

PROTECTION OF FEMALE MIGRANT WORKERS: AN ANALYSIS OF POWER HEGEMONY BETWEEN INDONESIA AND SAUDI ARABIA

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ABSTRACT

This study examines the hegemony of power and protection policies for female migrant workers through a case study of Indonesia and Saudi Arabia. Since the 1970s, the oil boom in Saudi Arabia has increased the demand for migrant workers, including those from Indonesia. The Kafala system implemented in Saudi Arabia gives employers full control over migrant workers, often leading to exploitation and human rights abuses. This study explores how the hegemony of power and economic factors influence the protection of female migrant workers. Using a qualitative approach, this research collects data through in-depth interviews and policy document analysis. The findings show that despite efforts by the Indonesian government to protect female migrant workers, the hegemony of power in Saudi Arabia and exploitative economic structures remain major obstacles. This study highlights the need for reform of the Kafala system and increased bilateral cooperation between Indonesia and Saudi Arabia to ensure better protection for female migrant workers. These findings make an important contribution to the literature on labor migration and protection policies and offer practical recommendations for policymakers in both countries.

Keywords: *Policy, Migrant Worker Protection, Hegemony*

A. INTRODUCTION

Since the oil boom of the 1970s, which propelled economic diversification and infrastructure development in Saudi Arabia, the demand for migrant workers has increased rapidly. In most Arab countries the admission and employment systems are based on relatively liberal entry policies, but come with restrictions on workers' rights, employment contracts, and limited-duration visas. This system is known as Kafala (sponsorship) where employers or sponsors (kafeel) are responsible for the behavior and security of the migrant workers they bring, as well as having control over their employment and mobility. According to the International Labor Organization (ILO) report of 2019 on international migrant workers, there were approximately 24.1 million migrant workers in 12 Arab countries, contributing 14% of the total migrant workers worldwide. The ILO predicts that the demand for migrant workers will continue to increase in the

coming years. Therefore, policies to protect migrant workers should be a top priority for both recipient and sending countries.

The emergence of the Kafala system as an urgent response to Saudi Arabia's need for migrant workers has led to an increase in the number of workers being sent from Asian countries, including Indonesia. According to data from the Central Statistics Agency (*BPS*) in 2023, Indonesia ranks second as the largest sender of migrant workers after the Philippines, with 44% of the total migrant workers being women. The demand for female migrant workers continues to rise alongside the active participation of middle-class women in the public sector to attain income and self-development. However, they are still confronted with a dual burden as they are expected not only to work outside the home but also to handle household chores. As a result, the idea of employing other women as domestic assistants emerged, marking the beginning of the domestic work sector. Domestic work is considered to be within the realm of the private sphere, making it difficult to monitor and resulting in its own vulnerabilities and uncertainties in terms of labor protection. The study by Martin (1982) indicates that the role of women in capitalist society has been a central focus in understanding their history, highlighting how they continue to be influenced by the existing economic and social dynamics. Serving as the main breadwinners in Indonesian families (Parrenas et al., 2018), women often find themselves in vulnerable positions due to the lack of adequate access to legal protection, welfare, and essential healthcare services. This situation creates an increased vulnerability to exploitation, harassment, and injustice for female migrant workers. Therefore, the state plays a significant role in the rise of cases affecting female migrant workers, including in countries like Saudi Arabia.

Soetjipto (2017) introduced the concept of the "triple burden" which reflects the situation where women experience vulnerability as women, migrant workers, and workers without protection. This phenomenon is not only happened in the Middle East especially Saudi Arabia, but also occurs simultaneously in Western countries like the United States in the 1970s. Women tend to concentrate in sectors related to domestic services, such as healthcare, domestic work, or elderly care. According to Sarwono (2014), the deficit of labor in this sector poses a challenge for economically advanced countries, thus attracting migrant interest to work there. The protection of female migrant workers is not only the responsibility of sending countries but also receiving countries. In these countries, policies are known to perpetuate hegemonic practices through a national policy called the kafala system. However, this system also contributes to the complexity of issues surrounding the protection of female migrant workers. In her study titled "Using Islam to Protect the Rights of Migrant Workers: Bringing Kafala into Sharia Compliance in Saudi Arabia," Emilia Truluck (2023) illustrates that the kafala system, which involves sponsorship or employer supervision of migrant workers, tends to provide inadequate protection for workers' rights.

The protection of female migrant workers is not only the responsibility of the sending country but also the receiving country. In the receiving country, there is a national policy known as the kafala system, which extends hegemonic practices. This system also adds complexity to the protection of female migrant

workers. In her research titled "Using Islam to Protect the Rights of Migrant Workers: Bringing Kafala into Sharia Compliance in Saudi Arabia" (2023), Emilia Truluck reveals that the kafala system, which is a sponsorship or employer supervision system over migrant workers, tends to not provide adequate protection for their rights.

