lead to migration. Particularly in transnational labor migration, certain requirements and procedures must be met, and this is when the migration industry and other intermediaries, including social networks, step in to provide services and assistance to migrants, commonly for a fee (ibid).

In the other hand, in the country of destination, there is a demand for migrant workers. In the case of Indonesia and Malaysia, as it is in Asia generally, labor brokers as well as social networks are also present in the country of destination, and they link migrants to employers and provide other services to facilitate the entry and employment of migrants (Asis, 2004:203). When those requirements and procedures are met, then international/ transnational migration takes place.

While in Asia the most striking change in the character of international labor migration in the second half of the twentieth century has been the great increase in the scale, complexity, and significance of intra-regional migration. In this period of time, particularly 1980s, migration within, from, and to Southeast Asia has rapidly multiplied.

Since the 1980s, economic, social, and demographic changes in the region, consistent with accelerated globalization, have profoundly affected Indonesian workers migration to Malaysia. The destinations of Indonesian overseas workers currently overlap national boundaries to a far greater extent than before, and many more Indonesians have acquired the ability to move as free workers.

Indonesian migrant workers which comprise the biggest foreign workforce in Malaysia are highly associated with those without proper documents. What complicates the issue is not only their illegal presence, but also their numbers which reportedly has reached hundreds of thousand.

Irregular or unregulated migration is the type of the movement of person that characterizes the Indonesia – Malaysia context the most. The nature of this particular

type of migration has contributed to the conflict between the sending and receiving countries.

It takes place when migrants or employers access irregular channel (including traffickers). This, according to Asis comes about because of various reasons: Migrants lack the necessary information, irregular channels are the only means to work in the intended country of destination, or migration policies are unrealistic (2004: 204).

All reasons seem to be found on the Indonesia – Malaysia context. According to a survey undertaken by Asis in 2000 (2004: 213) community-based intermediaries – *calos* and *tekongs* – used to have some monopoly of knowledge and information about the ins and outs of migrating to Malaysia. The migration policies were near unrealistic as it comes to extensive bureaucracy, and that makes irregular channel a more accessible way to work in Malaysia.

As many argue, among others Aris Ananta and Evi Nurvidya Arifin (2004) human mobility is basically integral to human rights, therefore it is against the very value to restrict people's movement for seek of a better life. However, failure to manage migration would lead to a multidimensional problem as exemplifies by the topic under study; not only at national level for both receiving and sending countries, but also at the regional level.

3.2. The Securitization of Indonesian Migrant Labor Issue in Malaysia

The following sub-chapters (3.2 and 3.3) explain how a specific non-traditional security concern of the migrant's individual well-being (human security) could face challenge against such actions as trafficking and harsh policy from receiving country.

Indonesian influx kept going even in bigger volume periodically until recently, following the escalation of tension between Indonesia and Malaysia. While its management which

is rather troublesome has at some point developed into a serious issue for both Indonesia and Malaysia.

Year (Single Year)	Middle East		Malaysia/Singapore		Other		Total No.	Percent Change Over Previous Year	Sex Ratio (Males/100 Females)
	No.	%	No.	%	No.	%			
2005*	50,535	33	88,750	58	13,654	9	152,939	na	59
2004	226,688	59	131,141	34	24,685	7	382,514	+30	28
2003	183,770	63	95,542	33	14,382	4	293,694	-39	37
2002	241,961	50	168,751	35	69,681	14	480,393	+42	32
2001**	121,180	36	144,785	43	73,027	21	338,992	-22	80

Table 1. Number of Indonesian Overseas Workers Processed by the Ministry of Manpower, 2001 to 2005

Source: Indonesia Department of Manpower and Transmigration, unpublished data; Departemen Tenaga Kerja, Republic of Indonesia (Hugo, 2007).
* Until June 2005.
** From 2001 the Ministry of Manpower was decentralized and there was less compulsion for regional offices to report to the central office the numbers of overseas contract workers deployed.

From the Malaysian perspective, unregulated inflow of Indonesian immigrants has threatened their socio – cultural fabrics and building-up concern as they contribute to criminal activities. The previous was due to their perceptions that they have affected Malaysian Islamic values with their deviant practices of Islam; while at the same time, police reports say that it is mainly Indonesians who occupy Malaysian jails because of various criminal charges (Liow, 2004).

Although the Malaysian government has passed a law restricting the hiring of illegal immigrant, however, economic / business nature to produce at the lowest cost seems to override the restriction.

The Indonesian director-general of Labor Placement Overseas estimated that, in August 2005, there were more than a million Indonesians abroad illegally. Of those, he estimated there were 400,000 in Malaysia (Hugo, 2007).

The Malaysian home minister estimation confirms that in late 2006 there were around 600,000 unauthorized migrant workers in Malaysia (most of them being Indonesians) despite periodic sweeps, deportations, and amnesties (ibid).

Several works has been done on securitization theory among others: Liow (2004) and Franco (2006), from the Institute of Defense and Strategic Studies (IDSS), in Singapore. Liow on his research paper evaluates that the securitization of Indonesian migrant labor from Malaysian perspective was because Indonesians have been portrayed as a threat to Malaysian lifestyle and culture. These bring about the security concerns of the Indonesian influence on deviant religious and criminal activities within Malaysia.

