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After Nunukan: The Regulation of Indonesian Migration to Malaysia

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Introduction

Labour migration from Indonesia is a complex phenomenon. Migrants enter Malaysia via a range of formal, semi-formal and informal channels, primarily through Sumatra and Kalimantan. Although Indonesian authorities make little effort to stop semi-formal and informal migration flows, the Malaysian government constantly adjusts its policies towards both documented and undocumented labour migrants according to the condition of its labour market. Periodically these adjustments have involved the mass arrest and deportation of undocumented workers, for example when hundreds of thousands of Indonesian workers were expelled from Eastern Malaysia to the tiny town of Nunukan in East Kalimantan in mid-2002. Both the Indonesian and Malaysian governments have failed to recognise the impact of the Malaysian government's policies on transit zones such as Riau and East Kalimantan, and that more serious efforts at bilateral cooperation must be made in order to lessen the social costs of labour migration in these zones.

On 1 August 2002, the Malaysian government enacted Immigration Act No.1154/2002 and began the mass deportation of undocumented foreign workers. Immigrant settlements were destroyed, and almost 400,000 Indonesians working without appropriate documentation were deported to Belawan, Batam and Dumai in Sumatra, and Pontianak and Nunukan in Kalimantan. It was certainly not the first time the Malaysian government had forcibly repatriated undocumented workers. However, it was the largest single repatriation ever undertaken. The number of workers deported to Indonesia in August and September 2002 far exceeded the capacity of return points in the transit provinces of Sumatra and Kalimantan, particularly Nunukan on Kalimantan's east coast, to accommodate them. The sudden influx of deportees to Nunukan, a small island on Indonesia's border with the Malaysian state of Sabah with a permanent population of just under 40,000 people caused a humanitarian crisis which became a critical point in the management of Indonesia's migration flows to Malaysia.

In the 1980s and 1990s, Suharto's New Order government (1967–98) had adopted a strongly interventionist approach towards the regulation of overseas labour migration through official channels. After the Suharto regime's demise in 1998, the Department of Manpower (now the Department for Manpower and Transmigration) continued to pass regulations determining the process through which potential labour migrants would be recruited, trained, and managed, and to issue licences to private sector companies (or PJTKI, *Perusahaan Jasa Tenaga Kerja Indonesia*) to undertake those processes (Jones 2000:17–21; Tirtosudarmo 2001:10–12). However, during this period, labour migration was dealt with using a model that concentrated primarily on official flows leaving by plane from Jakarta and other major cities in Java directly to receiving countries. Although officially sanctioned labour migration flows occurred through the transit zones of Sumatra and Kalimantan to the Southeast Asian destinations of Malaysia and Singapore, policy-makers paid relatively little attention to them. Meanwhile undocumented migration flows, which occurred primarily through these transit zones (Hugo 2001), were almost totally ignored. As a result of this approach, before the Nunukan crisis in August 2002 the New Order government and its successors made little attempt to acknowledge – let alone mediate – unofficial labour flows to neighbouring Malaysia. They paid even less attention to the social impact of those flows, particularly large-scale forced repatriations of undocumented migrants from Malaysia, on the transit provinces in Kalimantan and Sumatra. The regulation of labour migration remains Jakarta-centric, but events during and after the Nunukan crisis have forced Indonesia's central government to, at the very least, acknowledge the extensive social ramifications of undocumented labour migration flows through the transit provinces in Sumatra and Kalimantan through which labour migrants pass on their way to and from Malaysia and Singapore.

This chapter examines the Malaysian government's management of Indonesian labour migrant flows and the Indonesian government's responses to Malaysia's labour immigration policies, with a particular focus on the changing relationship between the Indonesian central government and the provinces since regional autonomy was implemented. It is divided into four parts. The first provides an overview of Indonesian labour migration, with an emphasis on the significance of Malaysia as a destination for both official and unofficial labour migration flows. The second examines the Malaysian government's policies towards Indonesian labour migrants, culminating in the mass deportation of unregistered workers under the 2002 Immigration Act, which caused the humanitarian crisis at Nunukan. This second section provides context for the final two parts of the chapter, which examine the Indonesian government's policies towards labour migrants before and after Nunukan and their implications for the transit provinces. The chapter draws on data from government sources, NGO reports and interviews with key NGO activists – including humanitarian volunteers present in Nunukan in 2002.