On the contrary, this system grants significant power to the state through employers to conduct detrimental transactional politics against migrant workers. According to Halabi (2008), this policy renders migrant workers highly dependent on their employers, who, in the context of kafala, are referred to as sponsors. Migrant workers lack the freedom to resist, including reporting employer abuse to authorities, as it would be deemed a breach of contract. Upon arrival in the destination country, migrant workers must surrender their passports to their employers, thus exploitation often begins even before they start working. The kafala system, which should protect the rights of female migrant workers, often becomes the gateway to the early loss of these rights. In other words, Saudi Arabia has failed to safeguard female migrant workers in its territory, and protection efforts claimed through the kafala system are mere rhetoric. As Caroline et al.'s research suggests:

“Based on Antonio Gramsci's theory of ruling class, domination, and hegemonic crisis, the ruling class comprises the Saudi Arabian government and individual sponsors, who maintain their power through an absolute monarchy system and the kafala system. Despite resistance, it is not yet strong enough to trigger a hegemonic crisis. However, there is potential hidden conflict beneath the surface, with civil society awareness hindered by state policies.” (Caroline et al., 2022)

This research reveals that although the kafala policy is considered unsupportive of migrant workers, it continues to persist. The local civil society is also aware that this policy practice causes various problems for migrant workers, including women who face a triple burden: as women, as migrants, and as workers in the unprotected informal sector. According to data from the Indonesian Migrant Worker Protection Agency (*BP2MI*) in 2023, the number of Indonesian female migrant workers reached 60%, with 1,193 complaints. Out of the total complaints, 1,618 came from non-procedural migrant workers. Despite this, these migrant workers have contributed remittances amounting to USD 3,948.

From the need for female migrant workers arises a narrative propagated by the Indonesian government that women are the 'heroes of national foreign exchange' or 'heroes of national income.' This narrative is consistently conveyed to shape a framework of thought that dominates societal perceptions of the role of female migrant workers, which is deemed as normal. In the context of political science, this phenomenon is referred to as hegemony. Morton (2003) stated in his work that the success of hegemony relies not only on the physical power of the dominant state but also on the collective adoption of values and understandings. He argues that hegemony involves more than just physical dominance but also the collective construction of social reality or the world.

Many studies have examined the literature on power hegemony and how it indirectly influences the widely accepted views, values, and behaviors in society, although there is still controversy among researchers. This dispute generally relates to the interpretation of the concept of hegemony itself. Some experts believe that hegemony is a tool used by states to achieve and maintain power by exploiting violence (Gill & Law, 1989; Im, 1991; Mueller, 2011; McSweeney, 2014). This view highlights the dominant role of physical and repressive force in dictating the views and behaviors accepted in society. However, on the other hand, some researchers view hegemony as something more complex than mere physical or repressive control by the state. They argue that hegemony not only depends on state power but also involves the adoption of shared values and collective understanding considered by society (Rosenthal, 1988; Morton, 2003; Johnson, 2007; Carroll, 2007). In this view, hegemony encompasses the collective construction of social reality where power is manifested not only in the form of violence or oppression but also in shaping thoughts, norms, and widely accepted culture.

Many studies have reviewed the literature on the protection of female migrant workers, emphasizing human rights and economic aspects. Scholars generally agree that women often experience a triple burden as women, migrants, and workers in unstructured and unprotected sectors. However, the need for traditional services typically carried out by women becomes a cross-border requirement that can only be fulfilled by migrant women, as Parrenas refers to it as the "transnational division of reproductive labor" (Soetjipto, 2017). Researchers in the ASEAN region including Indonesia, Thailand, Philippines, and Malaysia highlight the same issues faced by female migrant workers. They often become the victims of rights violations such as being underpaid or the wage is not paid on time, violence, excessive working hours, and sexual harassment (Halabi, 2008; Nabila, 2022; Solechan et al., 2020). The presence of illegal migrant workers further complicates efforts to protect them by countries in the region. Protection for female migrant workers in ASEAN is becoming increasingly important, especially considering the difficult conditions faced by illegal migrant workers, which can hinder countries from providing human rights-based protection. In this context, policies and practices supporting the ruling class, such as the kafala system, can be seen as part of efforts to maintain their power hegemony (Bel-Air, 2015; Karim, 2017; Hammer & Adham, 2023).

The protection of female migrant workers in Indonesia demonstrates the complex dynamics of power and hegemony at both national and international levels. As a sending country, Indonesia has an obligation to protect women migrant worker's rights. However, the success of providing protection often depends on negotiations between sending and receiving countries (Parrenas, 2000; 2000; (Wickramasekera, 2002; Parreñas et al., 2019; Parreñas et al., 2019; Nabila, 2022). Protection should ideally be based on the principles of human rights that supporting inter-country relations. On the other hand, in receiving countries like Saudi Arabia, internal power dynamics play a crucial role in determining the level of protection provided to migrant workers. Policies supporting the ruling class can lead to inequality for migrant workers, highlighting the importance of

understanding power hegemony in the context of protecting female migrant workers.

To address these challenges, the protection efforts for female migrant workers in Indonesia require cooperation among the government, international organizations, and receiving countries. Concrete steps need to be taken to strengthen their legal protection and welfare, taking into account the interests of all parties involved. In this context, understanding the dynamics of hegemony and power is crucial to ensure more effective and sustainable protection for female migrant workers. Thus, the actions taken should be holistic and consider various factors involved so that the protection for female migrant workers can truly be achieved and have a positive impact on them.

B. LITERATURE REVIEW

The literature on the hegemony of power and its indirect formation of societal perspectives, values, and behaviors has been extensively discussed by researchers, yet there remains debate on this concept. Some scholars argue that hegemony is a tool of the state that employs violence to attain power (Gill & Law, 1989; Im, 1991; Mueller, 2011; McSweeney, 2014). Conversely, others posit that hegemony not only relies on state power repressively but also involves shared values and collective understandings that need to be considered by the state (Rosenthal, 1988; Morton, 2003; Johnson, 2007; Carroll, 2007). For instance, John McSweeney (2014) in his work "The absence of class: Critical development, NGOs and the misuse of Gramsci's concept of counter-hegemony," explains that in traditional concepts, hegemony is viewed as a tool of the dominant class to maintain its position through the monopoly of violence and control over political institutions. Gramsci, who introduced the concept of hegemony, argued that this use of violence is not only to maintain a dominant position at the national level but also globally, aiming to prevent the emergence of political opponents (Mueller, 2003). Thus, despite internal conflicts, hegemony can act as a stabilizer that reduces tension within society (Bates, 1975).

