



Navigating the Landscape: Dynamics and Legal Protection Challenges of Indonesian Migrant Workers in Taiwan

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ABSTRACT

Migration has played a pivotal role in shaping the Asian regional economy for many years. This study investigates the dynamics of Indonesian migrant workers in Taiwan, focusing on understanding the factors contributing to their growing presence, their living and working conditions, and the extent of legal protection provided by both Indonesia and Taiwan. Employing qualitative methods and a descriptive analytical approach, the research explores labor migration patterns and circumstances of Indonesian workers in Taiwan. The results indicate that Indonesian domestic workers in Taiwan are influenced by both "push and pull factors" and the contemporary economics of labor migration, including better job opportunities and higher wages. Despite their substantial contributions to the host country's economy, both Indonesia and Taiwan fall short in upholding the rights of these workers in accordance with international standards, such as ILO Convention No. 189 on Domestic Workers (2011). Nevertheless, the research highlights the resolute determination of domestic workers to seek improved conditions and recognition, challenging discriminatory policies collectively. These findings emphasize the urgent need for legal protection, both at the national level and in adherence to international conventions like ILO Convention No. 189, to recognize the labor rights and dignity of domestic workers. Consequently, the study provides valuable insights into the intricate landscape of labor migration and the pivotal role of protective measures in shaping the experiences of Indonesian workers in Taiwan.

Keywords: : *Indonesian migrant workers, Labor migration, Taiwan, Migrant rights, Working conditions*

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1. | INTRODUCTION

Migration has been a prominent aspect of the economic landscape in the Asian region for several decades.¹ According to data on the number of migrants residing in the region, the ASEAN region is responsible for 12.8 million migrants, which accounts for 6 percent of the global total of 216 million migrants. Among these, 3.9 million, constituting 30 percent, are individuals who have moved within the ASEAN region itself.² The primary destinations for migrants in the region are Singapore and Malaysia, while the Philippines and Indonesia are the largest sources of migrants. Notably, a substantial portion of migrants also extends their journey beyond the sub-region to the Gulf States and the Middle East, where they often face human rights violations and exploitation.³ The ASEAN region comprises a diverse set of countries involved in both sending and receiving migrants. This diversity extends to their socio-economic development, democratic systems, and their willingness to engage with and tolerate civil society actors.

When examining the dynamics of migration in Southeast Asia, certain distinctive characteristics emerge. Firstly, the predominant migratory movements are characterized by the influx of low-wage temporary migrant laborers, a significant portion of whom are

engaged in what are commonly referred to as low-skilled occupations. This employment arrangement typically takes the form of contractual labor, where individual workers are bound to specific employers. It also involves a challenging interplay between the public and private sectors, as the majority of migrant workers are subject to governmental regulations but are enlisted and deployed by private recruitment agencies.⁴ Additionally, labor migration within the region is underpinned by gender disparities, with a noticeable trend towards the feminization of domestic work.⁵

Furthermore, a substantial portion of migrants find themselves in situations where they reside or work with an irregular legal status. This can occur either due to visa overstay, leading to an irregular status, or because they deliberately opt for less bureaucratic avenues outside of official migration channels. Both of these circumstances underscore a deficiency in the governance of migration within the region, in addition to a corresponding deficiency in the regulation of labor practices. The convergence of these deficiencies contributes to a range of labor rights infringements that are widespread in Asia, with the most prevalent

¹ Global migration in Asia is heavily influenced by economic factors, with countries like India, China, and the Philippines experiencing significant emigration driven by the pursuit of better job opportunities and wages abroad. Pakistan faces both internal displacement and emigration due to economic disparities and political instability. Bangladesh relies on labor migration to the Gulf and Southeast Asia for economic opportunities. Vietnam, Indonesia, and Myanmar witness labor migration due to economic growth and disparities. Afghanistan and Syria are sources of refugees and migrants due to conflicts, while Japan and Gulf Cooperation Council (GCC) countries attract foreign workers to address aging populations and labor needs. These examples underscore the pivotal role of economic forces in shaping migration patterns across Asia. For further discussion, Prema-Chandra Athukorala, and Chris Manning, *Structural change and international migration in East Asia: Adjusting to labour scarcity*, (Melbourne: Oxford University Press, 1999), 14; Stephen Castles, "The forces driving global migration," In *Human Trafficking*, ed. Natividad Gutiérrez Chong, Jenny B Clark (London: Routledge, 2017), 16.

² Aniceto Orbeta Jr, and Kathrina G. Gonzales, *Managing international labor migration in asean: themes from a six-country study*, No. 2013-26 (PIDS Discussion Paper Series, 2013); Stefan Rother

and Nicola Piper, "Alternative regionalism from below: democratizing ASEAN's migration governance," *International Migration* 53, no. 3 (2015): 36.

³ Human Rights Watch, "Building Towers, Cheating Workers: Exploitation of Migrant Construction Workers in the United Arab Emirates," *Human Rights Watch* 18, no. 8 (2006). <https://www.hrw.org/report/2006/11/11/building-towers-cheating-workers/exploitation-migrant-construction-workers-united>; Further discussion, Françoise De Bel-Air, "Asian migration to the Gulf states in the twenty-first century," *South Asian migration in the Gulf: Causes and consequences* (2018): 7; Fatema Anowara, and Mzohammad Belayet Hossain, "Bangladeshi Migrant Workers' Rights on the Front-lines of Covid-19 Epidemic: A Socio-legal Approach of Kafala System in Gulf Cooperation Council (GCC) Countries," *Lex Publica* 8, no. 1 (2021): 15.

⁴ Henny Nuraeny, "Budaya Hukum Masyarakat terhadap Fenomena Pengiriman Tenaga Kerja Migran sebagai Salah Satu bentuk Perbudakan Modern dari Tindak Pidana Perdagangan Orang," *Lex Publica* 1, no. 2 (2015).

