Migration decision-making and migration industry in the Indonesia–Malaysia corridor

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\textbf{ABSTRACT}

This paper explores the involvement of migration industry (MI) in the migration system of Indonesia and Malaysia. The two countries share an extensive border and have much in common in culture and history but they are very different in geographical size, population and economic development, the latter being a main cause for labour migration from Indonesia to Malaysia. The changing context of government policies generates new niches for migration services taken up by formal and informal intermediaries, thereby confronting migrants with a varied migration-decision field and thresholds during their migration process. Much of the migration is legal, but a large part of it also takes place outside the control of the national governments. While taking mental processes in migration decision-making as starting point, we analyse how the MI, by way of fostering, facilitating and controlling geographic mobility and localised employment, connects to the production and negotiating of three migration decision thresholds faced by migrants.

\textbf{KEYWORDS}

Migration regulatory frameworks; migration industry; decision-making; thresholds; legal migration; irregular migration

1. Introduction

In this contribution, we aim to assess the interplay between governmental migration management, migration industry (MI) and migrant decision-making. The three actors, government institutions, private sector and migrants, are involved in a complex network of mutual relations, of which the MI is the core. The decision-making of Indonesian labour migrants to leave for Malaysia or not serves as an example to demonstrate the interplay between the three actors.

Southeast Asia is a highly dynamic region in terms of population mobility, as manifested in large-scale population movements within these countries but also in the existence of international migration corridors, including that between Malaysia and Indonesia. The two countries share an extensive border and have much in common in culture and history but are very different in geographical size and economic development. Since the 1970s, Malaysia’s sustained economic growth led to considerable labour shortages and estimates...
of the number of migrant workers currently varies between 20% and 30% of the total labour force. They are found in four main sectors: agriculture and forestry, construction, electronic industry and services, especially domestic work (ILO 2016). Due to cultural, linguistic and historical relations and an active Indonesian labour export policy, the greatest share of migrants consists of Indonesians. The number of labour migrants placed in Malaysia through the Indonesian Ministry of Manpower increased from a few thousand per annum in the early 1980s to an average of 100,000 in the 1990s. After 2000 their numbers more than doubled. The Malaysian Ministry of Finance in 2010 reported 1.9 million legal migrants of which two thirds from Indonesia (Devadason and Chan 2014). Unofficial sources suggest there are probably an equal number of undocumented Indonesians in the country and although accurate data are not available, it seems safe to estimate the total number of all Indonesian migrant workers at over two million (IOM 2010). Legal migrants are mostly female, the irregular ones predominantly male (Adi 2003, 142; IOM 2010, 9).

Both the Indonesian and Malaysian Governments have stepped up management of labour migration. Foreign labour recruitment became legalised by the bilateral Medan agreement of 1984, aimed at promoting and regularising labour migration, while countering undocumented migration. Nevertheless, the fact remains that many aspects of the regularly frameworks are arranged nationally. In response to rapidly rising labour demand and the mushrooming of contractors recruiting migrant workers for companies and domestic services, the Malaysian Government policy to regulate immigration consists of four major components: By way of the Employment Restriction Act 1968 access to the labour market for non-citizens is legalised and restricted by issuing work permits, with a system of quotas and restriction by economic sector. Second, to ensure temporary labour immigration, the number of years immigrants are allowed to work is limited as stipulated in the work permits (maximum is five years), and by prohibiting entry of migrant dependents, the marriage to citizens and applications for permanent residency. The core of Malaysia’s policy is a temporary guest-worker programme (Kaur 2015). The intent is to maintain a strict insider–outsider distinction: the stipulations render such outsiders simply ineligible for citizenship (Chin 2008). Third, recruitment agencies play an active role and since 2006 were labelled as ‘outsourcing companies’, responsible for recruitment and employment of migrant workers in Malaysia (Ahsan et al. 2014; Brandström 2014; Garcés-Mascareñas 2012, 71–72). Finally, stricter control takes place both at and behind the porous borders. The amendments 1997 and 2002 to the Immigration Act made work of foreign workers without a permit or visa a criminal offence and subject to punitive judicial measures, including jail sentences, caning, and fines for illegal migrants and their employers. This involves a state-sponsored civil volunteer corps called RELA (Ikatan Relawan Rakayat Malaysia, or Volunteers of the Malaysian People), which carries out raids and assists in managing Malaysia’s immigration detention centres.¹ However, irregular migration continues due to undocumented migrants or their employers bribing immigration officers and the police (Wong and Anwar 2003; Ford and Lyons 2011), to let them pass or refrain from raids on worksites (Wong and Anwar 2003). Malaysian authorities have sought to cope with irregular immigration alternately by mass raids and brief amnesty periods, during which undocumented migrants can leave the country without facing criminal charges under the Immigration Act (Government of Malaysia n.d.). Garcés-Mascareñas characterises the response of the Malaysian
government to the large-scale immigration as contradictory (2012, 64) and Devadason and Chan (2014) as chaotic.