Previously, Chantal Mouffe (1979) in her book "Gramsci and Marxist Theory" criticized Gramsci's view that rulers should consider civil society, composed of individuals, groups, and organizations outside the government, in interacting with the state to understand the formation and maintenance of hegemony. By understanding the dynamics of interaction between civil society and the state, rulers can devise strategies to maintain their hegemony or advocate for changes in existing power structures. Mouffe's critique sparked further debate about hegemony, particularly regarding the extent to which class struggles can position themselves as the antithesis to the rulers, referred to as the counter-hegemonic project (Carroll, 2007). Some scholars argue that counter-hegemonic struggles should be approached with ethics and values (Morton, 2003; Mueller, 2003; Mueller, 2011; Carroll, 2007). However, others argue that counter-hegemony can only be approached through economic and political means (Rosenthal, 1989; Gill & Law, 1989; Im, 1991).

In this study, the ruling class is defined as the Government of Saudi Arabia and employers who act as sponsors of individuals, wielding power through the

absolute monarchy system and the kafala system. The government employs domination, such as the abuse of power and restriction of rights of domestic migrant workers, to maintain its hegemony. Forms of domination include excessive workloads, wage payment abuses, passport confiscation, as well as restrictions on mobility and communication. The Saudi government maintains this domination by implementing the kafala system and neglecting legal protection for domestic migrant workers. However, this study only addresses the political history of the kafala system and its impact on the protection of female migrant workers, without highlighting the vulnerabilities, uncertainties, and inequalities experienced by female migrant workers due to this system.

Another study suggests that the sustainability of hegemony in a country is largely influenced by the role of mass media. Simply put, the concept of hegemony is political leadership based on the consent of the led society, wherein this consent is achieved through the dissemination and popularization of the ruling class's worldview. In other words, hegemony requires mass media to maintain the thoughts designed by the rulers, which are considered true because they are repeatedly conveyed until they become normalized. Sarwono's research (Sarwono, 2014) on Indonesian mass media coverage of female migrant workers shows similarities with the current phenomenon. The study reveals that stakeholders in this issue, such as the government and migrant worker placement agencies, tend to use the same narrative, labeling female migrant workers as "National Income Heroes."

This narrative points towards a prioritization of economic aspects, such as money and material over the primary focus on protecting the rights and welfare of female migrant workers. The tendency of hegemony researchers to examine hegemony through the lens of violence and values, as well as the state and mass media, demonstrates the complexity of hegemony studies, especially concerning efforts to protect migrant workers. This is evident from the lack of research connecting state power hegemony with the protection of migrant workers in Indonesia. Therefore, a thorough investigation is needed into the extent to which state power hegemony, especially in two countries, Indonesia and Saudi Arabia, can influence policies related to female migrant workers in Indonesia. Systematic research addressing this issue is still relatively scarce.

C. METHOD

This research was conducted in Jakarta, involving various government institutions such as the Ministry of Manpower, Ministry of Foreign Affairs, Immigration Department of the Ministry of Law and Human Rights, Commission IX of the Indonesian House of Representatives (*DPR RI*), and *BP2MI* (Agency for the Placement and Protection of Indonesian Migrant Workers). Additionally, the researchers also conducted fieldwork in Cianjur Regency. This area is one of the regions with the second-highest number of violence cases in West Java. Researchers conducted interviews in this area to conduct in-depth interviews with former Indonesian migrant workers in Saudi Arabia.

The primary data in this research were obtained through in-depth interviews and statements from various informants relevant to the research aspects, such as

academics, civil society organizations, and the Indonesian government. Meanwhile, the secondary data used included legislation, reports from non-governmental organizations, articles, news, government reports, and online video discussion recordings related to the research topic to obtain initial information or validate findings from primary sources.

Data was collected through observation of female migrant workers and in-depth interviews with various informants from the Indonesian government, academics, and migrant worker activists. Additionally, secondary data was obtained from literature, government and non-government reports, and other relevant sources. Data analysis was conducted concurrently throughout the research process, starting from the collection and grouping of data from primary and secondary sources, analysis, interpretation, verification with other data, and concluding.

D. EXPLANATION

The Kafala System: Saudi Arabia in the Grip of Hegemonic Power

Saudi Arabia has become a sought-after destination for many migrant workers from the Middle East and Asia due to several influencing factors. Firstly, with efforts to revive its economy through the expansion of the oil sector, Saudi Arabia has experienced a significant increase in demand for migrant workers. The second reason is the higher rewards offered in Saudi Arabia compared to the home countries of migrant workers, making it a primary magnet for job seekers from sending nations. Thirdly, since the majority of the population in Asian countries is Muslims, Saudi Arabia is seen as a desirable destination for employment due to similar religious factors. Based on these reasons, many migrant workers, especially from neighboring countries with lower economies and Asian nations, are interested in seeking job opportunities in Saudi Arabia. The motivation to work in this country is not only driven by better economic prospects but also by strong religious considerations, which are among the determining factors in their choices (Silvey, 2004; Kapiszewski, 2006; Demography, Migration, and Labor Market in Saudi Arabia, 2014).

Based on Hesham Al-Shehabi's (2021) research titled "Policing Labor in Empire: The Modern Origins of the Kafala Sponsorship System in the Gulf Arab States," it is explained that the recruitment of migrant workers in Saudi Arabia was first implemented during the British colonial era in the 1920s, long before the discovery of oil in the surrounding region known as the Gulf States, consisting of Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, and Oman (see Figure 1). To regulate and control the migration of workers needed in this industry, the British introduced sponsorship requirements. This means that every migrant worker who wants to work in the Gulf States must have a local sponsor who is usually their employer. This sponsor is responsible for the migrant workers, including their administrative and legal affairs. With these sponsorship requirements, Britain aimed to control the number and movement of migrant workers, ensuring that they could be closely monitored and controlled according to the needs of the industry and social stability.

