The Patterns of Human Trafficking of Indonesian Migrant Workers: Case Study of the Riau Islands and Johor Border Crossing

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Abstract

In this article, patterns of sending Indonesian migrant workers through the cross-border between the Riau Islands, Indonesia and Johor, Malaysia are examined. These patterns have implications for transnational crimes of human smuggling and trafficking. A new pattern involving Indonesian migrant workers was revealed. The migrant workers enter and reside in the destination country legally and subsequently become illegal migrants because the employer or the company does not extend their contracts. This pattern differs from two other patterns that are commonly practiced and are well-known: legal entry and illegal stay, if migrant workers work in a destination country without working permits; and illegal entry and illegal stay, if migrant workers enter a destination country through illegal mediums and work there without valid documents. This finding enriches previous studies on patterns involved in people smuggling and human trafficking with emphasizes that Indonesian migrant workers’ vulnerability cannot be reduced to mere procedural-bureaucratic matters. This research employed the case study method. The primary data was collected by conducting in-depth interviews with Indonesian migrant workers who became victims of human trafficking as key informants.

Keywords: migrant workers; human trafficking and smuggling; cross-border; Riau Islands; Johor
INTRODUCTION

One of the indicators of global human mobility is the transnational movement of migrant workers, which is highly dynamic. This is affected by the lack of jobs in various countries, which forces citizens to search for work abroad, in countries that are able to provide employment. The migrant workers have expectations for a better life. With reference to human rights, they have rights to move freely to another country and reside there for a certain period before returning to their country. The right to move or to migrate requires UN members to determine a policy of security assurance to provide equitable and dignified migration channels for their citizens.

Human trafficking and people smuggling are global phenomena associated with the movement of migrant workers involving more than one country. The perpetrators of this transnational crime typically involve an organized international syndicate. Migrant workers are often the victims of such crime from the time they depart their home country until they arrive at their destination. Some examples include Mexican women who migrated to the United States (Gordon 2006:869-873; Zhang 2011:105-109), Thai women who migrated to England (Kuanruthai 2010:7-9), Benin, and cases involving Nigerians (Adeola & Fayomi 2012:6-7). Indonesian workers in Saudi Arabia (Bassina 2013:13-015) and Malaysia (Ford & Lyons 2002:17-19) experienced various forms of exploitation such as slavery, assault, rape, and frozen salaries. The data provided by the Indonesia Foreign Ministry revealed that most cases of exploitation faced by Indonesian workers living abroad were linked to immigration, manpower, and human trafficking (Indonesia Foreign Ministry 2014).

Human trafficking involving Indonesian migrant workers may cause various problems, both for Indonesia as the source country and the destination countries. The problems include increasing tension in bilateral relations of political, economic, social, and cultural aspects (Alie 2011:2). Furthermore, Indonesia has been referred to as a supplier country whose woman workers are vulnerable to smuggling, trafficking, and exploitation in the destination country (USDJ 2002:61). As a supplier country, Indonesia is classified as one that offers low wages; thus, indicating the failure of the country to provide employment and security (Lucas 2008:12-14).
In the present study, various problems related to Indonesian migrant workers who became human trafficking victims in Malaysia are analyzed. The focus is on the transfer patterns of migrant workers through the cross-border areas between the Riau Islands, Indonesia and Johor, Malaysia. In the present study, a new pattern was revealed that is different from well-known patterns that have previously been accepted by researchers and academics. The new pattern has demonstrated a mechanism conducted by legal entry and legal residence. However, once the initial work contract has been completed and not extended or renewed, the worker moves to a new employer and a pattern of illegality emerges. It is believed that a review of both the well-known and the new patterns will be beneficial for enhancing an understanding of human trafficking as a social phenomenon and for formulating its mitigation as a real problem, for which solutions need to be found. Previous studies (Gordon 2006; Zhang 2011; Kuanruthai 2010; Adeola & Fayomi 2012; Bassina 2013; Ford & Lyons 2002) have revealed that migrant workers, including Indonesians, are susceptible to human trafficking when they are about to work abroad and during their stay in the destination country. However, this susceptible condition is frequently reduced to bureaucratic procedures, which are apparent in the distinction between procedural and non-procedural migrant workers. The research findings discussed in this article provide a good critic to this bureaucratic conception by showing how procedural migrant workers are also susceptible to become human trafficking victims. By discussing the new pattern, which has not been elaborated in previous studies, this article reveals how trafficking experienced by migrant workers is not simply an issue of bureaucratic procedure.