⁵ AKM Ahsan Ullah, *Rationalizing migration decisions: labour migrants in East and South-East Asia*, Routledge, 2016.



violation being the non-payment or underpayment of wages.⁶

Initiated in the 1970s, Indonesia's government is one of the predominance migrant workers senders in Asia, especially neighboring countries of East Asia and the Middle East. In Taiwan, according to the data from Taiwanese Council of Labor Affairs, there were 6,020 Indonesian workers in 1994 and the number jumped into 191,127 workers by the end of 2012 in which 84% was accounted for female who worked in domestic sector as caregivers for elderly or children.⁷

Increasing number of Indonesian workers in Taiwan accounted for three reasons: First, lucrative salary offered in Taiwan⁸, among other destination countries in Asia-Pacific region, Taiwan offers the most attractive salary (Table 1) for instance, foreign workers in Malaysia earn a wage of 500 RM (US\$ 153) per month whereas in Saudi Arabia the wage for foreign workers is 800 Riyal (US\$ 213) per month.⁹

Table 1. Salary Comparison of Indonesian Workers in Asia-Pacific in 2020¹⁰

Country	Currency	Salary	Equivalent
Singapore	Singapore dollar (SGD)	550	USD 404
Hongkong	Hong Kong dollar (HKD)	4,630	USD 593
Taiwan	New Taiwan dollar (TWD)	19,047	USD 594
Malaysia	Malaysian Ringgit (MYR)	1,296	USD 274

⁶ Labor rights violations, notably the non or underpayment of wages, are prevalent due to a 'labor governance' deficit characterized by weak labor laws, inadequate enforcement, a substantial informal economy, vulnerabilities among migrant workers, insufficient labor inspections, and exploitative contractual arrangements. These issues persist despite ongoing efforts to improve labor governance and protect workers' rights. However, it's important to acknowledge that some Asian countries are working to address these challenges through labor law reforms, enhanced labor inspections, and support for workers' organizations, reflecting a mixed landscape of progress and persistent issues in labor rights enforcement in the region. See: Juanita Elias, "Governing domestic worker migration in Southeast Asia: Public-private partnerships, regulatory grey zones and the household," *Journal of Contemporary Asia* 48, no. 2 (2018): 278.

⁷ Fudge, Judy, "Precarious migrant status and precarious employment: The paradox of international

Secondly, it is worth noting that the quality of living for individuals in Taiwan surpasses that in many other destination countries. The Taiwanese government diligently safeguards the rights of workers, as articulated in Taiwan's Labor Act.¹¹ This is evident in Chapter IV, specifically in Article 30, which stipulates a maximum daily working limit of eight hours or 84 hours over a two-week period. Furthermore, Article 32 establishes that the total monthly overtime hours must not exceed 46 hours. Additionally, Article 36 ensures that workers are entitled to at least one regular day off every seven days. Any suspension of these leave periods is permissible only in cases of accidents or unforeseen events that necessitate continuous work, with the condition that the worker receives double their regular wage, as outlined in Article 40. Moreover, employers are obligated to promptly report any instances of leave suspension, providing comprehensive details and reasons for the suspension to the local competent authorities within 24 hours.¹² As a result, it is evident that the Taiwanese government provides a robust framework for guaranteeing and protecting the working hours and days off for Indonesian workers in the country.

Lastly, when we compare instances of mistreatment against Indonesian workers in Taiwan with those in other destination countries such as Saudi Arabia or Malaysia, especially concerning physical and sexual abuse, the statistics reveal a notably lower frequency.¹³ There are some cases of sexual and physical abuse against Indonesian workers in Taiwan but emphasized

rights for migrant workers," *Comp. Lab. L. & Pol'y J.* 34 (2012): 95.

⁸ Kunio Tsubota, "Who pays the cost and who receives the benefit? Comparing migration policies for care workers in Japan and Taiwan," *Gender, care, and migration in East Asia* (2018): 157.

⁹ Bank Indonesia, "Laporan Survei Nasional Pola Remitansi TKI," (Jakarta: Direktorat Statistik Ekonomi dan Moneter, 2009), 14.

¹⁰ BNP2TKI, "Penempatan dan Perlindungan Tenaga Kerja Indonesia Tahun 2013," 2013, p. 20.

¹¹ Ministry of Labor, Taiwan's Labor Standard Act

¹² Shuen-Fu Weng, Azis Malik, Utoomporn Wongsin, Franziska Michaela Lohmeyer, Li-Fong Lin, Suleman Atique, Wen-Shan Jian, Yuherina Gusman, and Usman Iqbal, "Health service access among Indonesian migrant domestic workers in Taiwan," *International journal of environmental research and public health* 18, no. 7 (2021): 3759.

¹³ Jian-Bang Deng, Hermin Indah Wahyuni, and Vissia Ita Yulianto, "Labor migration from Southeast

that these are not the primary concerns. To further substantiate this point, data from the National Agency for Placement and Protection of Indonesian Workers Overseas (BNP2TKI) highlights the significant disparities in mistreatment cases. Between 2011 and 2013, there were 7,520 reported mistreatment cases involving Indonesian workers in Saudi Arabia, 1,720 cases in Malaysia, and 709 cases in Taiwan. This underlines the comparatively lower incidence of mistreatment in Taiwan, particularly in contrast to Saudi Arabia and Malaysia.

This study aimed to investigate the dynamics of Indonesian migrant workers in Taiwan, with a particular focus on understanding the factors that contributed to their increasing numbers in the country, the living and working conditions they experienced, and the extent to which their rights were protected. Additionally, the study sought to analyze the reasons behind the relatively lower incidence of mistreatment cases, particularly physical and sexual abuse, among Indonesian workers in Taiwan. Through this research, valuable insights were provided into the labor migration patterns and conditions of Indonesian workers in Taiwan, shedding light on the role of both economic opportunities and labor protection measures in shaping their experiences.