While Franco argues that the securitization of overseas Filipino workers is essential due to the high value of the economic contribution the Filipino foreign workers provide the Philippine economy. The migration of Filipinos does not pose security concerns to the Philippines, but is posed to the workers themselves who are victims of human rights violations and suffer from the lack of basic needs and medical care. Another reason for securitizing this migration issue is due to the controversial labor migration cases that have occurred in the past. However, he stressed that over politicization of the migration issue could lead to the manipulation of the law by government officials (2006).

The Copenhagen School of Security Studies regards security as a socially constructed concept; and according to Buzan, any public issue can be politicized, non-politicized, or securitized (Emmers, 2005: 4). A political concern can be securitized through an act of securitization. The later refers to a process in which 'an issue is framed as a security problem'. A securitizing actor (government, bureaucrats, political leaders, pressure groups) articulates an already politicized issue (publicly debated issue) as an existential threat to security and asserts that it needs to be removed from ordinary norms of the

political domain due to its declared urgency (ibid). Securitization therefore refers to the classification of certain issues, persons or entities as existential threats requiring extraordinary measure.

In principle, securitizing actors can attempt to construct anything as a referent object. In practice however, the constraints of facilitating conditions mean actors are much more likely to be successful with some types of referent objects than with others (*et al*. Buzan, 1998). Security action is usually taken on behalf of, and with reference to, a collectivity (ibid).

The issue of Indonesian labor migration to Malaysia also has an enormous potential of extreme politicization due to its characteristic (Lipschutz, 1995: 62-76). It involves human security aspect, and collectivity well being; concepts with great potential of social and political mobilization (ibid). What becomes the concern from an extreme politicization such as securitizing an issue like labor migration is that it could lead to militarization, which is not an improvement (ibid).

Extreme politicization/ securitization could be used by any political actors since it is basically a political will. Jose Franco in analyzing Philippine migration case once argued to take notice of labor or any other kind of outward migration as a non-traditional security (NTS**)** issue that could spill over to other related cases such as human rights, local politics and foreign affairs (2006: 3). Therefore it takes an apt and pro-active government not to let such spill over.

The Philippine case might give us example how an extreme politicization of migrant labor issue has brought about diplomatic friction between countries, for example when the Philippines government pull out its ambassador to Singapore when the later decided to hang a Filipina domestic helper (Flor Contemplacion issue) for murder (Franco, 2006).

On October 7, 2007 RELA (Malaysian Volunteer Group) broke in to a resident of an Indonesian master's student at Universiti Kebangsaan Malaysia (UKM). The reason was to search for any undocumented Indonesian in the house (Iqbal, 2007). The violation of rights toward the Indonesian student was not made a big issue in Malaysia, much less an apology after finding not a single person being alien. The following day, an Indonesian diplomat's wife was arrested by the same group at *Pasar* Chow Kit (Chow Kit market) because they thought her diplomatic paper was false (ibid).

The recent biggest incident was the alleged assault on an Indonesian Karate referee. Donald Kolopita was invited to Malaysia as one of the referees in the Asian Karate Tournament held in Kuala Lumpur on August 24, 2007.

Kolopita (47 years old) was walking home to his hotel after attending a technical briefing just a night before the tournament, when four policemen in a civilian outfit approached him and tried to handcuff him on the spot. Kolopita struggled spontaneously as he thought he was robed; he lost the fight and was brought in to a van. The assault did not end there; he was still beaten up and kicked handcuffed on his way to the police station (Media Indonesia, 2007). He was suspected illegal Indonesian construction worker, hence the suffering.

From those illustrations we can see paranoia of illegal Indonesian in Malaysia that has resulted in many unreasonable incidents. Therefore Franco argues that desecuritization or handling of an issue in a normal political sphere is therefore, a better option than securitization. The latter may pave the way for grave abuse of power (such as by the Malaysian police with regard to Indonesian deportees), and even preventable deaths of Indonesian toddlers and elders (in Malaysian camps provided for deportees); politically-charged executive decisions, mediocre legislative measures, and injury to persons, property and environment (as in the alleged assault on Indonesian Karate referee, and the student's resident); and increased spending for police and military deployment (Franco 2006: 21).

Through this sub-chapter the paper tries to draw a connection between the unregulated influx of Indonesians to Malaysia, harsh policy that came out after the extreme politicization of the issue in Malaysia, hence the hostile attitude toward the immigrants. Instead of resolving their unregulated Indonesian migrant labor issue, the securitization act from Malaysian government has only resulted in violations against human rights and provoking negative sentiment from Indonesian audience.

3.3. Another Human Security Insight of the Migrants

This is how LaShawn Jefferson, Executive Director of Women's Rights Division of Human Rights Watch describes the grievances of migrant Indonesian (women) workers in Malaysia:

> Indonesian domestic workers are treated like second-class humans. Malaysia and Indonesia must actively protect the rights of women workers instead of leaving this to labor agencies who are often responsible for committing abuses themselves. (HRW, 2004)

Indonesian overseas workers' human security is vulnerable at various different stages. When about to leave the country; when they are working abroad facing exploitation, poor working situation and harsh deportation; and on arrival at homeland. The immediate challenge facing the Indonesian overseas workers is probably the complicated bureaucracy provided by the local authority. Corruption has long been argued as the fuel to this problematic service from Indonesian government to their own citizen longing to work abroad. This situation has forced many to find 'another easier and cheaper' channel to get to the other side of the border.