RESEARCH METHOD

A case study was employed in the present study. In this article, the case study of Indonesian migrant workers who were victims of human trafficking in Johor, Malaysia is analyzed. Primary data collection was conducted in June and July, 2017. In-depth interviews were conducted with 95 migrant workers (45 male and 50 female). At the time of the interviews, the participants were sheltered in four locations: the General Consulate of Indonesia Shelter in Johor Bahru (Shelter KJRI Johor Bahru), a shelter house for victims in Johor Bahru (RPK Johor Bahru), a shelter house for victims in Melaka (RPK Melaka), and the Depo
Imigresen in Pasir Gudang. To complement the data generated from the interviews, a direct observation of the procedure migrant workers followed to enter Malaysia Peninsula was conducted. This observation allowed a better understanding of the real situation they experienced when they traveled to the destination country. Furthermore, secondary data was collected from various sources: primarily from several kinds of media that had reports on Indonesian migrant workers. All the data and sources of information enabled triangulation so that data reliability could be achieved.

HUMAN TRAFFICKING AND PEOPLE SMUGGLING

Despite their close connection, human trafficking and people smuggling are two different behaviors and concepts. Human trafficking is a criminal action or a series of criminal actions that comprise three activities, namely, process, method, and purpose (UN Palermo Protocol 2000; UU 21/2007). However, it is acceptable to call the activity human trafficking if only one of these three occurs and even if the victims have not experienced any exploitation yet. Process includes recruitment, transportation, reception, transferring, displacement, and acceptance of workers. Method may include fraud, deception, threats of violence, the use of violence, kidnapping, captivity, power abuse, placing the victim in debt, and making payments in advance. Purpose may involve exploitation by uncompensated work, slavery, oppression, blackmail, physical, sexual or reproductive abuse, organs exertions, and organ transplantation. The three activities are connected to each other and controlled by a network known as a syndicate. Each chain of the syndicate operates by networking. Furthermore, many of the players in the network do not necessarily know one another. The intention of the latter is to produce separate networking so as to undermine the crime and to ensure there is no convicting evidence. The players have the ability to deceive, seduce, and at times, build connections with local individuals as well as those from foreign countries in order to facilitate their activities.

Human trafficking usually involves networks of individuals from various countries and is not limited to one country. Because it is a global operation, human trafficking increasingly disguises territorial borders among countries; these may be neighboring countries or countries from different regions. This hinders cooperation between countries in their
efforts to prevent and eradicate human trafficking. When human trafficking takes place between different countries, it implies smuggling may be involved. People smuggling may be defined as the facilitation of a person or persons who cross international borders illegally in order to enter a destination country of which they are not citizens so that the facilitators can enjoy financial benefits; it may also involve an international criminal syndicate (GAATW 2011:9-10; Nieuwenhuys & Pécoud 2007:1685-1686). UNTOC (2004:Article 3) defined the concept as a process of obtaining financial or other material advantages, directly or indirectly, from the activities of facilitating a person or a group to enter a country in which they do not belong illegally. Such activities are carried out by a syndicate by means of sea, land, and air. When staging the activities, they take advantages of the limitations of regulations and policies. The syndicate is also closely connected with corrupt stakeholders who facilitate their activities without following the required procedure.

Sociologically, there are similarities and differences between human trafficking and people smuggling (Ollus 2004:31-34). First, they both involve recruitment by exploiting victims’ expectations with promises of a better life. This operation involves exploiting the gap of socio-economic conditions between the place of origin and the destination. Second, they both involve transportation, which is governed by criminal networks that take advantage of the flaws of border control, corruption, and relationships between local and international organizers. Third, they both involve organizations that operate nationally and internationally in order to facilitate their activities. The fundamental difference between human trafficking and people smuggling is that human trafficking does not necessarily require illegal border crossings because it can take place within a country whereas people smuggling always occurs in interstate crossings.

According to Santoso (2014:3-5), two patterns may occur when transferring Indonesian migrant workers illegally: legal entry and illegal stay (LEIS); and illegal entry and illegal stay (IEIS). These patterns are often used by transnational crime organization syndicates to smuggle Indonesian migrant workers as victims of human trafficking in cross-border areas between the Riau Islands and Johor.