In Indonesia, the system of migration management has shifted from a laissez-faire approach to a more state-managed system, with regulation of private enterprise providing migration services. Despite government attempts to control migration, regularise recruitment agencies and streamline the recruitment and placement of Indonesian labour in Malaysia, Indonesia has had to accommodate the growing migration pressure and commercial interests of employers and labour recruiters. The devolution of regulatory authority under decentralisation of government after 2000 contributed to a lack of coordination and clarity regarding jurisdiction and responsibilities at local level. Policies implemented left ample room for the private sector to acquire a large part of the migration services market, thereby influencing volume and directionality of labour migration. The division between the public and private actors in this field is not clear-cut, and involves a mutual dependency, flexibility in roles and often the transgressing of regulations in pursuit of efficiency and profit (Spaan 1999; Jones 2000; Palmer 2013). As a result, significant numbers of migrants make use of unlicenced agents, actively looking for loopholes in regulations and resorting to illegal practices, including facilitating illegal border crossing and faking documents (Lindquist 2010; Ford and Lyons 2011, 2013). An important reason for irregular migration and continuous involvement of brokers are the intricate, costly and time-consuming requirements and regulations set-up by government.²

To demonstrate how MI influences the migration decision-making and behaviour of migrants, in the next sections we explain the various functions of the MI (enticement, facilitation, and control) and distinguish three stages in the migration process, using the threshold approach (Van der Velde and van Naerssen 2011, 2015). By taking the thresholds (indifference, locational, and trajectory thresholds), as analytical starting points, we explain the relationship between various MI actors and the thresholds in migrant decision-making, within the context of government policy and regulatory frameworks. By embedding the mental decision-making process in a context of MI, we provide further insights into how migrants react on MI actors, and how MI is actually influencing migration in different stages.

2. MI and migrant decision-making

The structure of labour recruitment in the migration corridor between Indonesia and Malaysia is characterised by the central role of the MI. The exact nature of what constitutes MI has been subject to debate and there is no consensus as to its scope and function. Nyberg-Sørensen and Gammeltoft-Hansen (2013, 6–7) define MI as ‘the array of non-state actors who provide services that facilitate, constrain or assist international migration’. This is a useful starting point but we argue that state actors are part of MI when they provide services to migrants in collusion with recruiters outside the official regulatory framework (see also Harvey, Groutsis, and van den Broek 2018). Simultaneously, while states are important in the governance of labour migration, an evolving market for migration services has fostered the involvement of various non-state actors (Spaan and Hillmann 2013). The actors constituting MI bear heavily on direction, timing and composition of migration flows. During the process of migration, migrants require knowledge, skills and financial investments,
assets many prospective migrants lack, thus creating a market for services that MI is able to fulfil. On the other hand, MI may encourage labour migration if only through publicity around its mere existence.

Migrants are seen here as active individuals, weighing and choosing alternative strategies and pathways, during the different phases of migration. These choices are influenced by their social networks but restricted by spatial, socio-cultural, economic and political factors. A decision for migration is based on ‘bounded rationality’ and limited by incomplete information, risk and uncertainty (Simon 1972). Choice then is (partially) contingent on (information on) the political, social and economic conditions in the country of origin and destination, as well as on entrance and employment regulations. It furthermore hinges on access to (transnational) social networks and brokers providing information, supportive products and services along the spatial migration trajectory (Lindquist, Xiang, and Yeoh 2012; Schapendonk 2009). The importance of social networks (Gurak and Caces 1992; Haug 2008) and brokers in fostering labour migration in origin areas and at destination (Smaal 1994; Fee and Rahman 2006; Lindquist 2012) has been recognised. Less is known about how these actors impact on the actual migration trajectory including transit and return (Kloppenburg and Peters 2012; Schapendonk 2011).