After the 1970s, authority over foreigners shifted from Britain to the local government in Saudi Arabia. At that time, the sponsorship system for migrant workers was altered in such a way that it only applied to citizens or companies owned by Saudi nationals.



Figure: Map of the Gulf Countries (Source: Britannica, 2024)

Under the kafala system, migrant workers were not allowed to enter the country unless through a valid sponsor, who typically was a Saudi citizen or a company owned by them. The aim was to maintain strict control over migrant workers, regulating their entry and exit, and ensuring that responsibility for them rested in the hands of local sponsors. Instead of directly handling it, the state shifted responsibility to local sponsors, who in this context were Saudi citizens, indicating the state's efforts to maintain dominance over migrant labor through the kafala system. This dominance, as stated by Stoddart (2007), plays a significant role in influencing society's perception of the values upheld by the state, or what is known as hegemony. In this case, the Saudi government uses the kafala system to reinforce and uphold certain values, such as the continuous practice of slavery through the kafeel. They transfer the state's responsibility to sponsors, while convincing society that such practices are commonplace and accepted within the realm of the state.

Therefore, the kafala system in Saudi Arabia serves not only as a means of surveillance over migrant workers but also as an instrument of power that reinforces the state's dominance through sponsor intermediaries. This system

creates a hierarchy of power where migrant workers are bound to their sponsors with strong relationships, giving sponsors significant control over their lives and work. This fosters dependency and often leads to exploitative situations (Gill & Law, 1989; Lim & Oishi, 1996; Parrenas, 2000; Silvey, 2004) where the rights of migrant workers are frequently disregarded (Soetjptio, 2017; Parreñas et al., 2019; Yusitarani, 2020), and they face poor working conditions. Moreover, by socially justifying these values, the state effectively maintains and strengthens unequal social structures, ensuring that control over migrant workers remains in the hands of those with power and influence. Thus, although the kafala system may appear to be a routine administrative rule, it is actually a powerful political tool in maintaining the status quo and perpetuating social injustice.

Literature studies on the kafala system have been a focus of attention for academics, especially in analyzing its historical aspects and criticisms of its existence in Saudi Arabia. For example, Fernandez (2021) in his research titled "Radicalized Institutional Humiliation Through the Kafala" highlights that the kafala system not only plays a role in supporting but also expanding capitalist accumulation through the exploitation of migrant labor, which is not limited to the Middle East region. In this context, migrant workers often find themselves trapped in inadequate working conditions, low wages, and a lack of adequate legal protection. The kafala system reinforces the dependency relationship between workers and their sponsors, which in turn deepens exploitative practices and confirms structural inequalities that benefit employers in the process of capital accumulation.

According to Ayman Adham, (2021) in his research titled "Structural Demand for Migrant Labor: a Bottom-Up Analysis of Labor Market Segmentation in Saudi Arabia," there are two main factors that contribute to why migrant workers often experience the aforementioned conditions. Firstly, the standard of living control imposed by institutional structures, such as labor recruitment agencies and state participation through the kafala system and iqama. Secondly, the discriminatory behavior of employers aiming to ensure low wages for migrant workers. Essentially, the government intentionally relies on non-Arab migrant workers to maintain political stability, allowing them to avoid granting the same social and political rights to migrant workers as those given to their citizens. This action aims to control the working class as a whole and prevent potential political instability that may arise if local workers feel marginalized or dissatisfied. In this context, dependence on non-Arab migrant workers serves as a tool of "social control" to maintain order and political stability in these countries. Thus, the kafala system can be seen as a hegemonic tool consciously employed by the Saudi Arabian government to support capitalist interests.

Historically, the kafala system has undergone significant changes in meaning and implementation. This concept originally rooted in Sharia law, where kafala was used as a mechanism to provide legal assurance to individuals in need of protection, with a kafil (guarantor) responsible for them. This included the responsibility to act as a legitimate guardian, provide basic needs such as food and shelter, and ensure protection and security for the guaranteed individuals. In its original context, the kafala system aimed to provide social assistance and security

to those in need, reflecting the humanitarian values and justice in Islamic law. However, with the changing times and transition to the modern era, particularly in the Gulf countries, the meaning and practice of kafala have undergone dramatic shifts. Kafala has evolved into a sponsorship system for migrant workers, where the kafil becomes an employer with full control over the migrant workers they sponsor. This includes controlling the workers' permissions to leave their jobs or switch to other jobs, as well as regulating working conditions and labor rights.

This shift has sparked numerous controversies and criticisms as it often leads to exploitation and human rights violations, diverging from the original purpose of the kafala system aimed at providing social protection and security. In the context of Indonesia, where the number of female migrant workers is quite significant, especially in the unprotected informal sector, the hegemony of power within the kafala system can exacerbate the injustice and vulnerability of female migrant workers. Their limited access to legal and social protection can increase the risk of exploitation, harassment, and workplace oppression. Therefore, it is crucial to recognize and address the power dynamics affecting the protection of female migrant workers, both at the national and international levels.

In efforts to protect female migrant workers from Indonesia, concrete steps are needed to address the hegemony of power within the kafala system. These include efforts to strengthen legal frameworks and protective policies, rigorous enforcement of human rights violations in the workplace, and empowering migrant women through education and better access to social services. Collaboration between governments, civil society, and international institutions is also crucial in building a fair and inclusive system for all migrant workers, especially women, so they can work with dignity and without fear of exploitation.