Here is when migration and smuggling or even trafficking interlinked. Addressing trafficking issue in it self needs a particular study due to its complexity, however, the reason why it is being touched upon briefly here is because trafficking has been reported as one cause of irregular migration from Indonesia to Malaysia (HRW, 2004)

Trafficking includes all acts related to the recruitment, transport, transfer, sale, or purchase of human beings by force, fraud, deceit, or other coercive tactics for the purpose of placing them into conditions of forced labor or practices similar to slavery, in which labor is extracted through physical or non-physical means of coercion, including blackmail, fraud, deceit, isolation, threat or use of physical force, or psychological pressure (ibid). Trafficking obviously violates human securityness thus being embraced as a Non-Traditional Security concern.

Traffickers often exploit the processes by which individuals migrate for economic reasons. Through corrupt government officials, unscrupulous labor agents, and poor enforcement of the law, economic migrants may be deceived or coerced into situations of forced labor and slavery-like practices.

Indonesian trafficking victims may be found in situations of forced domestic labor and other forms of forced labor, forced sex work, and forced marital arrangements. In its annual report for 2003, Malaysia's National Human Rights Commission (SUHAKAM), addressed the issue of trafficking victims forced into sex work, noting: "Indonesian girls and women are usually brought in as domestic maids and then 'sold' by their agents to work in discos and entertainment outlets to entertain men, including being forced to provide sexual services (HRW, 2004). These women can be vulnerable to exploitation not only by virtue of being a migrant (often undocumented) and a woman, but also because local protection agencies do not view households as workplaces that can be regulated (ibid).

As described by Ananta et.al. (2004: 15) even if they go through the legal recruitment agent, the so called PJTKI (Perusahaan Jasa Tenaga Kerja Indonesia – Indonesian Labor Sending Firms), the applicants had to fill in twenty different documents and follow ten processes before they could leave Indonesia. It is a very time consuming, complicated, and costly process. Therefore, in many cases they preferred to go through the much less complicated illegal recruitment. In the case of going to Malaysia, the illegal recruitment

was a collusion of Indonesian *calo* and Malaysian *tekong*,[1] supported by security personnel from both Indonesia and Malaysia (ibid).

An August 2006 article in the *Jakarta Post* explained how prospective labor migrants enter Malaysia via ferries leaving Batam in the Riau Archipelago. They gain entry as tourists through Plunggur in the southwest of the Malay Peninsula by showing they have MS1000 (US$320). There are other points of entry in West and East Malaysia where a similar process applies (Hugo, 2007).

Take for example the 110-page Human Rights Watch report, "Help Wanted: Abuses Against Female Migrant Domestic Workers in Indonesia and Malaysia," documents the abuse and exploitation that Indonesian female domestic workers experience at each step of the migration process (HRW, 2004).

There are several incidents such as mistreatment of domestic helpers by their employer that illustrate the human security vulnerability of Indonesian migrant labor.
One of the celebrated cases of mistreatment toward an Indonesian domestic helper was Nirmala Bonat's. The 19 years old girl from Kupang, a region east of Indonesia was actually recruited by an official agency, however, the agent apparently did not make sure two things. First, that she will be working in a save place; secondly, that they never monitored her situation after sometimes being employed at that particular work place (Kent, 2004). These lacks of responsibility are usually typical of unofficial / unregulated labor recruitment agency; however, Bonat's experience demonstrates that many recruitment agencies do not really bother about their client's safety. For this Indonesian government should assure protection to their overseas workers.

Bonat's case took place in May, 2004 and made big headlines both in Indonesia and Malaysia. She was found badly tortured, bleeding and crying at a stairway in a wealthy condominium she used to work by the security. Apparently she was repeatedly burnt with iron, and scalded with boiling water (Kent, 2004). She was then treated at Kuala

---

[1] *Calo* and *tekong* refer to agent in Indonesian and Malaysian

Lumpur Hospital and fortunately the Malaysian Police took care of her case immediately. Her experience was first exposed at the Indonesian Embassy in Kuala Lumpur, where she stayed until 2007 after leaving hospital, and awaited for her trial (ibid).

However, earlier in Malaysia, employer who was found guilty of maltreatment toward their domestic helper could easily freed by only paying some amount of fine. Apparently what happened regarding Bonat's case was just as sad as it used to be. The case was never settled, and most people have already forgotten her horrible experience.

Hearings have been repeatedly postponed. An official at the Indonesian Embassy in Kuala Lumpur, Tatang B. Razak said. "It seems that the process has been deliberately slowed down by trial delays and the replacement of judges," (Hector et. al, 2007).

The Indonesian embassy official was also reported saying "This shows how slow the process is if it relates to abuse of Indonesians. But if an Indonesian is alleged with a violation or a crime, the legal process takes only days to arrive at the court," As an example of this unfairness, he cited the case of Indonesian maid Rini Setyowati that was brought to trial just a week after she was accused of stealing her employer's jewelry (ibid).

Besides trafficking, the Indonesian migrant labors are also vulnerable when facing the host country's law and regulation. There have been a number of crackdowns on unauthorized Indonesian workers in Malaysia, especially since 2002, when Malaysia passed a law that introduced a range of new, harsher penalties for migrant workers and their employers.

After riots involving Indonesian migrant workers at a Malaysian textile factory and construction workers in other regions in 2002, Malaysian Prime Minister Mahathir Mohamad said the government would tighten conditions for recruiting foreign workers and give priority to non-Indonesians. At the same time, the Malaysian government stepped up its efforts to detect, arrest, and deport undocumented Indonesian workers.