In the political debate, MI is often reduced to its informal and irregular dimensions and is seen as part of the smuggling and trafficking networks (Salt and Stein 1997). We argue for a broader conceptualisation of MI, in that it includes an array of formal and informal/illegal actors and institutions, functioning as inducer, facilitators and controllers of migration (Smaal and Hillmann 2013). Although prospective migrants often seek alternatives to legal trajectories in the face of increasingly restrictive immigration policies, many services related to migration are part of the regular economy, for example, in the case of licenced recruitment agencies and governmental coordinating institutions such as the Bangladesh Overseas Employment and Services Limited. Governments outsource certain functions related to labour recruitment, visa regulations and border control to private entities (Gammeltoft-Hansen 2013; Kaur 2015), thus externalising costs and risks connected to the matching of supply and demand of migrant labour. Both Indonesia and Malaysia have devolved labour recruitment management to non-state actors, while simultaneously following a policy of securitisation and centralising migration and border control (Lindquist 2010, 118).

In anticipation and reaction to stricter governmental regulation and control, MI actors (including representatives of state institutions) can also function as countervailing force in providing alternative pathways and circumventions of existing regulations and laws. In the context of a shifting policy domain, MI actors manoeuvre and create space to capitalise on the changing market for migration services: providing information, documentation, travel and financial services needed for migration; they also offer strategies for circumventing formal administrative requirements and regulations, to make migration more rapid and efficient. Migration brokers, considered facilitators, equally take on a control function by constraining migration and determining temporality and directionality of migration if that fits their interests and profits. Brokers have a varying degree of professionalism (Lindquist, Xiang, and Yeoh 2012) and many have been migrants themselves, having entered the migration brokerage business with varying motives, on a continuum from altruism, profit-seeking entrepreneurship to outright exploitation (trafficking) (Spaan
1999; Asis 2004; Molland 2012). The association between personal migrant networks and altruism on the one hand, versus migration brokerage and profit, on the other, is not straightforward and needs further scrutiny (Faist 2014). The modus operandi and profit extraction along gender lines can differentiate and therefore needs to be taken into account as well (Lindquist 2010).

In our analysis below, we discern various functions of MI, namely (1) enticement, (2) facilitation and (3) control. As promoters, facilitators, organisers and controllers of migration flow, MI sets the conditions and boundaries of action. The question is how this relates to the decision-making and behaviour of (potential) migrants. Many theories and models on international migration concern the structural macro-context of human mobility and international migration (Hoerder 2002, 1–21; Castles and Miller 2009, 20–49). Such are various push–pull models and (transnational) social network theories. Other approaches centre on the decision-making of the migrant actor. The New Economics of Labour Migration takes the household as an entity influencing who within the context of the household livelihood strategy will migrate (Stark and Bloom 1985). We focus more on the mental process of migration decision-making (Koikkalainen and Kyle 2016), and, in analysing the various steps taken by migrants during their sojourn and the role, function and impact of MI actors on the different phases in the decision-making process, we draw on the Threshold Approach (Van der Velde and van Naerssen 2011, 2015). Thresholds represent geographical barriers to international migration. Three crucial thresholds can be distinguished shaping migration decisions and conditions for action. First of all, Van der Velde and Van Naerssen outline an indifference threshold. Before someone crosses a border, migration must enter the psyche of the individual as a viable option to his or her current position (it makes a difference) and (s)he takes measures to leave. Second, a locational threshold, determining the choice of a destination as a safe place and a locus of employment and third, a trajectory threshold, referring to how a chosen destination is reached, including legal means and channels as well as illegal ones. In the following, we aim to show how MI actors interact with the mental processes in passing these thresholds and in this way contribute on the migration outcomes. In so doing, we start from the three thresholds and analyse the three different roles of the MI (enticement, facilitation and control).