When carrying out LEIS, Indonesian migrant workers enter a country lawfully through legal channels and by using valid documents. However, the activities of which they are part in the destination country are not in accordance with the residence permit granted. In practice,
a tourist visa is utilized when employing this pattern. They may enter the destination country as tourists (legal entry), but then they misuse their residence permit to work (illegal stay). Consequently, most of these workers remain in the destination country illegally because they exceed the permitted residence period. In addition, in some instances, the workers remain undocumented because they dispose of their passports or damage them to remove any traces of a residence permit and justify losing their passports. When conducting IEIS, Indonesian migrant workers enter a country illegally by passing through unofficial places where there is no border control and passport inspection. Therefore, they have no legal documents and are undocumented. This pattern is frequently used in coastal borders. Furthermore, they use illegal means of transportation without safety and security guarantees, and go through illegal channels without documents and without passing through immigration checks. This practice sometimes ends when their boat sinks and the victims drown. Furthermore, they are usually not deterred even if they are chased and arrested by local authorities. The above patterns of illegal migration occur at many cross-borders between Batam (Indonesia) and Johor (Malaysia).

MIGRANT WORKERS IN THE CONTEXT OF INTERSTATE SOCIAL ECONOMIC GAPS

Because of globalization, our awareness of the world as interconnected across time and place, where the boundaries of states, laws, and cultures are no longer perceived as barriers has been enhanced, and has consequently encouraged people to travel and move freely from country to country. State boundaries have become mere administrative lines. At the same time, the substantive jurisdiction of the law has been diminished. In addition, globalization has brought diverse cultures together, which has resulted in a global culture that stands alongside local cultures.

As human movement has become increasingly dynamic and transnational migration has increased drastically, there are no countries without immigration problems. At the same time, global conditions have resulted in the inequality of development among countries. Many countries require cheap foreign migrant workers because their local labor is unwilling to work in certain sectors. Subsequently, brokers, agents, and perpetrators of human smuggling have taken advantage of this
situation to conduct forced labor to acquire substantial profits from uncompensated wages, taxes, and/or social security contributions. The phenomenon of smuggling migrant workers via sea cannot be separated from the flaws of immigration control functions. This could threaten border security.

The migration of workers from their home country to other countries in search of improved livelihood opportunities is usually driven by particular reasons. These reasons include low-income, lack of employment, natural disasters, conflicts, persecutions, and violence in their country of origin (IOM 2013:31). Motivated to find employment and a decent livelihood, workers tend to migrate from less prosperous parts of the world to wealthier and more prosperous ones. In most destination countries, migrant workers find employment in low-paying positions and experience poor working conditions, which are the consequence of poor legal protection. The primary reason for workers to migrate from their home country is the lack of employment and subsequent low income. Consequently, they are driven to migrate to destination countries that offer diverse employment opportunities. One assumption that frequently shapes their motivation is the discrepancy of income between their home country and destination country. They have expectations of earning higher incomes and enjoying a better livelihood once they find employment in their destination country. Thus, it can be deduced that their country of origin is characterized by the push factor of inadequate economic conditions, which results in their motivation to migrate. On the contrary, destination countries are characterized by the pull factor of increased employment opportunities.