Hundreds of thousand of those returning home were held up at a transit points in Indonesia and had to temporarily stay in camps. In a camp called Nunukan, 85 people died because of poor sanitation and overcrowded.

The Nunukan incident in 2002, a cross border territory in East Kalimantan to host over 300,000 deported Indonesian claiming several lives has also added to the list of bilateral incidents resulting from harsh deportation. Most of the death toll occurred because of the bad sanitation and the absence of life supporting facilities that could not anticipate the sudden mass deportation action from Malaysian government.

In mid-2004, Malaysia announced plans to send back 600,000 illegal migrant workers by the end of that year. In a different type of amnesty, Malaysia offered to allow those who left voluntarily to return once they were registered and their paperwork had been processed. The deadline for leaving was pushed back to February 28, 2005, in response to the tsunami devastation in Indonesia, and what many called a violent crackdown began in March 1.

These deportations have upset Malaysian business sector, including multinational companies from countries like Taiwan, because they deplete the labor supply. Although deportations have continued, there is increasing evidence that Malaysia recognizes migrant workers are a necessary, long-term, structural requirement for the economy (Hugo, 2007).

The last stage of vulnerability challenging overseas worker is when they arrived back home. This matter is also related to corruption and extensive bureaucracy. This challenge takes form in "unregulated fees". As argued by Sukamdi, extortion of the migrants when they arrive in the airport has been made possible by the establishment of "Terminal 3", specially designed terminal for the migrant workers. This is the place where intermediaries or brokers operate. Besides cross-border points, terminal 3 is the gate to work abroad and also a symbol of the vulnerability of (prospective) Indonesian

overseas worker. The extortion may begins at application fill-in and continue during the bus ride home (Ananta, 2004:17).

At this point, the paper has tried to discuss the complexity of Indonesian migrant labor issue in Malaysia. Various vulnerabilities such as trafficking, mistreatment, and deportation challenge the migrant; besides that they are also vulnerable before the hostile approach as they were seen as a threat to Malaysian socio-cultural fabrics. Furthermore the framing of Indonesian migrant labor issue as a security threat in Malaysia has shown only limited impact on resolving the problem. The move toward the securitization of the issue had even resulted in several human rights violations.

The chapter tried to link migration and *securityness*. The migration issue has showed that it can be interlinked with security from different perspective. From the receiving country's point of view, unregulated influx of migration means a threat towards their socio-cultural sector. From here, Malaysia in this case, securitized the issue which has justified several hostile attitudes in handling Indonesian immigrants.

From Indonesian perspective, the unregulated migration to Malaysia was particularly seen as a threat to the well being of their citizen (human security) against host country's harsh policy. Besides this, the Indonesian government also perceived threat towards their legitimacy and credibility in protecting their overseas citizens (Kompas, 2001).

Chapter 4
The Indonesian Reaction

4.1. Tension Escalates

Many argue et al. Alatas, it was the negative perception towards Indonesian immigrant in Malaysia, long associated with their illegal status and social problems at Malaysian soil that has led to hostile attitude toward Indonesian immigrants (Bandoro 2007). In other words, it was probably the unregulated influx of Indonesian - continuing in such an extended period of time - seen as a threat towards Malaysian societal fabrics that has led to violent actions from Malaysian authorities when it comes to handling Indonesians. At the other end, Indonesians at home see Malaysia as an arrogant, disrespectful "new rich" neighbor, thus provoking furious mass demonstration with flags burning action, and an attempts from mass organizations to kick out Malaysian citizens that could jeopardize bilateral relation and regional cooperation (Antara News, 2007).

The House of Representative (DPR) has reacted strongly against mistreatment cases of Indonesian labor in Malaysia. The member of the house from Indonesian Democratic Party -Struggle (PDI-P) Hugo Pereira commenting on the alleged assault of the senior Karate referee as "unfriendly and arrogant gesture from Malaysia" (Antara, 2007). He emphasized the diplomatic maneuver from Malaysian Foreign Minister that refused to apology to the victim and to Indonesian government although Kolopita was invited in a formal international tournament.

"Malaysia`s foreign minister should learn more about diplomatic ethics so that he would not merely show arrogance" stated Pereira.

According to him, the Malaysian foreign minister had even said that his country had been kind enough by giving jobs to millions of Indonesian migrant workers. "Don't you think that it (the statement) showed an extremely arrogant character? It is unfriendly and shows a total lack of understanding of diplomatic ethics," Pareira said (ibid).

The House of Representative has formalized their view on the issue and several others related to "Malaysian misconduct and arrogance". They sent letter of protest to its counterpart in Malaysia, and called the Indonesian Foreign Minister for hearings (ibid).

4.2. Private, Quiet Diplomacy and the ASEAN Way

As noted by Tirtosudarmo (Ananta, 2004: 21), the flow of Indonesian migrants to Malaysia has attracted little attention in Indonesia. While it has become a political issue and even security concern (the issue was once securitized) in Malaysia (Liow, 2004). Though the issues of overseas workers have received greater attention after the fall of Suharto, they are usually still limited to the margins of political discourse. Furthermore, under Megawati's presidency – with heavy emphasize on economic development and political stability – the issue of Indonesian overseas workers has become much less important. Labor politics is a marginal issue in the mainstream Indonesian politics, and it appears in how the government has always been rather reactive than preventive in handling overseas workers.