2. | RESEARCH METHODS

The research aims to investigate the conditions and dynamics of Indonesian migrant workers in Taiwan, with a specific focus on understanding factors influencing their presence, living and working conditions, and the level of legal protection from both Indonesia and Taiwan. To achieve these objectives, a qualitative research design was employed. Qualitative methods were chosen for their capacity to explore the nuanced experiences and perceptions of the workers. The research adopted a descriptive analytical approach as the framework for analysis. This approach is instrumental in providing a comprehensive and detailed understanding of the labor migration patterns and circumstances of Indonesian workers in Taiwan. It allows for the in-depth exploration of the various elements contributing to their experiences, including

the legal protection framework. Data collection involved methods such as library research and policy analysis. Moreover, an in-depth interview was conducted with a sample of 37 participants, which was selected through a random sampling process. Considering the substantial population of approximately 180,000 Indonesian domestic workers employed in Taiwan at the time, this study utilized a random sample of 37 participants. The selection of sampling locations focused on two specific areas within Taipei City, namely around Taipei Main Station and Daan Park. The data collection phase was carried out over four weeks during the month of May 2021. These methods enabled the collection of rich, context-specific data from the Indonesian migrant workers and from relevant documents and international standard of Convention concerning Decent Work for Domestic Workers. The qualitative data was then systematically analyzed using thematic analysis to identify patterns and themes related to the factors affecting their presence, living and working conditions, and the extent of legal protection.

3. | RESULTS AND DISCUSSION

3.1. Globalization and International Migration

As per the International Migration Glossary within the domain of International Law, globalization is characterized as a phenomenon encompassing the interplay and merging of individuals, businesses, and governmental bodies hailing from distinct nations.¹⁴ This intricate process is propelled by international trade and investments, facilitated by advancements in information technology. Its far-reaching consequences span a spectrum of domains, including environmental factors, cultural influences, political structures, economic advancement, prosperity, and the overall welfare of human societies. In contrast, international migration is delineated as the movement of individuals who depart from their native country or habitual residence with the intent of establishing themselves in another nation, whether on a permanent or temporary basis. This typically entails crossing an international border or frontier.¹⁵

Asia to Taiwan: Issues, public responses and future development," *Asian Education and Development Studies* 10, no. 1 (2020): 69.

¹⁴ Stephen Castles, "Development and migration--migration and development: what comes first? Global perspective and African experiences," *Theoria* 56, no. 121 (2009): 1.

¹⁵ This phenomenon transcends national borders, driven primarily by international trade and investment, while information technology plays a pivotal role in facilitating these interactions. The effects of globalization are far-reaching, impacting the environment, culture, political systems, economic development, prosperity, and human well-being. In essence, it signifies the increasing interconnectedness



Similar to the impact of globalization in various other domains, labor migration is heavily influenced by neoliberal market forces. Moreover, labor migration becomes an imperative factor due to the economic hardship experienced in labor-sending nations, as evident by the prevalence of double-digit unemployment and underemployment rates, while simultaneously providing advantages to more affluent countries. Consequently, it exacerbates the disparity between prosperous and economically disadvantaged nations. Furthermore, globalization encroaches upon the rights-based approach by diminishing, and in some cases eradicating, the allocation of financial resources by national governments for social welfare programs and services. This includes access to essential amenities such as healthcare, education, and housing in both the countries from which migrants originate and those in which they settle.¹⁶

Globalization, characterized by its predominant emphasis on market forces influencing all facets of society, fosters a conducive atmosphere for the commodification of labor from Asian migrant workers. To illustrate this, the Philippines employs relatively modest market rates as the basis for determining the minimum wages for Filipino migrant laborers. In practical terms, this translates to the abandonment of formerly obligatory labor standards, such as minimum wage regulations, in favor of prevailing market-driven

rates primarily structured to optimize profits for labor recruiters, employers, and, in some cases, even governments. Consequently, this approach reduces workers to mere economic variables. As a concrete example, in nations that receive these labor migrants, such as Malaysia and Singapore, Asian women are permitted to enter as domestic workers. However, they are often prohibited from marrying nationals or becoming pregnant, which raises concerns regarding their rights and freedoms in these host countries.¹⁷

The phenomenon of foreign workers stems from one of the consequences of international migration¹⁸. It is argued that international migration is hardly a simple individual action involving the relocation of one's roots and family to a new country and assimilation into that new culture¹⁹. Instead, there are numerous factors influencing an individual's decision to migrate to a different country²⁰. Furthermore, it is argued that there are two major types of migration: voluntary and involuntary migration. The latter is often influenced by a state's actions and policies, while the former arises from complex reasons and gives rise to intricate consequences. Sales²¹ then elaborated on two voluntary theories of migration, namely the individualist theory, which is like world system theory elaborated by Castles.²² Edward Taylor introduced a new economic theory of labor migration approach that emphasizes the

of our world, where events in one part of the globe can have profound effects elsewhere, shaping the way we live, work, and interact on a global scale. Globalization has both fervent proponents who view it as a catalyst for progress and vocal critics who raise concerns about potential inequalities and challenges that come with it. This definition underscores the importance of interactions, integration, and their profound influence on various facets of our globalized society. See: Vincent Chetail, *International migration law* (OUP Oxford, 2014), 23.

¹⁶ Charles B. Keely, "Globalization transforms trade-migration equation," *International Migration* 41, no. 1 (2003): 87.

¹⁷ Mary Lou L. Alcid, "The Multilevel Approach to Promoting Asian Migrant Workers' Rights: The MFA Experience," *International Migration* 42, no. 5 (2004): 169; Brenda SA Yeoh, Shirlena Huang, and Joaquin Gonzalez III, "Migrant female domestic workers: debating the economic, social and political impacts in Singapore," *International Migration Review* 33, no. 1 (1999): 114.

¹⁸ When people across national boundaries to seek employment opportunities or better living conditions, they often become foreign workers in the host country. These foreign workers may come temporarily or

permanently, depending on the terms of their employment and immigration regulations. International migration, driven by factors like economic disparities, employment opportunities, or social and political conditions, results in the presence of foreign workers in different countries, contributing to the diversity and dynamics of the global labor force and impacting both the host country's economy and the migrants' home country. See: Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, 4th ed, (New York: Palgrave Macmillan, 2009), 42.

¹⁹ Stephen Castles, "Development and migration--migration and development: what comes first? Global perspective and African experiences," *Theoria* 56, no. 121 (2009): 1.

²⁰ Peter Stalker, *Workers without frontiers: the impact of globalization on international migration*. (International Labour Organization, 2000), 23.