2.1. Indifference to migration and enticement

Enticement involves the informing about opportunities and persuading prospective migrants to migrate. This function of MI impacts on the indifference threshold of migrants; private and State-led recruitment agencies and their sub-agents play a large role in increasing awareness of overseas employment opportunities by active promotion, for example, by way of visiting rural areas and enticing people to migrate by word of mouth or through advertisements (OECD 2001; Higuchi 2003). Where a ‘culture of migration’ exists and a tradition to work abroad, people will consider to leave especially when they are young, their living and working conditions unfavourable and brokers offer opportunities to go. But even then many prefer to stay in their familiar environment and leaving for another country will not seriously cross their minds. Living abroad must make a real and positive difference with the option to stay before they become actively
involved in preparing to live abroad. If people decide to go, this process is considered as passing the indifference threshold. Although the Indonesian Government admits the economic benefits for the country in the form of remittances, at local level the formal system is not very active in encouraging working abroad; this is rather the terrain for private labour recruiters and their sub-agents. A comparison with The Philippines is enlightening. In the late 1970s, the government initiated an export labour policy and since then the Filipino emigrant population has continued to grow. President Cory Aquino (1986–1992) declared the overseas Filipino workers ‘national heroes’ who sacrifice their family lives for economic improvement of their kin and their country. The Philippine Overseas Employment Services (POEA) and other government agencies promote, facilitate and protect labour migrants. MI is also embedded in private educational institutions that offer courses in nursing, accounting and ICT for careers overseas. Advertisements in newspapers and billboards suggest that transnational migration belongs to the ‘better life’. Besides, various types of migrant NGOs provide services in the migration chain, offering pre-departure courses, counselling and support to ‘families left behind’, pursuing human rights for migrants, organising re-integration programmes and lobbying (Nah 2012). Thus, governmental and non-governmental institutions are of major importance in establishing a ‘culture of migration’ (Asis 2006; Gresham, Smit, and Smith 2016) and in this way lower the indifference threshold substantially.

In contrast, the Indonesian MI publicity for jobs abroad is less institutionalised, rather modest and relatively low profile. That does not say that encouragements to work across borders and advertisements in newspapers are lacking but often the traditional and less conspicuous oral means of communication are being used by brokers operating in rural areas (Spaan 1994; Lindquist 2012). Palmer (2013) asserts that licenced recruiters play a significant role in promoting and linking specific source areas with countries of employment, as is shown by the majority of Indonesian migrant workers from Lombok, who end up working in Malaysia and Saudi Arabia (Mantra 1999; Lindquist 2010). Thousands of men and women venture abroad from Lombok each year, an island that only has 2.4 million people in 2010, representing a mere 1% of the total Indonesian population. Despite government efforts to promote regular migration, labour recruitment for the latter country and the Gulf States also occurs informally for example by way of Islamic village schools. After many incidents of sexual abuses of female Indonesian domestic workers abroad, the Indonesian Government became reluctant in sending young women for domestic work abroad and its official policy is discouragement. After the execution of two Indonesian women in 2015, the government announced a moratorium on female migration for domestic work in Saudi Arabia and other Middle Eastern countries. Part of the policy is that recruitment agencies are not allowed to directly approach and recruit women for domestic work abroad. However, calos (intermediaries) who are trusted by the villagers use their informal network to approach women and then contact field agents representing recruitment offices (Spaan 1994; Lindquist 2010, 125). This shows how formal and informal are often intertwined.

Once a pool of prospective migrants has been reached, MI has a crucial function in facilitating the actual international migration, by assisting in mobilising necessary resources (capital, networks), obtaining necessary documentation and arranging travel (facilitation). In Indonesia, licenced recruitment companies, their field recruiters and
informal intermediaries called calos, tekongs or taikongs (Spaan 1994; Wong and Anwar 2003) facilitate to obtain main documents such as visa, health certificate and work permit, and arrange pre-departure trainings, transport and employers. In Malaysia, legalised outsourcing agencies are responsible for recruiting migrant workers, organising and supervising their stay, employing them or redistributing them to companies and employers. Thus, Indonesian workers can enter the Malaysian labour market legally while MI will arrange all from pre-departure training till employment and accommodation at destination. The legal way is relatively expensive and due to legal regulations the work permit tie workers to a specific employer, so they are not free to look for better opportunities. Therefore, many migrants make use of the informal MI system. Although by definition undocumented migrants do not have the officially needed documents, this system is basically the same: workers are recruited through agent networks of Indonesian and Malaysian intermediaries. Many workers are hired as day labourers without any kind of written contract or are seasonal workers.