It is ironic knowing the fact mentioned above because the amount of money Indonesian workers send home each year has grown rapidly in recent years, reaching $3 billion in 2005 (see figure 2). However, official remittances probably represent less than a half of the total, with large amounts sent through unofficial channels and brought back in cash and gifts. Also, measuring the flows is problematic as Indonesian data are particularly poor (Hugo, 2007).

Figure 2. Remittances to Indonesia, 1983 to 2005
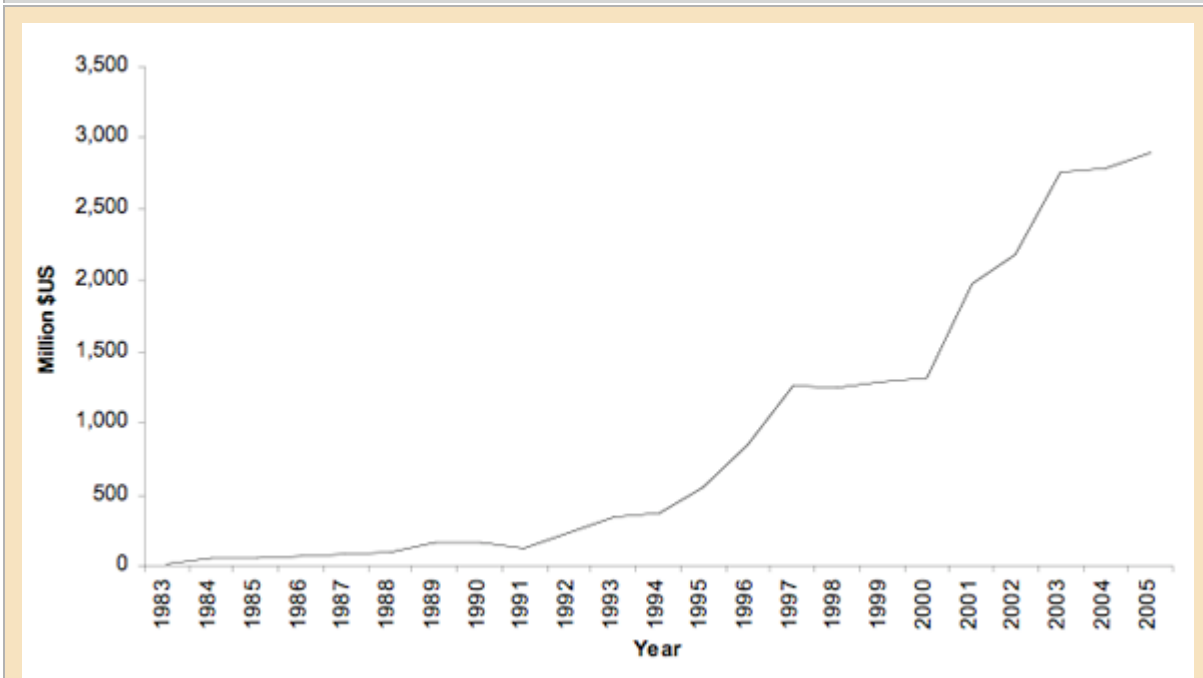
Source: Migration Information Source (2007)

Despite its contribution to national economy, Indonesian overseas workers are still seen as a less priority to its government. Previous experience of mass deportation in 2002 - better known as the Nunukan case – facing another ultimatum from its Malaysian counterpart in 2005, who was about to expulse over 500,000 undocumented Indonesian workers; the Indonesian government failed to respond for the protection of their citizens.

The Indonesian government did not take a lesson from the Nunukan experience that occurred on September – October 2002. A tragedy that happened when approximately 35,000 deported Indonesian workers were abandoned in a cross – border area between Sabah (Malaysia) and East Kalimantan, Nunukan (Indonesia). Reportedly 85 – mainly

elderly and orphan - died because of poor sanitation, starvation, and respiratory syndrome.

The strict policy to send home illegal immigrant overstaying in Malaysia has been announced since July 2004, departing from their Immigration Act 1154A/2002 (Susilo 2005). Spearheaded by around 560,000 Malaysian civilian mobilized in a group called RELA, the policy took place on February 2005 after 3 times of pending. Many returning migrants were left for days waiting for ferries and Navy vessels, showing how the government was again, unprepared.

The insignificant measure showed by the Indonesian government, albeit an early warning by the Malaysian government about their plan to send home undocumented workers shows the general lack of commitment in managing, and providing a sense of security to their oversea workers.

This lack luster from the Indonesian government are also obvious in examples such as among others, their lobbying failure to cancel a draft of law about "the authority of employer to possess their employee's passport" stated at a Memorandum of Understanding with Indonesia, signed bilaterally in 1998 and once again prolonged on May, 2004. Local NGOs and International Human Rights organization such as Human Rights Watch argue that this situation has led to an unfair subordination of Indonesian workers (HRW, 2004).

While Indonesia has been sending workers abroad since the 1970s (and vigorously since the 1980s) (Liow, 2004), it has failed to recognize labor migration cases as an NTS issue that needed immediate and drastic response. Non-traditional in the sense that while Indonesian immigrant workers mobility weakens migration barriers and renders international borders porous, it does not pose a direct threat to the country's sovereignty and those of host-governments'. It's unlike, say, territorial claims by sovereign nations over the alleged oil- and mineral-rich islands of Spratlys in the South China Sea that are directly linked to foreign policies or military behavior of claimant-nations (Franco, 2006).