²¹ Rosemary Sales "Explaining Migration," in *Understanding Immigration and Refugee Policy: Contradictions and Continuities*, (Bristol: Policy, 2007)

²² Stephen Castles. "Development and migration--migration and development: what comes first? Global perspective and African experiences." *Theoria* 56, no. 121 (2009): 1-31.

role of family and remittances in the migration process.²³

Neoclassical theory or individualist theory originated in the political economy of the late eighteenth century which developed 'general laws' of the working of the economic system²⁴. This underscores the notion that an individual's choice to migrate is rooted in a rational evaluation of the pros and cons of staying in their home country versus relocating elsewhere. Mainly the benefits are all about economic benefit – higher income – but it also could be something more, for example better education and health system or more political freedom²⁵. It is also known as the 'push and pull factors' approach as the sending state has the push factors, for instance low income, unstable environment, or overpopulation, whereas the receiving state has the pull factors such as higher salary, better social benefit or advanced economy which requires massive labors.

The New Economics of Labor Migration theory posits that migration choices are driven by two primary factors.²⁶ Firstly, they are integral to family strategies aimed at augmenting income, acquiring capital for investment in new ventures, and safeguarding against income and production-related uncertainties. Secondly, the potential remittances sent by migrants serve to initiate a developmental process by alleviating the constraints on production and investment encountered by households in economically disadvantaged developing regions. Migration, according to this theory, is not an individual decision but rather a collective one made by families, with the overarching objective of enhancing the well-being of the entire family unit. The positive impact of remittances from migrant workers on their families creates the conditions for governments to relax restrictions on emigration and even encourage it²⁷. Migration also caused family linkages between sending and receiving countries as well as created trans-

nationalist community as social network for the migrants thus not only fostering immigration process but also making it more complicated²⁸.

Over the past ten years, there has been a notable rise in the quantity, extent, and caliber of initiatives aimed at organizing Asian migrant workers, accompanied by a heightened level of collective actions. Trade unions, particularly in South Korea, Taiwan, and Japan, have played a significant role in the organization of migrant workers and have offered support to their labor-related endeavors. The failure to acknowledge the rights of Asian migrant laborers by both the countries from which they originate and those in which they work results in their exclusion from the protection afforded by labor and social regulations. This exclusion manifests as the absence of mechanisms for addressing grievances and often places them under the purview of stringent and discriminatory policies and laws.²⁹ This is also evident in the incidence of maltreatment, violence, and exploitation perpetrated against migrant workers, involving state actors from both the countries of origin and destination, recruiters, and employers. Governments in labor-receiving nations acknowledge the economic necessity of migrant workers but often prefer to maintain their status as unregulated and informal laborers. This approach is employed to keep wages at a lower level, thus preserving competitiveness, and to rationalize the denial of labor rights. In certain instances, some countries have devised a "trainee system" ostensibly aimed at accepting foreign workers under the guise of a technology transfer program. In reality, this system is primarily a stratagem that allows local and national companies to access inexpensive foreign labor without the obligation of providing them with the economic and social benefits typically associated with regular workers.³⁰

²³ Taylor, Edward J. "The new economics of labour migration and the role of remittances in the migration process." *International migration* 37, no. 1 (1999): 63-88.

²⁴ Rosemary Sales "Explaining Migration," in *Understanding Immigration and Refugee Policy: Contradictions and Continuities*, (Bristol: Policy, 2007), 48.

²⁵ Nicola Piper, "Rights of foreign workers and the politics of migration in South-East and East Asia," *International migration* 42, no. 5 (2004): 71.

²⁶ Oded Stark, and David E. Bloom, "The new economics of labor migration," *The american Economic review* 75, no. 2 (1985): 173.

²⁷ Barbara Schmitter Heisler, "Sending countries and the politics of emigration and destination," *International migration review* 19, no. 3 (1985): 469.

²⁸ James T. Fawcett, "Networks, linkages, and migration systems," *International migration review* 23, no. 3 (1989): 671.

²⁹ Juanita Elias, "Gendered political economy and the politics of migrant worker rights: The view from South-East Asia," *Australian Journal of International Affairs* 64, no. 1 (2010): 70.

³⁰ Vicki Crinis, "Sweat or no sweat: Foreign workers in the garment industry in Malaysia," *Journal of Contemporary Asia* 40, no. 4 (2010): 589.



The impetus for labor migration in Asia emerged in 1985 following the implementation of the Plaza Agreement. This accord resulted in the reevaluation of currencies in Japan and the newly industrialized nations, including Hong Kong, Singapore, Korea, and Taiwan.³¹ Subsequently, this reevaluation catalyzed significant industrial restructuring within these countries. This restructuring, in turn, led to the movement of labor and a surge in trade and foreign direct investment within the Asian region. Consequently, it fostered economic interdependence among the various nations in Asia³². Fields argued on his article that the economic growth in the Asian Newly Industrialized Economies (NIEs) was primarily from the industries which required high demand of labors, such as manufacturing.³³ In the 1960s and 1970s, the expansion of employment in the manufacturing of metal products saw a substantial rise. This increase amounted to 13 percent to 27 percent in Hong Kong, 12 to 28 percent in Korea, 20 percent to 55 percent in Singapore, and 20 percent to 33 percent in Taiwan. However, Fields only covered the movement of industrial foreign workers within Asia and did not mention the increased demand of domestic workers in NIE due to the massive movement of NIE's local labors to industry sector.³⁴