The Duality of Policies for Protecting Female Migrant Workers

Studies on hegemony highlight the importance of considering power factors in shaping societal beliefs towards fundamentally exploitative social values (Stoddart, 2007). In this context, institutions and economic factors are key influencers of a country's hegemonic power. The role of institutions and economic factors in hegemonic power is crucial. Institutions such as companies, recruitment agencies, and even governments have the ability to influence and control the situation of migrant workers. They can create narratives or ideologies that justify exploitative treatment of migrant workers, such as low wages, long working hours, or unsafe working conditions. Economic factors also play a significant role in maintaining hegemony in the context of migrant workers. Migrants often find themselves trapped in cycles of poverty and economic dependency, making them more vulnerable to exploitation. Economic instability and limited access to resources make it difficult for them to resist or change their circumstances. In this situation, certain institutions and economic interests are interested in maintaining structures that benefit them, even if it means suppressing or exploiting migrant workers.

The focus and discussion of this research are on the policies for protecting female migrant workers before and after the implementation of the *Moratorium Nomor 260 Tahun 2015*, which prohibits Indonesian migrant workers from going to 21 countries in the Middle East, including Saudi Arabia. Despite the existence

of such policies, the departure of female migrant workers to these countries, particularly in the domestic sector, continues to evolve and occur in various regions of Indonesia. The government, through the Ministry of Manpower of the Republic of Indonesia, has initiated an exit strategy to address this issue by implementing the One Channel System policy, which was tested in February 2021 by sending around 280 migrant workers (Ministry of Manpower of RI, 2021). This policy is not intended for individual users but rather through placement agencies in Saudi Arabia. This is done because besides the high demand, migration for domestic work is synonymous with the goal of improving the economic conditions of families.

Long before the implementation of the moratorium policy and the One Channel System, the Indonesian government's commitment to protecting female migrant workers was evident at the end of the New Order Government. This commitment was reflected in a strong push to improve the conditions and protection of migrant workers, which the government responded to by undertaking comprehensive reforms in various sectors, including migrant labor regulations. As part of these reform efforts, the *Undang-Undang Nomor 13 Tahun 2013* concerning Manpower and the *Undang-Undang Nomor 39 Tahun 2004* were enacted with the primary goal of providing a clear and structured legal framework regarding Indonesian migrant workers (formerly known as Indonesian Manpower or *TKI*) placement and protection abroad. Although the *Undang-Undang Nomor 39 Tahun 2004* brought significant improvements in migrant labor regulations, its implementation still faced many challenges. Many migrant workers still experience exploitation and violence, as well as difficulties in accessing legal assistance. Additionally, the lack of coordination between various government agencies and labor placement agents remains a major obstacle to the enforcement of this law.

The *Undang-Undang Nomor 39 Tahun 2004* fails to provide adequate protection in three crucial aspects: 1) before migrant workers depart to their destination countries, 2) while they are working abroad, and 3) after they return to Indonesia. The failure in the second aspect leads to complex issues in destination countries, such as Saudi Arabia, resulting in protection efforts by the Indonesian government often being merely rhetorical. To address this problem, concrete steps are needed, including enhancing coordination among relevant agencies, providing easy access to legal assistance for migrant workers, and strict oversight of labor placement agencies. Additionally, comprehensive protection should cover all stages of migration, from pre-departure preparations to conditions during employment, and reintegration upon returning home. Thus, effective protection for migrant workers can be genuinely realized.

During the era of Susilo Bambang Yudhoyono, Ruyati binti Sapubi, an Indonesian domestic worker, was sentenced to death in Saudi Arabia after being found guilty of murdering her employer, a Saudi Arabian woman in 2010. Ruyati had been working in Saudi Arabia since 2008. According to reports, Ruyati admitted to the act as a response to the abuse and physical as well as mental torture she endured.

Tabel 1. Differences in Regulatory Matrix

Aspects	The Undang-Undang Nomor 13 Tahun 2003 concerning the Manpower Law	The Undang-Undang Nomor 39 Tahun 2004 concerning the Placement and Protection of Indonesian Manpower Overseas
Scopes	Regulating protection for domestic workers	Providing additional protection for Indonesian migrant workers working abroad
Substance	Regulating: <ol style="list-style-type: none"> 1. regulations and implementation related to domestic labor affairs 2. supervision mechanisms concerning workers' rights 3. the relationship between laborers and employers domestically. 	Regulating: <ol style="list-style-type: none"> 1. the placement and protection of Indonesian migrant workers abroad 2. the establishment of specialized institutions such as the National Agency for Placement and Protection of Indonesian Migrant Workers (<i>BNP2TKI</i>).
Goals	Protecting workers' rights, fostering fair and transparent industrial relations.	Providing legal and social protection for Indonesian migrant workers employed abroad, including in the placement process, their rights in the workplace, and addressing issues related to them such as harassment and exploitation.
Shortage	The shortcomings of this regulation are: <ol style="list-style-type: none"> 1. Insufficient protection for informal workers. 2. Discrepancy between the law and the actual conditions in the field. 	The shortcomings of this regulation are: <ol style="list-style-type: none"> 1. Limited protection in destination countries as each country, including Saudi Arabia, has its own regulations regarding migrant workers. 2. The absence of specific protections provided before, during, and after migrant workers work and return to Indonesia.

Source: processed by the author through the laws.

This incident sparked negative reactions in Indonesia, with many non-governmental organizations and human rights activists condemning the treatment of Ruyati and calling for better protection for migrant workers. As an effort to

address the issues faced by migrant workers and enhance protection, the government issued *Moratorium Nomor 260 Tahun 2015*. This policy temporarily halted the sending of informal sector migrant workers to 19 countries in the Middle East. The aim of this moratorium was to prevent further violence and exploitation against migrant workers by requiring destination countries to have regulations ensuring their protection before allowing the sending of workers.