Indonesian government has been really slow to develop effective policies and programs to maximize the benefits of labor migration to migrants and the nation. Their policy has been mostly reactive rather than preventive. Indonesia could have learned from Nunukan in 2002, and many other cases of mistreatment of domestic helper, issues that they had failed to handle in a proper way.

These lackluster have in turn contributes to great dissatisfaction among Indonesian audience at home. The media particularly has made it possible for people Indonesia to monitor what happened to their fellow citizens in Malaysia. To persons that could be seen as their own family member struggling overseas for a better life but instead getting a lot of trouble and not having a proper assistance by their own government.

Despite the protest from the House of Representative, the government of Indonesia has never really showed a strong gesture toward its Malaysian counterpart.

Franco (2006) argues that "ASEAN members always foster an atmosphere of camaraderie and brotherhood among them, therefore considered it a serious problem when their diplomatic relations are marred." This is probably the reason why, this far there was no formal strong reaction from Indonesian executive room over cases of mistreatment involving Indonesian migrant labor.

The fostering of camaraderie or good-fellowship atmosphere among the ASEAN members is likely to be the essence of "ASEAN Way". The ASEAN Way was a set of working guidelines which set out the procedure by which conflicts would be managed by the Association.

Noordin Sopiee of the Malaysian Institute of Strategic and International Studies has identified some of these norms. They include the principle of seeking agreement and harmony, the principle of sensitivity, politeness, non-confrontation and agreeability, the principle of quiet, private and elitist diplomacy versus public washing of dirty linen, and the principle of being non-Cartesian, non-legalistic several principles. These are found in article 2 of the Association's Treaty of Amity and Cooperation. It states four basic principles with which the actions of the ASEAN members should be guided. These are: respect for the sovereignty and territorial integrity of all nations, non-interference in the

internal affairs of one another, settlement of disputes by peaceful means, and renunciation of the threat or use of force (Goh, 2003).

The interesting part of ASEAN Way lies in its norms, particularly non-confrontation and agreeability; quite, private elitist diplomacy versus public washing of dirty linen (ibid). The Indonesian government has actually established inter ministerial body to better regulate overseas Indonesian worker issue and to defend their rights and protection abroad (Kompas, 2001).

Coordinating Team for the Allocation and Protection of Indonesian Overseas Worker (*Tim Penanggulangan Permasalahan Penempatan Dan Perlindungan Tenaga Kerja Indonesia Ke Luar Negeri/ TP4TKI*) was established under Joint Resolution No. 19 of five ministries in 2001; Indonesian Ministry of Foreign Affairs, Manpower and Transmigration, Justice and Human Rights, Internal Affairs and Regional Autonomy, and Finance; however, its effectiveness leaves a big question.

4.3. Mental Set

Learning from the Philippines as country that has advanced their mechanism in handling overseas worker, one important thing that Franco (2006) emphasizes is mental set. As Confesor, a former Philippine Labor Secretary once said (Franco, 2006: 30) "It has always been my recommendation that the role of government is both facilitator and protector." A mental set that is crucial for the foundation of a rigid and synergic mechanism for such a complicated issue as labor migration.

If a government see themselves as the facilitator and protector of a phenomenon that can not be ruled but managed, then they will have a mind set that no matter how, they are responsible to assure the well being of their overseas citizens. Why is a mental set essential? It is because this far, the Indonesian government has always seemed to avoid responsibility to their migrant labor by labeling overseas Indonesian as legal and illegal. By doing this, they are basically denying many of their citizens, denying the fact that transnational migration issue is indeed a security issue that falls under foreign affairs.

Take for example the case of Suhaidi bin Asnawi, a migrant in Malaysia from Lombok region. He was convicted of armed robbery and murder and sentenced to death. Instead of providing a proper legal assistance for his trial, the government was more concern with his status being undocumented and therefore denied the responsibility (Susilo, 2005). Borrowing Franco's opinion on convicted Filipino migrants who were on death row in host country; ones national government officials actually does not have to engage in so called "legal and diplomatic arm-twisting" if indeed pieces of evidence presented have found that the person was guilty of criminal cases leveled against them, as this might imperil relations with host-governments. But he stressed that it was the duty of that convicted person's home government to make sure that his/her rights were being protected such as having the appropriate legal assistance (Franco, 2006: 31).

As Susilo from an NGO called "Migrant Care" suggests, instead of labeling undocumented Indonesian as illegal, it is better to work on their legalization. That means efforts to proceed on their working paper and/or passport so that they become "documented" without needing to go back home first (2005). His opinion was based on the findings that there were many undocumented Indonesians working in construction site and plantation. The employer knows that hiring aliens are much cheaper (and this has made the pull factor from receiving country), while at the same time their illegal status makes it really difficult for the Indonesian government to appeal before the court if they are mistreated (ibid).

It's an opinion shared by Franco (2006: 29) saying that while one country's laws have no bearing in another sovereign territory, the labor sending government may do better for its citizens by making representations with host-governments to ratify certain international conventions for the protection of migrant workers.

Therefore, I believe that particular mental set for a labor sending government, of bearing the responsibility to facilitate and protect their overseas workers is fundamental in establishing a sound mechanism. While TP4TKI, a coordinating team designated for the well being of Indonesian overseas worker has already in place, however, its effectiveness is apparently still overshadowed by bilateralism and the character of ASEAN Way politics.