The other side of the coin is the dependency of the migrant on the MI network, and concomitant risk of abuse. Often, MI actors turn out to be exploiters, manipulating information, demanding exorbitant fees or resorting to usury, trafficking and abandonment of migrants. In this informal circuit, abuses take place such as withholding passports and parts of wages. Sometimes people are outright cheated, exploited, imprisoned without being paid or – after paying recruitment fees – are lured into non-existent jobs by outsourcing companies in collusion with government officials (Ahsan et al. 2014). In the Malaysian electronics industry, Indonesian women are often indebted and it is only in Malaysia that they discover that after the deductions the salary they receive is less than the promised (Killias 2009; Das 2015). Moreover, they can be replaced to other factories without having a say in the shift (Bormann, Krishnan, and Neuner 2010). Thus, the MI actors function as organisers and controllers of the migration flows, by determining conditions and setting boundaries for action (control). Brokerage creates and perpetuates power asymmetries and social inequalities (Faist 2014).

Thus, both government agencies and (informal) private recruiters play a role in fostering susceptibility to migration through active enticement and facilitation. The provision of services to migrants spans various borders, economic sectors and jurisdictions and constitutes a range of formal and informal actors. It is important however to note here that the number of Indonesians labour migrants abroad constitute a relatively small percentage of the total population of 250 million. Apparently, a large part of the population does not search for employment abroad and by consequence will not pass the threshold of indifference.

2.2. Locational thresholds and migrant destinations

After the first threshold has been passed and the decision has been taken to search for an overseas job, the (potential) migrant has to pass the locational threshold. This threshold concerns the choice of a destination, which is often dependent on the broker or messages from social networks. The choice of a destination involves the comparison and weighting of advantages and disadvantages between the place of residence and the possible destination. Irregular migrants who enter the country through an informal intermediary often use their local social network of family members or friends to arrange work. In a survey of
Wong and Anwar among undocumented workers in West Malaysia, it turned out that the majority found their first job via social networks (2003, 184 and 217), which might provide services without asking for fees but can be considered as part of MI when money is involved. Thus, informal MI and personal social services are regularly working in a chain and the boundaries between the two could be flexible and vague (Adi 2003; Wong and Anwar 2003; Garcés-Mascareñas 2012; Cranston, Schapendonk, and Spaan 2018; McCollum and Findlay 2018). As prospective migrants are often dependent on social networks or labour brokers, the process of deliberation is mostly based on partial or imperfect information, steering to options that might more in the intermediaries interest rather than that of the migrants. Often, migrants who are dependent on private recruiters are misled and end up with lower than expected wages and employment conditions at destination (Wee and Sim 2004; Palmer 2013). When ‘keep’ and ‘repel’ factors weigh more than other concerns, the potential migrant will choose to stay or look for another destination.

It is not surprising that Malaysia is the top destination for Indonesian migrant workers, because of the common history of human mobility, its proximity allowing for return visits, widespread social networks and similarities in language, religion and cultural traditions. Although cultural differences should not be underestimated (Hedman 2008, 378–389), they are considerably less compared to other destinations in East Asia such as Taiwan, Hong Kong and Singapore, which offer higher remunerations and also attract many migrant workers (Table 1) but have strong Chinese traditions.

Many Indonesian migrant workers leave for the Middle East, in particular Saudi Arabia. An important pull factor next to the higher wages is its familiarity because of the hajj, the annual pilgrimage to Mecca, mandatory for Muslims once in their lifetime. On the other hand, the majority of the Indonesian migrants in Saudi Arabia is female but due to various accounts of abuse and human rights violations, the number of legal migrants substantially declined (Table 1).