Furthermore, the fertility rate in Asia displayed significant variation. Northeast Asian countries, like Japan, experienced a pronounced early decline in fertility compared to other Newly Industrialized Economies (NIEs) in the region. This demographic trend has posed substantial challenges for Japan's

economy and society. Ogawa also contended that this situation has raised considerable apprehension, particularly among Japanese business leaders, regarding the enduring issue of labor shortages and the potential impediment to technological advancement stemming from a significant reduction in the number of young individuals entering the labor force.³⁵ The growing aging populations in Newly Industrialized Economies (NIEs) have generated a novel form of labor demand, specifically in the form of domestic workers responsible for the care of the elderly. This phenomenon is a result of a substantial portion of young individuals participating in the labor force, and there has been a consistent upward trend in the number of women employed outside their homes. Consequently, there is a growing demand for domestic workers in local households, a demand that is often met by migrant workers. In contrast, the developed countries (LDCs) in the Asian region have seen the highest growth in the mobile age group of 15-34. For example, the Philippines has experienced a yearly increase of 3.5 percent in its productive age population, while Indonesia and Vietnam have reported growth rates of 2.6 percent and 2.7 percent, respectively.³⁶ It is argued that in the long run, some countries in Southeast Asia, such as the Philippines and Indonesia, have faced challenges in transitioning from trade and foreign investment-driven development towards achieving full employment, due to a combination of internal and external factors. As a result, labor flows from South to North continue to occur.³⁷

³¹ Labor migration in Asia gained momentum in 1985 signifies a pivotal moment when several factors converged to stimulate the movement of workers in the region. Economic reforms, globalization, demographic changes, and urbanization led to an increased demand for labor in various industries, driving workers to seek better employment opportunities both within Asia and internationally. This period marked a significant turning point in the region's labor dynamics, with some Asian countries becoming major exporters of labor, while others served as key destinations for foreign workers, reshaping economies, and societies throughout Asia. Manolo I Abella, "Asian labour migration: Past, present, and future," *ASEAN Economic Bulletin* (1995): 125; Hiromi Mori, *Immigration policy and foreign workers in Japan* (Springer, 1996), 31; Won Bae Kim, "Economic interdependence and migration dynamics in Asia," *Asian and Pacific Migration Journal* 5, no. 2-3 (1996): 303; Graeme Hugo, "Indonesian labour migration to Malaysia: trends and policy implications," *Southeast Asian Journal of Social Science* 21, no. 1 (1993): 36.

³² Won Bae Kim, "Economic interdependence and migration dynamics in Asia," *Asian and Pacific Migration Journal* 5, no. 2-3 (1996): 303.

³³ Gary S Fields, "Changing labor market conditions and economic development in Hong Kong, the Republic of Korea, Singapore, and Taiwan, China," *The World Bank Economic Review* 8, no. 3 (1994): 395.

³⁴ Gary S Fields, "Changing labor market conditions and economic development in Hong Kong, the Republic of Korea, Singapore, and Taiwan, China," *The World Bank Economic Review* 8, no. 3 (1994): 395.

³⁵ Graeme Hugo, "The new international migration in Asia: challenges for population research," *Asian population studies* 1, no. 1 (2005): 93.

³⁶ Graeme Hugo, "Effects of international migration on the family in Indonesia," *Asian and Pacific migration journal* 11, no. 1 (2002): 13.

³⁷ Lee Jones, "ASEAN's unchanged melody? The theory and practice of 'non-interference' in Southeast Asia," *The Pacific Review* 23, no. 4 (2010): 479.

The explosion of labor forces in Southeast Asia and South Asia countries met the needs of labor-import in NIEs countries as their economic growth kept increasing³⁸. However, when a country can be self-sufficient in supplying its labor demand in manufacture, foreign workers present to fill the 'dirty, dangerous and difficult' jobs which the local workers reject to do such as domestic helper or caretaker for elderly ill or children³⁹. Migrant workers have some major implications for both sending and receiving countries. For the sending countries, the remittances that the migrant workers send back to their family at home have major impact on the welfare of their family. As Hugo noted on his article, an Indonesian woman who worked in Hong Kong as household assistance sent 80 per cent of her salary back home and it was used to provide the necessities of life for her family and improve the house⁴⁰.

Florian Alburo also noted that remittances sent by the Philippine overseas workers helped increasing the domestic economy via expenditure and investment hence had a positive effect on the country's economic growth.⁴¹ It made the Philippines' government encouraged better policies and public resources to better channeled and facilitate this role such as seek more openness policies toward migrant workers, negotiate wage levels with the receiving country.⁴²

3.2. Legal Protection of Migrant Domestic Workers in Taiwan

The existence of migrant workers in the receiving countries brought negative impact on the social structure of the countries. In Taiwan, there was an opposition before the government implemented foreign labor policy that concerned that the presence of large number of foreigners would destroy the ethnic homogeneity of Taiwan. This is highly related to the migrant network that may arise from the existence of

migrant workers in a particular country. According to Massey, migrant network is 'sets of interpersonal ties that link migrants, former migrants and non-migrants in origin and destination areas through the bonds of kinship, friendship and shared community origin'. Further he argued that once the migrant network was established, it played major role in structuring and facilitating population movement between origin and destination countries.⁴³ In the long run, more migrants might come to the destination countries so it would not just threaten the homogeneity but the welfare of local people as the migrants might settle permanently in the destination countries.

To address this issue, the NIEs countries adopted various policies aimed at preventing the permanent settlement of migrant workers. However, the most commonly implemented policy was the guest worker framework, which had variations in its application but shared a common essence: not permitting migrant workers to stay beyond the expiration of their contracts, ensuring they maintained the status of temporary workers.⁴⁴

In the framework of a guest worker program, it is imperative that the individuals admitted are considered as 'guests' rather than immigrants in pursuit of a new permanent residence and citizenship. Consequently, the regulations governing their admission are specifically structured to exclude them from the protections typically associated with citizenship. These workers are recruited for a predetermined duration, employed under contractual arrangements with specific employers. In the event of job loss, they are required to depart. Furthermore, they are mandated to leave when their visas expire. Bringing dependents along with them is either prohibited or discouraged. Their accommodations typically consist of gender-segregated

³⁸ Florian A Alburo, "Remittances, trade and the Philippine economy," *Asian and Pacific Migration Journal* 2, no. 3 (1993): 269.

³⁹ Peter Stalker, *Workers without frontiers: the impact of globalization on international migration* (International Labour Organization, 2000), 74.

⁴⁰ Graeme Hugo, "Effects of International Migration of the Family in Indonesia," *Asian and Pacific Migration Journal* 11 No.1, (2002):234.

⁴¹ Florian A. Alburo, "Remittances, trade and the Philippine economy," *Asian and Pacific Migration Journal* 2, no. 3 (1993): 269.