Chapter 5
Regionalizing Migration Issue

As witnessed recently from the Indonesia – Malaysia example, labor migration issue could lead to a diplomatic tension. Since the issue of migrant labor involves many countries in the region, a bilateral move seems to have only limited impact (Ramasamy, 2004: 291). Take for example the bilateral agreement between Indonesia and Malaysia (Medan Agreement 1984) that agrees on the quota of Indonesian labor to be employed in Malaysia. It just did not resolve the influx of undocumented immigrants, since the migration of Indonesian to Malaysia basically involves economic development at sending country and employment opportunity.

Ramasamy (ibid) argues that to see any significant effects on the regulation of labor migration, regional perspective is to be approached. He further argues that one must bear in mind that the main trigger of labor migration in the region is economic differentials between countries; it is the main reason why people migrate, to find better opportunity.

Without this economic differential, there would be no problems of large-scale flow of migrants. As Ramasamy says that it is rather strange why countries in Southeast Asian

region have not approached the problem of migrant labor from a more regional perspective (ibid). The formation of ASEAN during the Cold War period provided a tremendous boost for the countries concerned to address security related issue. After the end of Cold War, ASEAN was transformed into larger political mechanism for the improvement of relations between Asean countries and to undertake economic development. However, with the onset of globalization and the formation of regional blocks, the concept of AFTA (ASEAN Free Trade Area) was argued to reduce tariff and non-tariff barriers and at the same time, to facilitate the flow of investment and trade between ASEAN countries and the developed one (ibid).

The agreement represents a harmonized regional response to take advantage of globalization by removing the barriers that might disturb the flow of trade, technology and investment. But then in a typical ASEAN manner, one important issue of globalization is missing from the AFTA's larger agenda, that is, the issue of migrant labor. It was Ramasamy's opinion that AFTA should not be seen as a regional mechanism merely to attract foreign capital; it should be also a forum to discuss the obstacles that stand in the way of regional integration, a fundamental key to alleviating regional economic differentials (Ramasamy, 2004: 292).

Even though labor center such as the ASEAN Trade Union Council (ATUC) has tried to link economic development with labor rights, AFTA as a whole however, does not seem very much concerned with incorporating the labor dimension (ibid). While the labor center mentioned wants AFTA to link economic development with labor rights, they do not, however, make a case of dealing with the major problem of abuse of migrant labor.

The migrant labor issue has the potential to trigger political and diplomatic tension as exemplifies within the paper. It is about time that this issue is prioritized for discussion and debate in a regional forum. Even if AFTA's objectives have been set and alteration might create problems, there is always option of suggesting another regional forum devoted for addressing not only the migrant labor issue but also the problem of labor in general (ibid).

Such regional forum, if adopted, would contribute to "regionalizing" the issue so that countries could go beyond mere bilateral concerns. The advocates of regional approach like Ramasamy (2004: 292) suggests that the labor migration issue is not a bilateral issue and emphasize on bilateralism might contribute to more problems. We can take Malaysia's tough policy towards Indonesian labor that has resulted in some circles in Indonesia talking about reviving its old confrontationist policy towards Malaysia (ibid).

Those sentiments are likely to reappear unless the government of Indonesia in particular takes immediate initiative within regional perspective to control what many see as growing anti-Malaysian sentiment resulting from its migrant labor issue (Bandoro, 2007).

Chapter 6

Conclusion

International migration is now taking place in the context of the globalization of economies, emphasizing the interdependence of sending and host countries. The debate on migration has become inseparable from the issue of human rights, political organization and economic development of the country of origin, and the national cohesion and future of the welfare state in host societies.

Although Indonesian migrant labor contributes to Malaysian economy, the presences of unregulated migrants impose severe economic, political, and social strains on the society. Given the nature of the dependence of Malaysian economy on migrant labor, it would be difficult if not impossible for the government to get rid of illegal migrants from the country. The tendency to restrict labor migration in an age of globalization inevitably leads to unauthorized migration.

Malaysia has once framed the issue of Indonesian migrant labor as a security concern, threatening their socio-cultural fabrics. The success, however, was hampered by the characteristic of its economic dependency of migrant labor, and such extreme approach

has caused human rights violations towards the migrant labor in general and a particular case of Indonesian citizen visiting Malaysia.

The political urgency to reduce the flow of migrant labor has been hampered by the economic dependence and employers' pressure.

Bilateral relations between sending and receiving countries may not be the best option to resolve problems; a regional perspective is required. Such perspective would allow the political to be linked to the material so that any actions to reduce the financial and social burdens of migrants have to take the larger context of equalizing development in the region.

Both Malaysia and Indonesia has this far approached the issue from a mere bilateral perspective. While this bilateral move seemed to have only limited impact if not failure to resolve irregular migration, regional perspective at the other hand seems to have larger scope and in-depth sight in addressing the problem.

Failure of recognizing transnational migration as a Non-traditional security issue that requires immediate and pro-active stance has paved the way to a conflict with receiving country. Unregulated influx of Indonesian labor has built-up a negative perceptions in Malaysia thus the extreme politicization of the issue as among others implemented in large-scale sweeping that has worsened bilateral relation between Indonesia and Malaysia The topic under study has shown that leaving a delicate NTS issue such as transnational migration goes out of hand might lead to a tension between sending and receiving countries.

The ASEAN Way of non-confrontation characterizes bilateral relations between Indonesia and Malaysia. Although Indonesian government has never really shown a strong gesture to its Malaysian counterpart concerning the recent incidents against their

citizens, tensions was definitely present as can be seen from the strong reaction from the legislative (House of Representative / DPR).