Indonesia is one of the source countries that provide and send its workers to other countries that offer wider employment opportunities; examples include Middle East countries such as Saudi Arabia and UAE as well as neighboring countries in South East Asia such as Singapore and Malaysia. There are various reasons these migrant workers work abroad. In the context of Indonesia migrant workers in Malaysia, especially in Johor, data collected during in-depth interviews revealed their reasons are driven by economic, family, and cultural factors. Furthermore, each migrant worker may be motivated by a number of reasons simultaneously (table 1).
As shown in table 1, the dominant reason they gave for working abroad comprised economic factors. Most of them had achieved an elementary, junior, or senior high school education. Consequently, they were less able to compete with college alumni for employment in their home region. At the same time, the salaries of various available employment opportunities that corresponded to their educational levels offered salaries that were barely sufficient to meet their basic needs. Consequently, they were motivated and interested in becoming migrant workers in order to earn a better income and livelihood. Family factors also frequently play a role in encouraging people to become migrant workers. Those who are unmarried often experience direct and/or indirect pressure from and may be intimidated by their parents to work abroad. Some of these parents are usually trapped in debt and consequently, believe if their children work abroad they will be able to pay their debts. The parents may have received a certain sum of money from a trafficking syndicate in advance and thus, they may have no choice except to send their children to work abroad. In such cases, it is not surprising that they comply with their parents’ request because although they may not have an interest in becoming migrant workers, they fear being disobedient toward their parents. Another family factor that often drives one to become a migrant worker is the dysfunctional family. This may be the result of divorce, domestic violence, the inability of the husband to support his family needs or polygamy. Those in these situations are motivated to become migrant workers because of their expectations of improved economic conditions and a better livelihood in another country.
According to table 1, cultural factors may also drive people to work abroad. The tradition of some Indonesian regions is to send their manpower to other regions and possibly even abroad for a certain period of time. This manpower mainly comprises laborers who work in the plantation, agriculture, or fishery sectors in their home regions during particular seasons. Once the harvesting season is over, they leave to work abroad and return at the beginning of the new planting season. Careful preparation to travel abroad is not required. Rather, they willingly leave for their destination to work, even if it is conducted through an illegal channel. To date, some regions still practice this tradition. The existence of transnational migration reveals Indonesia as a country of origin. Like other so-called source countries, Indonesia is yet to provide enough employment that provides a decent income for its citizens so that they can meet their basic needs and sustain their lives. However, some Indonesian migrant workers and in particular, new migrant workers have very limited knowledge about their destination country. However, their living conditions encourages or even forces them to migrate even though they have little certainty about the conditions they will experience in the destination country; they do not know whether their expectations will be met. Rather, they are motivated by the hope that the destination country could offer them better wages. Even if there is available employment in their home country, the expectation of improved income encourages them to become migrant workers.

HUMAN SMUGGLING AND TRAFFICKING IN THE BORDERS BETWEEN THE RIAU ISLANDS AND JOHOR

Human trafficking is the product of transactions where one party, namely, the traffickers benefit while the other, namely, the victims is harmed by the loss of freedom. Human trafficking activities occur when an available supply is able to meet the market demand. This is certainly different from fair and voluntary transactions wherein both parties benefit. Human trafficking is synonymous with trafficking for the purpose of exploitation through slavery, oppression, extortion, and physical acquisition. Slavery is a condition in which workers do not receive rights such as wages, leaves and/or leave permits. Victims of slavery do not only lose all authority over their labor, but also over themselves including their personality. People smuggling and human trafficking are classified as transnational organized crimes (TNOC)
(Indonesian Ministry of Foreign Affairs 2012) because they are conducted in more than one country. Although TNOC activities can also be performed in one country, the important stages involving preparation, planning, direction, and control are conducted in other countries that involve criminal groups. Consequently, these activities can impact other countries. In other words, TNOCs transcend interstate boundaries and go beyond legal boundaries between countries.

The data collected from the in-depth interviews with Indonesian migrant workers who were victims of human trafficking revealed that human smuggling activities can occur via water, air, and/or land. However, water has become the most dominant route for smuggling migrant workers from the Riau Islands to Johor. Migrant workers have frequently been smuggled using ferry transportation from the port in the Riau Islands to the port in Johor. Their means remain legal because they pass through official channels with valid documents. However, in essence, it is illegal because visas such as the tourist visas are used to find employment in the destination country.

Migrant workers are often smuggled through air too. Air transportation through international airports is utilized. The entrances to Kuala Lumpur, Johor Bahru, and Singapore are often made use of. These three cities have international flight connectivity across several cities in Indonesia. Ground-based smuggling is carried out by utilizing highways that connect Singapore and Johor Bahru. The smuggling commences when Indonesian migrant workers arrive in Singapore after leaving their homes and journeying either by water or air, and are then smuggled overland to Johor Bahru. Although it is difficult to immigrate to Singapore officially, smuggling activities remain prevalent. The criminal syndicates usually orchestrate smuggling and trafficking activities by taking advantage of the flaws present in immigration rules and policies. In addition, it is common for syndicates to nurture personal networks with particular stakeholders to conduct their illicit activities. Those corrupt individuals deliberately employ their duties and responsibilities to obtain benefits. Their illicit conduct is very harmful and creates new problems for the governments of both the destination and source countries.
THE PATTERNS OF HUMAN TRAFFICKING IN THE RIAU ISLANDS AND JOHOR