⁴² Karen Anne S Liao, "Operation 'bring them home': Learning from the large-scale repatriation of overseas Filipino workers in times of crisis," *Asian Population Studies* 16, no. 3 (2020): 310.

⁴³ Douglas S Massey, *Economic development and international migration in comparative perspective*, No. 1 (Commission for the Study of International Migration and Cooperative Economic Development, 1989), 28.

⁴⁴ Yen-fen Tseng, and HONG-zen Wang, "Governing migrant workers at a distance: Managing the temporary status of guestworkers in Taiwan," *International Migration* 51, no. 4 (2013): 1.



barracks located on the outskirts of the cities where they are employed.⁴⁵

Guest worker programs exhibit distinct variations specific to each country, yet they all converge around a central theme, which is the transient status of migrant laborers. As the term suggests, these migrant workers serve as “guests” for the duration that their host countries require their presence. The pivotal aspect of these policies revolves around the management of the temporary connection between migrant workers and the host society. These programs establish mechanisms for migrants to enter the host country, while concurrently establishing provisions for their eventual departure, essentially creating entry and exit points for these individuals. As documented by Pei-Chia Lan, Taiwan’s government restrictive policy regarding guest worker for migrant labor policy requires the government to regulate the entry of migrant workers and health check requirement.⁴⁶ Furthermore, unskilled blue-collar laborers are obligated to undergo a medical examination not only prior to their entry into Taiwan but also at periodic intervals following their arrival. Another factor influencing the employment duration for migrant workers is the classification system based on job types.⁴⁷ Additionally, domestic workers are restricted to working solely for a specific employer for the duration of their stay in Taiwan, except in cases where the care recipient of the migrant worker passes away, relocates to another country, or instances where the workers experience abuse by the employer or unauthorized transfer to a different employer not originally stipulated in the employment contract.

Finally, the Taiwanese government mandates that employers be responsible for migrant workers by requiring them to provide a deposit as an insurance bond, in addition to paying a monthly “employment stabilization fee.”⁴⁸ In the case of domestic workers, the majority of their employment arrangements are

mediated through agencies, leading them to incur placement fees deducted from their wages. This policy, coupled with the restriction of working for a single employer, results in workers being bound by their contracts and having limited opportunities to negotiate their terms. Furthermore, these agencies often advise employers to conduct routine surveillance on their domestic employees, which may involve withholding essential documents like passports or monitoring the workers’ activities during their days off. In Taiwan, the existing legal framework has demonstrated limited effectiveness in addressing issues concerning migrant workers. According to Lee and Wang, the most prominent challenge faced by the Taiwanese government in relation to migrant workers is the escalating number of runaway workers, which has been increasing annually. Alarming, 70 percent of these cases go unresolved, with the police department unable to locate these individuals.⁴⁹ Lan Pei-chia has contended that the prevailing guest worker policy has given rise to a labor migration system characterized by pronounced exploitation, wherein migrant workers are deprived of their political and civil rights.⁵⁰ The stringent control mechanisms, coupled with exorbitant placement fees enforced by the Taiwanese government, have played a role in the rising numbers of missing foreign workers. This is because illegal migrant workers are able to exploit a certain degree of “freedom through illegality” within the informal economy. This entails arranging their own work schedules, selecting their preferred employers, and engaging in negotiations from a more equitable standpoint with their employers.

The overwhelming majority of the approximately 60 million migrant workers estimated by the United Nations in Asia are female, and the issue of domestic workers (DWs) in the region is far from new. In many instances, these women are employed in domestic roles in countries such as Malaysia, Hong Kong, Singapore,

⁴⁵ Michael Walzer, *Spheres of justice: A defense of pluralism and equality* (Basic books, 2008), 29.

⁴⁶ The work permit’s application of high-skilled workers or classified as white collars are approved on a case-by-case basis depending on the application’s qualification and job category whereas for the low-skilled workers or blue collars are regulated and adjusted by the Council of Labor Affairs (CLA) through a quota system based on the selected industries or occupations. For further discussion, Pei-Chia Lan, “Political and social geography of marginal insiders: Migrant domestic workers in Taiwan,” *Asian and Pacific Migration Journal* 12, no. 1-2 (2003): 99.

⁴⁷ Pei-Chia Lann, “Legal servitude and free illegality: Migrant ‘guest’workers in Taiwan,” *Asian*

diasporas: New formations, new conceptions (2007): 253.

⁴⁸ Taiwan’s government also charged placement fees to migrant workers for coming to Taiwan which is ranging from NT\$ 90,000 to NT\$ 220,000, an amount that equals five to fourteen months of migrant wages in Taiwan.

⁴⁹ Joseph S. Lee, and Su-Wan Wang, “Recruiting and managing of foreign workers in Taiwan,” *Asian and Pacific Migration Journal* 5, no. 2-3 (1996), 293.

⁵⁰ Pei-Chia Lan, “Political and social geography of marginal insiders: Migrant domestic workers in Taiwan,” *Asian and Pacific Migration Journal* 12, no. 1-2 (2003): 99.

Thailand, Macau, India, Taiwan, and various Middle Eastern nations. A significant portion of them originates from countries including Indonesia, the Philippines, Bangladesh, Nepal, Sri Lanka, India, Thailand, and Lao PDR. The decision of these domestic workers to engage in domestic labor is driven by a variety of factors, with the most prevalent being the widespread poverty in their home countries, which severely limits their access to job opportunities in other sectors or fields of work.⁵¹

The majority of these women are compelled to leave their home countries with the aspiration of achieving higher incomes abroad, primarily through the provision of domestic services to foreign employers.⁵² This places domestic workers in one of the most precarious work environments, where employment is frequently characterized as casual, temporary, subcontracted, or informal. In this context, employment benefits and conditions lack standardization, including the absence of a minimum wage, fixed working hours, social security coverage, and occupational safety provisions. Furthermore, there is minimal, if any, protection of labor and human rights in such situations.⁵³