The *Moratorium Nomor 260 Tahun 2015* was issued in response to various challenges faced by Indonesian migrant workers, particularly in the Middle East region. One of the main backgrounds is the increasing cases of violence, exploitation, and human rights violations experienced by Indonesian migrant workers in destination countries, especially in the Middle East. Reports on unsafe working conditions and the abuse of their rights have been a serious concern for the Indonesian government, prompting the need for stricter preventive measures. Additionally, the push to enhance protection for Indonesian migrant workers has also come from various parties, including the families of migrant workers, civil society organizations, and international institutions. These demands arose in response to unsafe working conditions and frequent violations of migrant workers' rights. The involvement of non-governmental organizations in advocating for the need for better protection measures, along with pressure from the public and mass media on the government to address these issues, has also been a significant factor in the issuance of this moratorium. Considering these factors, the Indonesian government then took steps to temporarily halt the sending of informal sector migrant workers to 19 countries in the Middle East by issuing *Moratorium Nomor 260 Tahun 2015*.

However, a study by Platt (2018) titled "Migration, Moralities and Moratoriums: Female Labor Migrants and the Tensions of Protectionism in Indonesia," explains that this moratorium reflects a paternalistic approach by the state. Platt highlights tensions between efforts to protect women and uphold national dignity. President Joko Widodo views the sending of domestic workers abroad as a matter of pride and national dignity, reflecting the state's concern for the welfare of its citizens. Although the government aims to protect female workers, they also depend on the economic benefits from the remittances sent by these workers. This duality creates a complex dynamic where the mobility of female labor is both encouraged and restricted. The One Channel System placement system between the Indonesian and Saudi Arabian governments, signed in 2018, is also related to this complex dynamic. Through this system, the government seeks to regulate the placement of migrant workers officially and in a controlled manner, with the goal of improving the protection and welfare of migrant workers. However, behind the efforts to enhance protection, there are still considerations regarding the economic benefits generated from labor mobility, especially in terms of remittances. Therefore, although there are efforts to regulate the placement of migrant workers more safely and in a controlled manner, there are still considerations between protection and economic interests that influence the dynamics of this One Channel System.

Instead of empowering workers, these regulations limit the types of actions they can take, forcing them to comply with the established rules. The freedom that

should be offered by these regulations actually dictates and restricts the actions of workers, shaping their logic, and becoming internalized to the point where many of them are unaware that they are actually constrained by laws designed to free them. In other words, Post-Reformats Regulations, which should guarantee workers' basic rights, instead function as disciplinary tools. These rules create an illusion of freedom while actually constraining and controlling workers' actions. The ongoing labor protests indicate that despite regulatory changes, fundamental issues related to workers' rights and welfare remain unresolved. Workers feel constrained by regulations that are supposed to protect them, creating a paradox where promised freedoms turn into new forms of restriction and control. Azhim and Bastari's research highlights that regulations intended to improve working conditions can actually become tools to strengthen dominance and control over workers. This suggests that reform in labor regulations requires a deeper and more holistic approach to truly empower workers and ensure their rights are respected and protected without creating new limitations that impede their freedom.

Egocentric Dynamics in Government Institutions Interactions and Bilateral Relations of Two Countries: Coordination Challenges in Migrant Worker Protection

In response to the weaknesses found in the *Undang-Undang Nomor 39 Tahun 2004*, the government subsequently enacted the *Undang-Undang Nomor 18 Tahun 2017* concerning the Protection of Indonesian Migrant Workers. This law introduces a more comprehensive approach and reaffirms the active role of the government in protecting migrant workers. This reform, along with the moratorium policy, reflects the government's determination to strengthen the protection of the rights of Indonesian migrant workers, particularly in the Middle East region. This new law clarifies and expands the government's responsibilities in providing protection and assistance to migrant workers, both before, during, and after their employment abroad. The steps taken include increased supervision of labor placement agencies to ensure compliance with regulations, the provision of adequate skills training for prospective migrant workers before their departure, and the provision of legal and social assistance services for migrant workers facing issues in their destination countries.

With this law, the government seeks to ensure that migrant workers receive comprehensive protection covering all stages of the migration cycle. This includes preparation before departure with adequate training and information, monitoring of working conditions in the host country to prevent exploitation and violence, as well as support for reintegration after they return to Indonesia. Increased supervision of labor placement agencies is intended to ensure that they operate in accordance with established standards, thereby reducing the risk of abuse and violations of migrant workers' rights. Additionally, the provision of legal and social assistance facilities in destination countries aims to provide the necessary support for migrant workers facing difficulties, enabling them to access justice and services to help them resolve their problems. This approach demonstrates the government's commitment not only to regulate but also to genuinely protect and empower Indonesian migrant workers, reducing their vulnerability to exploitation and ensuring that their rights are respected and upheld at every stage of migration.