The phenomenon of trafficking Indonesian migrant workers has occurred in Malaysia, Singapore, Hong Kong, Taiwan, and Saudi Arabia. The victims of human trafficking in Malaysia include Wilfrida Soik (2011), Nirmala Bonat (2004), Ceriyati (2007), and Siti Hajar (2009). Victims also include Kunainah (2014) in Singapore, Erwiana (2014) in Hong Kong, and Alfiah (2014) in Taiwan. The cases in Saudi Arabia include Kokom (2013), Ruyati (2011), and Darsen (2011). These victims were all female migrant workers who worked in the domestic sector. Women migrant workers who work in the domestic sector illegally are classified as a vulnerable group who are at a high risk of experiencing exploitation in the form of slavery and forced labor (Genugten 1994; ILO 2004; ILO 2013; Niriella 2014; Law 39/1999). In addition, women migrant workers are also susceptible to physical abuse, sexual harassment, and violence. Furthermore, their opportunities to leave their employer’s residence without threats or violence are limited. These susceptible individuals are usually unable to help themselves; therefore, they need help or assistance from others. Their vulnerability entitles them to treatment and protection from the state.

However, women are not the only group of migrant workers who are susceptible to becoming victims of human trafficking abroad. The data collected during June and July, 2017 reveals that in Johor alone, the 95 Indonesian migrant workers (45 men and 50 women) became victims of human trafficking and smuggling. Most of them worked as household assistants, plantation workers, and fishery crew members. Initially, most of them understood that they would work in the domestic sector. Their recruiters (syndicates) promised they would earn a better income than they could earn in home countries. However, they suffered from exploitation in the form of slavery, torture, rape, and were not compensated for work done. They did not know what action to take or whom to complain to obtain protection and legal aid.

Most Indonesian citizens who work abroad go to Malaysia. Their primary reasons involve cultural and linguistic similarities as well as its geographical proximity as a neighboring country. Malaysia has three regions that border with Indonesia: the Peninsula region whose sea border is alongside the Sumatra Island, Sabah, and the Sarawak region whose land and sea borders on the island of Borneo comprise
the neighboring Indonesian provinces of West Kalimantan, East Kalimantan, and North Kalimantan. The Peninsula region, which is the center of the Malaysian government, is Indonesian migrant workers’ primary preference. In comparison to Sabah and Sarawak, it has more employment opportunities; this is a significant pull factor for Indonesian migrant workers. Supported by air and sea modes of transportation with direct a connection to some of Indonesia’s main cities such as Jakarta, Medan, and Surabaya, the Malaysian Peninsula is more connected to Indonesia than its region in Borneo Island. The Riau Islands are the main transit point for prospective Indonesian migrant workers that are susceptible to become victims of human trafficking in Johor, Malaysia (Palmer 2010). There are more than ten affordable ferry return trips in a day. Thus, it is not surprising that the cross-border between the Riau Islands and Johor has become criminal syndicates’ primary choice to conduct human trafficking and people smuggling activities.

The movement of Indonesian migrant workers to Malaysia was initially triggered by the establishment of the cross-border growth triangle between Indonesia, Malaysia, and Singapore (Indonesia-Malaysia-Singapore Growth Triangle/IMS-GT) in the 1990s. Furthermore, there was a free trade zone between Batam, Bintan and Karimun Island, and Singapore in the 2000s. Consequently, low-skilled workers from Indonesia were recruited and given short-term employment contracts. Some chose to stay in Malaysia despite not having legal documents to do so. Subsequently, this served as a triggering factor for other Indonesians to also migrate to Malaysia.

Santoso (2014) found two patterns of modus operandi in crimes of people smuggling and human trafficking experienced by Indonesian migrant workers, especially in Malaysia: LEIS and IEIS. Both of these are frequently used by transnational crime syndicates, especially those who operate across the border between the Riau Islands and Johor. The first pattern, LEIS, is conducted by using tourist visas (Wahid 2015:7-8) even though when they arrive in they do not travel, but work. Consequently, these trafficking victims make a living illegally. This is exacerbated by staying for longer than they should and/or having no legal documents. The second pattern, IEIS, is conducted without any documents by using illegal transportation through coastal as well as land borders to avoid any immigration checks. Subsequently, illegal residence follows.
Schendel and Abraham (2005:20-23) examined the movement of migrant workers across borders that result in crime through illegal and illicit means. This is in accordance with Santoso’s (2014) opinion regarding the pattern of LEIS. From an economic perspective, the pattern has a significant benefit for the offenders. They generate an immense profit and avoid taxes when employing migrant workers. However, from a social perspective, a crime is committed by crossing the border legally, but the rules of immigration are violated when finding residence in the destination country.