Domestic workers also face barriers when it comes to accessing healthcare and taking holidays.⁵⁴ Additionally, there are child domestic workers among them who are denied the opportunity to receive an education. Despite the substantial contributions made by these women to their own households, the families where they are employed, as well as their contributions to their communities and countries of both origin and destination, and the industries and economies in which they dedicate their time, skills, effort, and hard work, they have yet to receive the long-overdue recognition they rightfully deserve. Domestic work has yet to be universally and comprehensively acknowledged as a legitimate form of employment. In other words, domestic workers continue to lack the coverage and

protection afforded by labor laws that safeguard and advocate for their rights.⁵⁵

International law regarding domestic worker rights has been established and implemented through the International Labor Organization Convention No. 189 in 2011, which focuses on decent work for domestic workers and came into force on September 5, 2013. This convention adopts a human rights-based approach, as outlined in Articles 3-18, to establish the fundamental rights that domestic workers should enjoy.⁵⁶ These principles align with the advocacy efforts of civil society and organizations like Migration Forum Asia, emphasizing eight core rights for domestic workers.⁵⁷ However, Taiwan and Indonesia are not yet signatories of this convention, and domestic workers in Taiwan still do not have a law regulating its condition and rights. Taiwan Household Service Act that should provide and protect household workers' rights is not yet finish being negotiated in the parliament, while it has been drafted since 2004⁵⁸.

The Convention encompasses labor and human rights, including the right to a legal and binding employment contract, equal and gender-responsive treatment, coverage and protection under national labor laws and international labor standards, the right to organize, unionize, and engage in collective bargaining, along with access to proper redress and compensation for rights violations. Furthermore, these rights extend to regulating recruitment practices, securing residency and mobility rights, supporting return and reintegration, providing retirement and insurance protection, ensuring opportunities for rest and recreation, protecting reproductive and family health rights, and guaranteeing fair and decent wages based on the multiple skills required by domestic workers, their work hours, and other relevant merits. This comprehensive framework aims to safeguard domestic workers' rights and dignity. In relation to the comparability of working and living

⁵¹ Christine Bonner, "Domestic workers around the world: organising for empowerment," In *Social Law Project Conference, Cape Town*, 2010, 14.

⁵² Maren K. Boersma, "Low incomes, fast lives? Exploring everyday temporalities of Filipina domestic workers in Hong Kong," *Time & Society* 25, no. 1 (2016): 117.

⁵³ Jeet Singh Mann. "Employment rights protection and conditions of domestic workers: A critical appraisal," *Journal of the Indian Law Institute* (2015): 216.

⁵⁴ Stephen Castles, Mark J. Miller, Stephen Castles, and Mark J. Miller, *The age of migration: International population movements in the modern world* (1998): 19.

⁵⁵ Martha Alter Chen, "Recognizing domestic workers, regulating domestic work: Conceptual, measurement, and regulatory challenges," *Canadian Journal of Women and the Law* 23, no. 1 (2011): 167.

⁵⁶ Virginia Mantouvalou, "Are labour rights human rights?" *European labour law journal* 3, no. 2 (2012): 151.

⁵⁷ Edward Taylor, J, and George A. Dyer, "Migration and the sending economy: A disaggregated rural economy-wide analysis," *The Journal of Development Studies* 45, no. 6 (2009): 966.

⁵⁸ Anne Loveband, "Nationality matters: SARS and foreign domestic workers' rights in Taiwan Province of China," *International Migration* 42, no. 5 (2004): 121.



conditions for Indonesian domestic workers in Taiwan with the rights advocated by the Migrant Forum Asia, Table 2 presented the fundamental rights recognized by

the ILO Convention regarding Decent Work Conditions for Domestic Workers.

Table 2. Assessing Fundamental Rights for Indonesian Domestic Workers in Taiwan

Rights of Migrant Domestic Workers	Indonesian Domestic Workers in Taiwan
<i>Rights and Redress</i>	
Legal and binding employment contract	Yes
equal and gender-responsive treatment	No - all domestic migrant workers are female
coverage and protection of domestic workers under the national labor protection laws and international labor standards.	No - Taiwan still is not signatory of ILO Convention No. 189 and its' national labor protection laws does not include domestic worker
The right to organize, unionize, bargaining	Yes - however majority of the domestic worker does not have the time to participate in such activity.
The right and access to proper redress and compensation for violations of these rights	No – for domestic workers they are not allowed to change employer
<i>Regulate Recruitment</i>	
The recruitment channels for foreign domestic workers should be legal, safe and affordable	The significance of agencies becomes evident as workers respond favorably when asked about the most helpful individuals and whether the agency truly represents their best interests. Nevertheless, the financial weight of placement fees imposed by the Taiwanese government, equivalent to as much as fourteen months' worth of earnings, burdens domestic workers.
<i>Residency and Mobility Right</i>	
Residency rights like other foreign workers/expatriates whether short term or permanent both for migrants and their children, ease of transfer to other employers (the right to change employer, improve/change job qualifications, vertical and horizontal)	All the domestic workers do not enjoy freedom to choose where they live, as all of them lives inside their employers' house, are not allowed to have visitors, and are not able to meet their family up to 3 years of contract with restricted regulation by their employers or cost ineffectiveness. They are also do not have the rights to change employer for the duration of the contract, and cannot improve their job qualifications
<i>Return and Reintegration</i>	
The right and support to return home, stay and reintegrate in community of origin.	They are also restricted the right to return home before finishing their contract, and because of the time-consuming work they are doing, they do not have opportunity to learn new skills through other training while in Taiwan.
<i>Retirement and Insurance Protection</i>	
Social security Accidental protection Retirement benefits equal with other workers	All of these are not provided by neither Indonesian government, nor Taiwan's. That is why they were hesitant to answer 'enough' on whether their saving would be enough for three months if a member of their family lost their job.
<i>Rest and Recreation</i>	
Rights for domestic workers for rest hours Rights to have leisure. Rights to have recreation. Rights to have social life	While many of them enjoy sufficient rest and sleep, a majority lack adequate opportunities for leisure, recreation, and social interactions. This deficiency may be attributed to economic considerations or restricted time availability.
<i>Reproductive and family and health rights</i>	