The costly and time-consuming formal procedures for securing a legal job act as a push factor to irregular migration. If migrants decide to leave without documentation and assisted by brokers, the choice for Malaysia is obvious. They leave for Malaysia because of its proximity and porous borders, consisting of a maritime one between West Malaysia and Indonesia and a long land 2000 kilometre border with East Malaysia. Such borders are difficult to control and allows for a large influx of irregular migrants from Indonesia. Much of the work is seasonal and circular migration is common. Besides, with the easing of restrictions on visa to encourage tourism, more irregular migrants are entering the country lawfully but become undocumented by overstaying their travel documents

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Source: BNP2TKI (Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia).
(Kassim, cited by Kanapathy 2008). The ethnic and cultural similarities make it easy for the migrants to remain untraced for long. It is clear that the potential migrant has to out-
weigh the costs for legally migrating against the risks of penalties and deportation but, as we have seen, at the borders and once in Malaysia there are opportunities for negotiating their way out of sanctions.

From the foregoing, we can conclude that higher wage levels are only one of the reasons resulting in relatively low location thresholds for specific countries. In comparing destinations, migrants have to consider other factors such as distance to the area of origin, culture, risks and costs involved in the migration process. The constitution of the networks, that is, the contacts between recruiters, intermediaries and employers, at destination also impacts on the choice of locations where migrants end up; those involved could be also be local or regional level civil servants in Indonesia (Spaan 1999; Jones 2000) or representatives of Malaysian state-owned companies, for example, oil-palm plantations (Lindquist 2010, 124). In as far as the State is part of the MI, regularly frameworks are of influence, such as bilateral agreements on labour migration. The locational threshold can differ by social categories, such as ethnicity and gender. The latter is of special interest since Indonesia is an Islamic country and 70% of the Indonesian labour migrants consist of women (BNP2TKI 2013). The protective attitude of the government towards women has led to a temporary moratorium on female domestic work in Malaysia in 2009 and Saudi Arabia (Malahayati 2015; Makovec et al. 2016).

2.3. Trajectory threshold and migration control

The trajectory threshold refers to how to reach the chosen destination, dependent on for example the financial resources one has and the weighing of financial or bodily risks. Again, the outcome could be that the migrant will decide to stay. The relationship between the locational and the trajectory thresholds may differ. The destination often determines the trajectory but it could well be that the trajectory determines the destination, especially when people have only a vague idea of the destination (the USA or the EU but it does not matter where in the USA or EU). Second, when the actual migration process stretches over a long period or covers extensive spatial trajectories, most often each threshold may be (re)visited on a continual yet irregular basis. For example, individuals who wish to reach a particular destination for various reasons may later change that in another one. During actual migration, the influence of intermediaries such as recruitment agencies on the migrants trajectory is significant. In the Indonesian case, as recruiters initially often cover the costs related to migration, the migrants are generally indebted and highly dependent on their recruiters. Many female migrants are coerced into long term stays in ‘training centres’ or into non or low-paid work in urban centres in Indonesia before actual departure abroad (Spaan 1999; Jones 2000; Wee and Sim 2004).

The flow of Indonesians to Malaysia has evolved into distinctive collective mobility patterns and corridors, some of which are long-standing. MI has created routes that both legal and irregular migrants follow to pass the trajectory threshold. The major migration routes and corridors of both legal and undocumented migrants are:

- From North Sumatra to Peninsular – Malaysia. Medan is an important transit point where legal migrants can secure the required documents and then take a ferry to
Penang. Undocumented migrants go to the small towns or villages on the coast of Sumatra and clandestinely take a boat.

- A major migration route has developed between Jambi and Riau provinces in southern Sumatra with Singapore and Malaysia, partly due to its proximity and the Growth Triangle strategy, a policy aimed at rapid development, leveraging comparative advantages and economic integration in transnational regions. The region is an attraction pole for migrant workers due to its labour intensive industry, in particular electronics (Van Grunsven and Hutchinson 2014).

- The Riau region has evolved into a major transit hub for undocumented migration, connecting Eastern Indonesia, East and West Java to Singapore and Malaysia (Spaan 1999; Wong and Anwar 2003; Ford and Lyons 2013). Lampung is a popular transit point through Riau province to Peninsular Malaysia.

- On Java, the ports of Jakarta (West-Java) and Surabaya (East Java) are major transit points. Legal migrants can leave from the airports (relatively expensive), while undocumented migrants often travel overland to Riau.