However, this law still has shortcomings in its implementation. Several literatures highlight two aspects that are often criticized by academics and non-governmental organizations. First is the egocentric nature in the interaction among various related government institutions, such as the Ministry of Manpower, Ministry of Foreign Affairs, Immigration of the Ministry of Law and Human Rights (*Kemenkumham*), and *BP2MI*. The second aspect is the bilateral relationship between the Indonesian government and Saudi Arabia. The first discussion concerns the egocentric nature in the interaction among institutions; this regulatory framework tends to overlook horizontal interaction between existing and new institutions, as well as vertical interaction between the central and regional governments. Criticism of the egocentric nature in the interaction among government institutions highlights fundamental challenges in coordination and cooperation systems at the level of public administration. In the context of protecting migrant workers, the lack of synergy among relevant agencies, such as the Ministry of Manpower, Ministry of Foreign Affairs, Immigration of the Ministry of Law and Human Rights (*Kemenkumham*), and *BP2MI*, can lead to difficulties in implementing laws aimed at protecting the rights of migrant workers. Disparities in priorities, interests, and approaches among these institutions often hinder collective efforts to provide effective protection for migrant workers. As stated by Karim (2017):

“Horizontally, the institutional design of the proposed new regulatory framework has created institutional rivalry between the newly established regulatory actor and the old one. Vertically, the reluctance of the central government to decentralize authority to sub-national governments has curtailed the ability of sub-national governments to perform a supervisory role in the recruitment process. These two inter-related factors have hindered the efforts to create a better recruitment process for Indonesian migrant workers.”

The lack of coordination and cooperation among government institutions can also create overlaps in policies and programs for the protection of migrant workers, even leading to gaps in protection implementation. For example, these institutions may compete for initiatives or negotiate policies without considering alignment or complementarity with existing programs. As a result, the implementation of laws on migrant worker protection becomes fragmented and inconsistent, thereby reducing the effectiveness of protection efforts that should be carried out by the government. In this context, serious efforts are needed to enhance coordination and collaboration among government institutions, as well as to strengthen communication mechanisms and information exchange to ensure more effective and integrated implementation of laws in protecting the rights of migrant workers.

The structural design of the new regulatory framework has resulted in competitive dynamics between two new regulatory entities, namely *BP2MI* and the Ministry of Manpower, vying for supremacy in managing migrant labor. This competition arises due to overlapping responsibilities and ambiguity regarding authority between these two institutions. *BP2MI*, which should act as the primary coordinator in efforts to protect and place migrant workers, often finds itself in

confrontation with the Ministry of Manpower, which claims to have equal or even greater authority in regulating migrant labor. As a result, the coordination efforts that are essential in managing migrant labor are hindered, further exacerbating the overall recruitment governance of migrant workers. Competition between these two institutions can also hinder the efficiency and effectiveness of protection programs, as well as complicate the implementation of consistent and integrated policies to support the interests of migrant workers. Therefore, more concrete steps are needed to address internal conflicts among relevant agencies and to enhance coordination and synergy among them to improve the overall protection and welfare of migrant workers.

At the vertical level, one of the main obstacles in managing migrant labor is the central government's reluctance to provide adequate authority to local governments. Although the concept of decentralization gives greater responsibility to local governments, in practice, the authority granted is often insufficient to conduct effective oversight of the recruitment process. The central government still retains control over various crucial aspects of managing migrant labor, making it difficult for local governments to intervene effectively in preventing issues such as identity fraud and extortion that often occur at the local level. This limitation significantly weakens the role of local governments and reduces their effectiveness in supervising and regulating private recruitment agencies. In this context, there is a combination of horizontal institutional competition and vertical authority constraints. Competition among relevant institutions can exacerbate the situation, while vertical authority constraints limit the ability of local governments to take necessary actions. Without good coordination and clear delineation of authority between the central and local governments, as well as among relevant agencies, efforts to improve the governance of migrant labor recruitment will continue to be hindered, and issues in migrant worker protection will persist. Concrete steps are needed to improve coordination and synergy among institutions and between levels of government to enhance the effectiveness of migrant labor protection and oversight.

Tobing (2020) presents a different perspective. According to him, the government can achieve better integration by establishing independent and integrated institutions directly supervised by the president, aiming to reduce external interference. Policies designed by the government are considered sufficient to coordinate relevant agencies in shaping migrant workers with adequate skills. The Indonesian government has established institutions and regulations sufficiently effective concerning the deployment and placement of Indonesian migrant workers through its issued policies. Although sometimes, pressure from the international community and NGOs has pushed the Indonesian government to engage in international initiatives aimed at protecting migrant workers (Silvey, 2004; Adham, 2021; Adiba & Sari, 2023). In the research by Azhiim & Bastari (2019), Max Lane asserts that in this context, people-based organizations such as labor movements may exist, but they do not have enough power to play a major role in the new governmental structure. In the new political dynamics, workers are often used merely as political tools by a handful of elites. Thus, the egocentric hegemony of government institutions creates a complex and

difficult-to-solve paradox, as Indonesian migrant workers are often exploited as political tools to gain significant economic benefits for the country through remittances (Ayuningtyasa & Yuniza, 2022).

The second discussion relates to the bilateral relationship between the Indonesian government and Saudi Arabia. The context of protecting female migrant workers from Indonesia cannot be separated from the bilateral relationship between the Indonesian government and Saudi Arabia, which has historically been established since the 1980s, when Saudi Arabia needed foreign labor to meet high demand at that time (Halabi, 2008; Demography, Migration and Labor Market in Saudi Arabia, 2014; Bel-Air, 2015; Al Qurtuby & Aldamer, 2018). The relationship between Indonesia and Saudi Arabia in the context of migrant workers began in the early 1980s when Indonesia started sending workers, especially manual laborers and domestic helpers, to Saudi Arabia as part of a formal agreement between the two countries. In 1983, under this agreement, Indonesia sent 47,000 registered workers to Saudi Arabia. Religion and social ties continue to play a key role in this relationship (Al Qurtuby, 2017; Al Qurtuby & Aldamer, 2018), shaping historical patterns, influencing how both countries assess each other's impacts on their national interests ((Hadiz, 2002), and shaping both countries' views of each other's governments and societies today.