Rights for pregnancy and maternity protection Rights for family unification Rights to have health services, access, and protection.	Majority of them do not have the rights for pregnancy, maternity protection, and family unification during the duration of their stay in Taiwan. They do however have access to health service and protection.
<i>Remuneration</i>	
Fair and decent wages based on multiple skills required by domestic workers, work hours, and other merits – similar treatment as other job types paid based on the merit/skills/qualifications	Their minimum wage is lower than other sectors migrant workers, while most of them are having to do multiple skills and job requirements. Their work hours are also uncertain, as they need to alert almost 24/7 while taking care of the old people

Theories of globalization and international migration have provided some explanation from the macro level of the question why Indonesian labors would choose to come to Taiwan.⁵⁹ There are several factors in the preference of Taiwan for Indonesian Migrant workers - that of salary, better regulations and living conditions compare with other destination, and less abuse and violent cases – from the domestic workers perspective, this study finds supporting evidence put forward from neoclassical theory or individualist theory.⁶⁰

The “push and pull factors” framework is widely used to analyze labor migration, where sending states represent the push factors – like low income, unstable environments, or overpopulation – while receiving states embody pull factors such as higher salaries, better social benefits, or a more developed economy in need

⁵⁹ For example, Dual Labor Market Theory, proposed by Piore and Sassen, emphasizes the role of labor market segmentation in international migration. It argues that migrants fill low-wage, low-status jobs that native workers often avoid. Globalization, by creating demand for cheap labor in advanced economies, encourages migration from less-developed countries. Alejandro Portes, and Saskia Sassen-Koob, "Making it underground: Comparative material on the informal sector in Western market economies," *American journal of Sociology* 93, no. 1 (1987): 30.

⁶⁰ The neoclassical or individualist theory, rooted in classical economics, informs our understanding of domestic workers and their migration decisions by emphasizing rational choice, self-interest, and economic calculations. It suggests that domestic workers decide to work abroad based on a rational assessment of the benefits and costs, weighing factors like higher wages and better working conditions against potential drawbacks. This theory underscores the role of wage differentials between home and destination countries as a driving force for migration. However, it is essential to acknowledge that the neoclassical theory simplifies the complexities of domestic workers'

of a substantial labor force.⁶¹ Key findings within this context reveal that Indonesian domestic workers in Taiwan primarily come from rural villages and have limited experience living elsewhere, often originating from low-income families where parents work mainly in agriculture. A significant number of these domestic workers have no prior work history and, consequently, no previous income source. Working in Taiwan offers them substantially higher salaries compared to alternative job opportunities, and they benefit from improved healthcare services made accessible through insurance, which may not be readily available to them in Indonesia. Most of these workers originate from Java Island, the most densely populated region in Indonesia.

Moreover, the new economics of labor migration theory sheds light on the motivations of Indonesian domestic workers to choose Taiwan as their work destination. Family and neighbor influences

decisions, overlooking sociocultural and emotional factors, and ignoring the challenges they may face in terms of working conditions and legal protections. Thus, a comprehensive perspective should consider this theory alongside others and consider the broader sociocultural context to fully grasp the motivations and experiences of domestic workers. See: Darley Jose Kjosavik, "“Methodological individualism and rational choice in neoclassical economics: a review of institutional critique,” *Forum for Development Studies*, vol. 30, no. 2 (2003): 205.

⁶¹ The push-pull model for inter-city migration simulation is a theoretical framework used to analyze population movement between cities, driven by "push" factors (negative conditions in the current location) and "pull" factors (positive opportunities in the destination city). It assists in predicting and understanding urban migration patterns, aiding urban planning, resource allocation, and infrastructure development by examining the interplay of these factors and their impact on urban and regional growth. See: Fangqu Niu, "A push-pull model for inter-city migration simulation," *Cities* 131 (2022): 104005.



significantly impact their decision-making.⁶² Many of these workers aspire to uplift their families' well-being, whether through their children's education or by accumulating capital to launch businesses. Building emotional connections with their employers, they also create opportunities for other family members to secure employment in Taiwan. Lastly, they consistently remit their earnings to bolster their families' economic stability. The results of this study underline the intricate interplay of push and pull factors and the importance of family and community ties in shaping the decisions of Indonesian domestic workers in seeking employment in Taiwan.

4. | CONCLUSION

Globalization and theories on international migration offer insights into the larger-scale dynamics that have led to the employment of domestic workers from Indonesia in Taiwan. At the macro level, globalization has rendered labor migration nearly inevitable, driven by the economic hardship in labor-sending countries, marked by high unemployment and underemployment rates, while simultaneously affording advantages to wealthier nations. Furthermore, globalization establishes a favorable context for the commercialization of Asian migrant workers, given its primary focus on the market as the dominant factor influencing all aspects of society.

Indonesian domestic workers in Taiwan exhibit characteristics in line with “push and pull factors” and the new economics of labor migration approaches. Push factors include low income, an unstable environment, and overpopulation, while pull factors encompass better education, a robust health system, higher salaries, improved social benefits, and advanced economies in need of a substantial labor force. They are part of the growing networks of transnational communities, with sender and host countries developing these relationships over the past decade. However, both Taiwan and Indonesia still fall short in terms of providing and protecting the rights of domestic workers in accordance with international law. Neither country is a signatory to ILO Convention No. 189, and both lack domestic laws regulating issues related to domestic workers. Despite these limitations, the study results show that these obstacles haven't deterred domestic workers from wanting to continue working in Taiwan or achieving their goals. There is room for improvement

to provide better protection of their rights, with the goal of recognizing migrant domestic workers as skilled labor.

Migrant workers from Indonesia in Taiwan collectively and resolutely face discriminatory and unfair policies and working conditions. They demonstrate bravery in addressing grievances, pushing for policy reforms, and advocating for the acknowledgment and protection of their rights, even in the face of potential employer threats, recruiter reprisals, and governmental responses. In doing so, they take a stand against existing social and economic disparities, both within and between countries that send and receive labor.

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⁶² Pei-Chia Lan, *Global Cinderellas: Migrant domestics and newly rich employers in Taiwan* (Duke University Press, 2006), 89.

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