- Movement from the Indonesian provinces on the island of Borneo has a long history and includes circulatory movements of local ethnic groups linked to hunting, shifting cultivation and trade. Nowadays, it also concerns labour migration to the oil palm and construction sectors in Sabah and Sarawak in East Malaysia (Kurus 1998; Kaur 1998). At present, in Sarawak, the only official land transport crossing point is at Entikong (Indonesia) – Tebedu (Sarawak).

- Migrants from the Indonesian island of Sulawesi enter Sabah via the Nunukan – Tawau border crossing but traditionally between Indonesia and East Malaysia there are many informal crossings used for smuggling and migration as well (Wong and Anwar 2003; Idrus 2010).

Although crossing the border without legal documents is relatively easy, the risks could be considerable as illustrated by this newspaper report:

Local authorities in West Kalimantan have arrested six Indonesian irregular migrant workers heading to Sarawak. They came from Lombok and tried to cross borders but police noticed and arrested them after they failed to provide complete identification papers, such as working visa and the country’s migrant workers ID card (KTKLN). According to their statements, they were hired by a guy called Kasim and were going to work at a palm oil plantation in Sibu, Malaysia. One of the migrant workers, said that his group had each paid up to Rp 3.5 million (US $266) to work in Malaysia: ‘We were promised that we would work at a palm oil company in Sibu, Malaysia and get a big amount of salary. However, we have not met Kasim,’ Salam said. (Jakarta Globe 13-06-2015)

How smooth a long travel can be and how legal and irregular ways of transportation are intertwined, shows the example of an undocumented female migrant from Flores, an island in the eastern part of Indonesia and located at some 3000 kilometres from West Malaysia, where the husband already worked for some years. When the couple decided that his wife would join him, she had to travel from Flores to the central island of Java, then further Northeast to Riau and finally to Malaysia. Since this was a long journey, she was accompanied by a friend of her spouse who organised the public transport: a boat to Surabaya (a three day’s journey), where she stayed in transit for two days; a bus to Dumai (Riau), which took five days and where she again stayed in transit two days;
a boat trip (eight hours) to a fishing town in Malaysia facilitated by a *tukong*; a bus from this fishing town to Kuala Lumpur that she reached after five hours travelling (Wong and Anwar 2003, 192–193). In total, the journey took some two weeks and most of the travel was by public transport but the crucial link by which she became an undocumented migrant was the irregularly arranged boat trip between Indonesia and Malaysia. Moreover, she (and her husband) broke the law since it in Malaysia it is forbidden for a migrant worker to have a family member with him/her. This example shows how at specific points in the migrant trajectory, intermediaries played a crucial role in organising travel and (illicit) border crossings, whereby migrants’ personal networks and more professional intermediaries are interlinked, as has also been demonstrated elsewhere (Spaan 1994; Jones 2000; Lindquist 2012).

3. Final remarks and conclusion

This article has brought out the interplay between the migration management of Indonesia and Malaysia with the MI, the prominent role MI has in the migration corridor between the two countries and its impact on the mobility thresholds. In the course of time, policies and control measures in both countries have changed in reaction to external pressures of employers, trade unions and NGOs, or popular dissent with migrants in Malaysia. Partly due to growing migration pressure, demand for labour in Malaysia and business interests, policy has devolved migration management to non-state actors, creating scope for private recruiters to be involved in promoting, facilitating and controlling labour migration to varying degrees.

In the legal circuit, the Indonesian and the Malaysian Governments give licenced recruitment agencies much space to mediate at the migrant labour market. In Indonesia, the role of the central government changed from an executive one to a regulatory oversight one. In Malaysia, the government changed its liberal policy into one of ‘managed migration’ (Kaur 2015) but the role of recruitment agencies expanded when they were allowed to act as ‘outsourcing companies” and employer of migrant labour. By consequence, the MI system in the Indonesian-Malaysia migration corridor consists of two parallel (but sometimes connected) networks: a formal one with licenced recruitment and outsourcing companies at the core of the network and an informal one consisting of private agencies outside government control.