The issue of Indonesian migrant labor has affected the relation with Malaysia to an extent that it has provoked old sentiments of confrontation. It would likely to reappear unless the government of Indonesia in particular takes immediate initiative within regional perspective to control what many see as growing anti-Malaysia sentiment as can be seen from a flag burning-demonstration act in Jakarta.

Resolving the problem in a smooth and peaceful way is most likely to result in a win-win situation as opposed to securitization of the issue. However, it is crucial for Indonesian government to educate their audience that they are aware of the problem and make sure that they take care of their overseas citizens to avoid public dissatisfaction.

Proper mechanism and continuous dialogue with receiving government within regional perspective in order to manage transnational migration as one consequences of the globalization process is more likely to result in better responses at both ends. Protection of the migrant labor, however, starts at home.

References:

Monographs

Ananta, Aris and Arifin, Evi Nurvidya (2004) *International Migration in Southeast Asia,* (eds.), Singapore: Institute of Southeast Asian Studies.

Buzan, Barry., Waever, Ole., and de Wilde, Jaap (1998) *Security: A New Framework for Analysis*. Boulder: Lynne Rienner.

Emmers, Ralf (2004) *Non-Traditional Security in the Asia Pacific: The Dynamics of Securitization*. Singapore: Eastern University Press.

Haacke, Jurgen (2003) *ASEAN′'s Diplomatic and Security Culture: Origins, Development and Prospects*. London and New York: Routledge Curzon.

Kvale, Steinar (1996) *Interview: Introduction to qualitative research interviewing.* London: Sage.

Lipschutz, Ronnie(ed.) (1995) *On Security* New York: Columbia University Press.

Yin, R. J. (2003) *Case Study Research: Design and methods* (3rd edition). Thousand Oaks, California: Sage

Antologies

Asis, Maruja M.B. (2004) "Borders, Globalization and Irregular Migration in Southeast Asia" in Ananta, Aris and Arifin, Evi Nurvidya, eds.: *International Migration in Southeast Asia*. Singapore: Institute of Southeast Asian Studies.

Ramasamy, P. (2004) "International Migration and Conflict: Foreign Labor in Malaysia" in Ananta, Aris and Arifin, Evi Nurvidya, eds.: *International Migration in Southeast Asia*. Singapore: Institute of Southeast Asian Studies.

Waever, Ole. (1995) "Securitization and Desecuritization" in Lipscuthz, Ronnie., *On Security* (ed.). New York: Columbia University Press.

Journal Articles

UNDP, (1994) *"Human Developmant Report"* in Kurnya Roesad (2000) *Managing Globalization and Human Security in Indonesia : In Search for Cooperation Mechanisms Between Global, Regional and National Levels*, the Indonesian Quarters, CSIS, vol. XXVIII, No. 4: 3.

Internet sources and newspaper articles

Alatas, Ali http://www.kompas.com/kompas-cetak/0708/29/ln/3797062.htm (retrieved 15 October 2007)

Antara News http://www.antara.co.id/en/arc/2007/8/29; (retrieved 15 October 2007)

Bandoro, Bantarto
http://www.thejakartapost.com/yesterdaydetail.asp?fileid=20070904.E02 (retrieved 27 September 2007)

Chew, Amy
http://edition.cnn.com/2002/WORLD/asiapcf/southeast/08/27/malaysia.illegal/index.html
(retrieved 27 December 2007)

Franco, Jose http://www.ntu.edu.sg/RSIS/publications/WorkingPapers/WP99.pdf
(retrieved 7 October 2007)

Goh, Gillian http://www.stanford.edu/group/sjeaa/journal3/geasia1.pdf (retrieved 16
November 2007)

Hector, Charles

http://www.tenaganita.net/index.php?option=com_content&task=view&id=133

Hugo, Graeme http://www.migrationinformation.org/Profiles/display.cfm?ID=594
(retrieved 11 November 2007)

HRW (Human Rights Watch) http://hrw.org/english/docs/2004/07/22/indone9114.htm

http://www.mediaindonesia.com/berita.asp?id=141692 (retrieved 14 October 2007)

Iqbal http://www.ppimalaysia.org/news.php (retrieved 20 December 2007)

Kaur, Amarjit http://coombs.anu.edu.au/SpecialProj/ASAA/biennial-
conference/2004/Kaur-A-ASAA2004.pdf (retrieved 2 October 2007)

Kent, Jonathan http://news.bbc.co.uk/2/hi/asia-pacific/3734945.stm (retrieved 14 October
2007)

Kompas Cyber Media http://www.kompas.com/kompas-
cetak/0107/12/ekonomi/dibe15.htm (retrieved 9 January 2008)

Liow, Joseph Chin Yong http://www.rsis-ntsasia.org/resources/publications/research-
papers.html#mig (retrieved 5 September 2007)

Media Indonesia http://www.mediaindonesia.com/berita.asp?id=141692

Migration Information Source

http://www.migrationinformation.org/Profiles/display.cfm?ID=594 (retrieved 11
November 2007)

Susilo, Wahyu http://buruhmigranberdaulat.blogspot.com/2005/02/opsi-atasi-krisis-
buruh-migran-tak.html (retrieved 8 September 2007)

Stanford Encyclopedia of Philosophy http://plato.stanford.edu/entries/rights-human/