This pattern is conducted frequently and the governments of both countries do not have an effective policy to prevent it. The two patterns mentioned above have been experienced by Indonesian migrant workers who have been victims of human trafficking in Malaysia; these include Wilfrida Soik (2011) and Nirmala Bonat (2004) from Kupang, Ceriyati (2007) from Brebes, and Siti Hajar (2009) from Mataram. Initially, they departed from their home region to Batam as a transit area. In Batam all their documents were issued, including ID cards and passports that contained some falsified data. None of them had been abroad, had no money, and did not know where to go in Malaysia. During the ferry ride from Batam to Johor, they did not keep their passports; these were kept by a syndicate member who had accompanied them. They were all employed as household assistants and experienced torture, slavery, forced labor, and were uncompensated for their work.

The data obtained from conducting in-depth interviews with 95 victims of human trafficking in Peninsular Malaysia revealed similar experiences. The LEIS pattern experienced by 74 Indonesian migrant workers occurred in the international ports between the Riau Islands and Johor using a legal ferry transportation mode. This pattern was orchestrated by trafficking syndicates who smuggled them into the country by using tourist visas. In this case, they entered Malaysia as tourists (legal entry). Consequently, many of them became illegal residents because they stayed longer than they should have. Initially, all of them had passport documents. However, their passports were kept by the employer or company in the destination country and thus, they became undocumented. In addition, some of their passports have been vandalized or thrown away to remove traces of residence permits and they had to justify their missing passports. This activity is not always conducted by migrant workers themselves, but also carried out by employers or companies and human trafficking syndicates who recruit
them. The absence of documents made them susceptible to slavery, torture, ill-treatment, rape, and uncompensated work. In fact, some of them received threats that they would be handed over to the local police or immigration authorities should they not obey their employer’s orders.

It is interesting that as victims of human trafficking in a LEIS pattern, the migrant workers have shown signs of vulnerability as victims of trafficking when they have been in the international port of the Riau Islands as a transit area. Based on direct observation and in-depth interviews with stakeholders at the border, various signs of vulnerability were identified. First, Indonesian citizens who are recruited migrant workers usually hold a new 48 page-green passport. Some of them have old passports that have many immigration stamps as a consequence of their frequent passing-visa activities. Second, they have no clear purpose or plan as long as they are in Johor, Malaysia. Furthermore, they do not have enough money to be tourists. Third, they set off in groups and are accompanied by guides.

This is not an exhaustive list of indicators. They also do not automatically prove that the person is a victim of human trafficking. However, these indicators can help border security officers to engage in efforts to prevent human trafficking and people smuggling. Furthermore, these indicators should be appropriately and effectively followed up through a fair and dignified migration policy.

It may be presumed that border officials may be negligent when there are signs that trafficking victims travel to Malaysia legally with tourist visas. A typical excuse given is that border officials have no right to prevent anyone traveling abroad because it violates the rights of a person to travel. With reference to the instruments of human rights, it is acknowledged that traveling abroad is a right (Awaludin 2005). However, people are also entitled to have security guarantees through the presence of the state (ILO 2006:31-33). It is noteworthy that strict border control does not impede the rights of a person to travel abroad. On the contrary, it is the obligation of the state to present and provide security guarantees to its citizens who exercise their rights to travel.

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1Passing-visas are activities to avoid overstay by exiting from the state before the date of tourist visa expires. For the next, the concerned person re-entered the country to get a new tourist visa. Passing-visa activities have been used by Indonesian migrant workers who use tourist visas to work abroad. If this passing activity is conducted more than once, it is reasonably suspected that the person using the visa is not in accordance with his designation and violates the immigration provisions of a country.
In addition, the country of origin does not expect its citizens to experience problems during their trip abroad and cause new problems for the destination country.

The pattern of IEIS that was experienced by 17 migrant workers from Indonesia occurred on the coastal area of the cross-border between the Riau Islands and Johor. According to the data collected from the in-depth interviews and field observations, these practices are often carried out at Sekupang, Mata Ikan Bay, Nongsa, Lubug Baja, and Batu Ampar in the Riau Islands and at Pengerang, Pengelih, Ramunia Bay, Tanjung Belungkor, Tanjung Sedili, Sungai Rengit, and Bandar Penawar in Johor. These places are relatively near and when using a boat equipped with two outboard engines, it only takes approximately 45 minutes to cross the sea. These illegal crossings usually occur between 22h00 and 3h00 the following day. Although the boat can carry a maximum of 25 people, 65 are usually taken on each trip. This ends in deadly accidents when the boat capsizes after being hit by waves. Although the trip is dangerous and risky, they do not appear to be wary even though the possibility of being chased and rounded up by local authorities always exists.