Undoubtedly, MI actors, whether legal or irregular, loosely connected or entwined, contribute to impact on migration thresholds in the Indonesia–Malaysia migration corridor. This in itself is not surprising, but striking is the substantial share of irregular migrants on the Malaysian labour market. MI makes use of the weak spots in the regularly frameworks of Indonesia and Malaysia. If we consider MI as acting within the limits of economic, political and cultural circumstances that define its playing field, to a large degree it is the Malaysian regulatory framework that allows for and provokes migrants to enter and stay in-country as irregular migrants. This is because the framework, among others, legally prohibits migrant workers to change jobs during their stay and gives space to government officials to negotiate with irregular migrants. In this way, it creates a market for the informal MI to lower the mobility thresholds, more particularly the location threshold.

The operations of MI is characterised by the blurring of legal, geographical, moral and functional boundaries, putting into question analytical dichotomies such as legitimate/
illegitimate, public/private and facilitation/control. As to the latter, MI actors that formally function within migration control can simultaneously covertly facilitate and sustain undocumented migration through corrupt officials working together with brokers. This functional ambivalence depends on the specific actor and vantage point taken. Certain activities can be considered illegal (e.g. by the state) but legal/acceptable by other actors such as migrants. For example, cooperation between the State recruitment agency and private recruiters is a legitimate, regularised operation, but collusion between a recruitment agency and an informal broker, while not officially sanctioned, is deemed acceptable from the viewpoint of a prospective migrant. In this context, the terms licit/illicit are more appropriate, as Van Schendel and Abraham (2005) propose; they refer to overlapping realities, and challenge existing analytical categorisations.

Figure 1 illustrates the overlapping and blurring of categories and functions of MI actors, together with the thresholds we discerned above.

Within the boundaries of a shifting policy domain of securitisation and governmental regulation and control, MI actors reactively manoeuvre and capitalise on the changing market for migration services. Next to providing resources and services, sanctioned by government, they also employ strategies for circumventing formal regulations, making migration more rapid, efficient and profitable. They function as promoters, facilitators, organisers and controllers of the migration flows, by setting the conditions and boundaries of action. The regulatory frameworks contain several rules fostering irregular migration and a blossoming informal MI.

The changing context of government policies, coupled with a lack of accessible, timely migration channels, has created an environment wherein MI can thrive, thereby confronting migrants with a modified migration-decision field and thresholds. During their migration trajectory, prospective migrants have to negotiate various thresholds with regard to decisions to work abroad, the destination country and the route to follow. In

Figure 1. MI activities by actor and function. Source: Authors construct.
a context of opaque policies, lack of resources and imperfect information on the part of migrants, the influence of MI is pivotal. Through enticement, advertising and word of mouth, MI increases awareness of overseas employment opportunities and migration channels, thus impacting on the indifference threshold of migrants to move or not. The impact of the operations of intermediaries on the migration trajectory is also significant. The freedom to negotiate location and trajectory thresholds is limited due to indebtedness of migrants, their lack of knowledge and resources and dependent on MI operations. The weighing of advantages and disadvantages of the act of migration and related migration trajectory and destination(s) involves consideration of informational access, costs and financial risk, personal security, legitimacy, duration and social embeddedness. In all domains MI actors have a large influence. Prospective migrants are ever more dependent on intermediaries, in a migration domain characterised by complexity, obscurity and a blurred division between formal and informal actors and actions. Hand in glove, MI actors and migration thresholds remain inextricably linked in dynamic fashion.

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes

1. RELA has been criticised for human rights abuses, including excessive use of force and extortion of migrants, during raids (FIDH-SUARAM 2008, 11–13; Hedman 2008).
2. For more details on past and present formal requirements and procedures, see Ananta et al. (1998), Hugo (1995), Spaan (1999) and BNP2TKI (2013).
3. Similar to informal agents (ronselaars or werfagenten), recruiting labour for work on estates and in mines on Indonesia’s outer islands or abroad (Dutch west-Indies, Malaysia, New Caledonia) by persuasion or deceit was part of a system of indentured labour during colonial times (Hugo 1980).
4. Only 3.3% of the world population lives outside the country of birth (UNPFA 2016).
5. For example, in 2014, on the average a domestic worker would earn some US$ 250 a month in Malaysia and US$ 365 in Saudi Arabia; payment to the employment agencies were respectively US$ 1460 and 2200.

References