Since the Reform era, the Indonesian government has endeavored to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families through the *Undang-Undang Nomor 6 Tahun 2012*. The convention, issued by the United Nations in 1990, aims primarily to protect the rights of migrant workers and their families worldwide, including in both legal and illegal situations. This legal instrument encompasses a range of rights from civil and political rights to economic, social, and cultural rights for migrant workers. However, the ratification process does not automatically provide maximum protection for female migrant workers, especially those working in Saudi Arabia. Although they are entitled to rights guaranteed by this convention, the implementation and monitoring of protection for their rights often remain inadequate, particularly given the complexity of the kafala system in that country. In the context of Saudi Arabia, challenges in providing effective protection for female migrant workers include various aspects such as restrictions on the right to organize, access to justice, and legal uncertainties affecting their status and treatment in the workplace and society. Therefore, despite Indonesia's ratification of this international convention, efforts to protect the rights of female migrant workers in Saudi Arabia remain a continuing challenge, requiring broader cooperation both at the national and international levels.

According to the interview with National Commission on Human Rights of the Republic of Indonesia (*Komnas HAM*) showed that regarding the bilateral relationship between the Indonesian Government and Saudi Arabia highlights important aspects in the context of protecting Indonesian migrant workers in Saudi Arabia. Although diplomatic relations between the two countries appear amicable at the elite level, with warm interactions between government officials, the reality is that this relationship may not necessarily have a positive impact on

the protection of Indonesian citizens in that country. The "hot and cold" phenomenon in bilateral relations illustrates that while there may be warmth in official diplomacy, the relationship between Indonesian citizens and Saudi Arabia may not be as warm as the relationship among government elites. One of the reasons for the complexity in protecting Indonesian migrant workers in Saudi Arabia is the nature of domestic work, which falls within the realm of privacy. This makes it difficult for the government to effectively monitor and intervene in the working conditions and treatment of migrant workers. Although there are efforts by the Indonesian government, such as migration decentralization policies and the implementation of zero-cost policies, there are still challenges in their implementation. Furthermore, some policies that have been implemented in other countries such as the Philippines, which serve as an example in migrant worker protection, have not been fully adopted in Indonesia.

This cold and cold relationship is also due to the fact that the Saudi Arabian Government has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to date. Consequently, on one side, this also impacts the perspectives of both countries in providing protection to migrant workers. As a solution to this issue, the United Nations declared the UN Declaration on Safe, Regular, and Orderly Migration (GCM) in 2018. In the context of migration being regulated in a safe, orderly, and regular manner, the principles stated in the Global Compact for Migration (GCM) are considered to have characteristics of soft law. Unlike UN instruments that assert the rights of migrant workers, which have a more legally binding nature, the GCM is expected to provide a framework for countries unwilling to ratify more binding instruments. Although these countries are not legally obliged to comply with the GCM, it is hoped that they will adopt a human rights-based approach in regulating and formulating policies related to migrant workers. In regional consultations in the Middle East, especially in Qatar, in mid-2022, countries in the region showed a tendency to more readily accept and implement the principles contained in the GCM rather than debate instruments of human rights that have stronger legal force. This policy is expected to encourage destination countries like Saudi Arabia to improve their efforts in protecting migrant workers.

E. CONCLUSION

This study analyzes the protection of female migrant workers between Indonesia and Saudi Arabia, focusing on the kafala system implemented in Saudi Arabia. The kafala system grants full control to employers over migrant workers, often leading to exploitation and human rights abuses. Although this system is intended to provide protection, in reality, it is frequently used as a tool of control that harms migrant workers. This creates major obstacles in protecting female migrant workers, especially due to the hegemonic power held by the receiving country and exploitative economic interests. The Indonesian government has made various efforts to protect female migrant workers, including through policies like the *Moratorium Nomor 260 Tahun 2015* and the One Channel System. However, these efforts still face significant challenges due to the hegemony of the receiving country. This study highlights that the power of the

receiving country and the exploitative economic structure often justify the mistreatment of migrant workers, creating a situation where legal protections and policies are not sufficiently effective.

Additionally, other challenges arise from within Indonesian government agencies due to egocentrism, which often leads to a lack of coordination and synergy in the implementation of migrant worker protection policies, ultimately harming the workers themselves. Egocentrism among Indonesian government agencies is evident when various institutions have their own agendas and priorities that do not always align. For instance, the Ministry of Manpower, the Ministry of Foreign Affairs, and the National Agency for the Placement and Protection of Indonesian Migrant Workers (*BNP2TKI*) may have different approaches and interests in addressing migrant worker issues. This lack of understanding and cooperation hampers efforts to create integrated and effective policies for protecting female migrant workers. For example, although the Ministry of Manpower implements policies such as the *Moratorium Nomor 260 Tahun 2015* to temporarily halt the deployment of migrant workers to certain countries, its implementation is often suboptimal due to insufficient support from other relevant agencies. This indicates that efforts to protect migrant workers cannot be carried out partially by a single agency but require comprehensive cooperation among government agencies.

To address these challenges, stronger international cooperation is needed between the Indonesian government, international organizations, and receiving countries such as Saudi Arabia. Concrete steps that need to be taken include strengthening legal frameworks and protection policies, as well as empowering female migrant workers through education and better access to social services. Reforming the kafala system and enhancing bilateral cooperation between Indonesia and Saudi Arabia are crucial to ensuring better protection for female migrant workers. Serious efforts are also required to improve coordination among Indonesian government agencies. This includes building better communication mechanisms, integrating information systems across agencies, and holding regular meetings to align policies and actions. By doing so, Indonesia can strengthen its bargaining position in international negotiations and improve protection for female migrant workers, both domestically and in receiving countries such as Saudi Arabia.

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