When the Indonesian migrant workers arrive in Malaysia, they are collected by the syndicate who coordinates their placement to various workplaces as per demand. There are sufficient available ground transportation modes to transport them to various places of work. In the absence of documents, they are vulnerable to becoming victims of human trafficking. Because of their vulnerability, they experience exploitation in the form of forced labor, slavery, oppression, extortion, and physical and/or sexual abuse. It is common for them not to receive their salary for the first three to six months. They also face threats of being handed over to the police and immigration authorities if they disobey their employer’s orders. Some of them have been known to flee and work elsewhere without a passport. Ultimately, they may be arrested by local immigration authorities and charged as immigration suspects and not as victims of trafficking. It has been found that among countries, there are multiple interpretations of the criminal activities of human trafficking. Malaysia often prioritizes immigration laws because Indonesian migrant workers do not have passports or other required documents while working there. In such a case, the element of exploitation as a constitutive part of human trafficking is ignored. The legal entry and legal stay/vulnerable illegal stay pattern was experienced.
by four migrant workers from Indonesia. There are two mode operandi that are common to this pattern. First, the employer may not extend the employment contract once it has ended. Second, the employer may not adjust the employment contract in case of a change in employer. The first modus operandi occurred when the employer did not renew the contract intentionally to avoid taxes and insurance payment for the Indonesian migrant workers. While this benefits the employer, it violates the employee’s rights. The second modus operandi occurred when the employment contract had not expired, but the worker had been transferred to a new employer without a new contract. The employer did not want to hire the workers anymore and consequently, they were handed over to another employer in exchange for a certain sum of money.

The cases where the third pattern was conducted involved not only Malaysia as a destination country, but also Singapore. Indonesian migrant workers had been sent by human trafficking syndicates to Singaporean citizens in Johor through the international port of Batam Center. These Singaporeans have two residences: in Singapore and in Johor, Malaysia. The informants included four Indonesian migrant workers who experienced this pattern of human trafficking (see table 2). They had been hired by different employers, namely, Singaporean citizens who lived in Johor, Malaysia, without a new employment contract. During their work, they experienced exploitation in the form of forced labor, slavery, extortion, and physical abuse. One was abandoned somewhere in Johor without being given a passport. As noted previously, their vulnerability, which was caused by the absence of any document was used by employers to exploit them.

Results revealed another pattern of human trafficking, which differs from the two well-known patterns, namely, legal entry and legal stay/vulnerable illegal stay (LELS-VIS). This finding complements the previous patterns of LEIS and IEIS. In accordance with these three patterns of human trafficking and people smuggling that are experienced by Indonesian migrant workers in Johor, all countries are required to participate in eradicating and preventing the crime through the creation and reinforcement of international and national policy instruments. In addition, cooperation between officials in cross-border areas is required so as to establish a just and dignified migration policy without violating one’s rights to travel. This policy will demonstrate the state’s intention to protect its citizens.
CONCLUSION

In the context of migrant workers, Indonesia is often positioned as a supplier country whose migrant workers are sent to neighboring countries, which provide more employment opportunities. Indonesian citizens are encouraged to become migrant workers because of economic, family, and cultural reasons. Their motivation to become migrant workers is strong because of their expectations of earning a higher income and improving their life. However, some of these migrant workers become victims of human trafficking while others are vulnerable.

There are two well-known patterns in trafficking and smuggling Indonesian migrant workers to Johor, Malaysia: LEIS and IEIS. The findings of this study revealed that there is a third pattern in which legal entry is followed by legal stay, but subsequently becomes illegal because the employer or the company does not renew the employment contract or issue a new contract when the workers are being transferred to a new employer. This third pattern may be referred to as LELS-VIS. Similar to the two previous patterns, the third pattern also causes Indonesian migrant workers to overstay their time and without having valid documents.

REFERENCE


Wahid, Nusron. 2015. “Risalah Rapat Dengar Pendapat antara Kepala BNP2TKI dengan Komisi IX DPR RI.”