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WOMEN AGENCY IN THE CONTEXT OF PAID DOMESTIC LABOR:

Case of Indonesian Domestic Labor in Hong Kong

Abstrak

Kata "agensi" menjadi jargon yang umum ditemukan dalam wacana ilmuilmu sosial. Kata ini berhubungan dengan pemberdayaan walaupun tidak secara langsung terhubung pada isu-isu perempuan, makalah ini bertujuan untuk menemukan pengertian agensi secara kontekstual melalui kaca mata pekerja perempuan dan debat pada konteks pembangunan yang lebih luas. Makalah ini mendiskusikan agensi perempuan yang sangat terbuka dengan pertanyaan pada pembentukan pekerja perempuan Indonesia yang diikuti dengan elaborasi dari kasus Hongkong. Bagian akhir makalah ini mengajukan definisi baru tentang agensi yang dilakukan melalui identifikasi kerja secara organisasional dan individu-individu mereka.

Kata Kunci: agensi, pembangunan, pekerja domestik Indonesia, Hongkong.

Introduction

Agency is the most written word found in much of the writings, which valorize human's capability to change the world they are living. On the subject of women's contribution to development, especially those from the marginalized sector, the notion of agency becomes more pertinent than ever. For Sen, the term agency links to the activity, which is conducted consciously, on purpose and for a purpose. Freedom to act and to propose an alternate is essential character of agency. Deliberate in manner, agency asserts self-determining and efficacious

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Indonesia, there are two options for women to have access to microcredit in order to set up a small business, either through BPR (Bank Perkreditan Rakyat) or koperasi (Cooperative).1 Based on a 2006 research on household business economy in Depok, a fishery village area in Yogyakarta, microcredit has indeed helped women to institute their independent small-scale run business of food production, a domain which basically in resonance to the socially constructed role of women in society. Other than that, most of the works in village count on women as mere supplement to the role of their male partners, either in agriculture or in livestock.

Despite all the viable 'traditional' works mention above, some of rural women prefer to work as domestic labor (around 13 to 50 years of age) or as manufacturing labor (around 16 to 25 years of age) outside the village. Besides remittance, going out of village has always been a sided appeal for every villager in making out of money. Conception that cities are source of opportunity and moving from a village to a city as vehicle to socioeconomic mobility, have in-

fluenced the way they perceived the significance of working beyond their village boundaries. Boost by the success story of their neighbor counterparts, the formulation of going-out as fortune making has motivated many women to leave their village. Other than the neighboring counterparts, most of the women leave the house without even having proper knowledge of what kind of life and how they will make a life in town or in country of destination.

Economic consideration surely has been the prime motive of women working in the city as paid domestic helper, with monthly salary ranging from Rp 250.000,- to Rp 600.000,- (\$25 - \$60). In comparison, working outside Indonesia is more enticing because women can earn remuneration of at least Rp 2.100.000,- (\$210) as of in Malaysia to the maximum of Rp. 5.150.000,- (\$515) as of in Taiwan. In Indonesia, this span of working abroad salary is comparable to the salary of a conventional government employee, whose economic life continuously put as the standardized living condition of an Indonesian middle class family.

Both offer fund at subsidized rate. The difference between those two is that the institution of BPR is made through systematic government policy to promote the development of small and medium economic enterprise, while koperasi exists as community-based or locally based institution backing for their economic improvement. Along with the institution of BPR, government also gives liaison to the establishment of non-bank financial institution, such as a syaria-based *Baitul Mal wa Tamwil* as an alternate of micro-credit institution. This institution has added-on the other form of formal syaria-based bank, which is flourishing nowadays.

ways of achieving an intended target. For Nusbaumm, agency connotes the making of choices through one's conception of what is good and one's critical reflection of what is intended in life.

This paper would like to argue that, freedom, which presupposes the acts of agency, is basically entrenched in a contesting field of interests, the unequal modalities, and the asymmetric nature of organization. As for development, whose idea of progress, advance, and improvement are being promoted, there is no single definition, which can satisfactorily encompass for different contexts and situations. The mystification of freedom and the bemusement of well being out of development have rendered the perplexity of the notion of agency.

As a case in point, agency in this paper is to be questioned against women working as paid domestic labor, with special case of Indonesian helpers in Hong Kong. The discussion on this specific category is chosen for the paper as an attempt to see in what situation the agency is extracted among women domestic workers whose position is denigrated and displaced on one hand, yet exposed and proffered on the other hand, by the transforming mode of economy.

The Making of Indonesian Domestic Workers: Freedom to Choose?

The huge flow of Indonesian domestic workers was begun in 1980s, but the path of Indonesian immigrant working abroad has already been initiated almost two centuries before -with the opening of indentured works in Singapore in late 1800s and the chance to take pilgrim to Mecca along as fringed benefit of working for construction works managed by Arabic-based community in Malaysia in early 1900s (Spaan 1994). With the hit of the economic crises in 1997, there are more and more people being unemployed. Almost ten years after the crises, 11 percent of Indonesians (11.6 millions) were unemployed and more than 20 percent (around 45 millions) were underemployed. These people who were not able to be absorbed in labor market choose to work overseas (Hugo 2007).

In time of crises women have been forced to work in public spaces more than in usual circumstances. Rural women are generally exposed to varieties of work, but most of the works are basically rooted in the predisposed cultural role of women in society. Culture plays a high part in determining the kind of work that women can or cannot do. In

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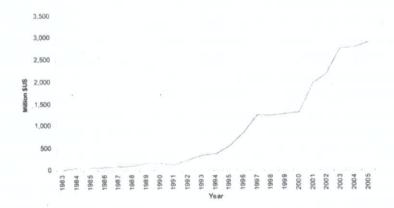
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In pursue of this economic pace and positive externalities out of it, villagers are enticed to work abroad. In 2006, out of 2.7 Indonesians working overseas (comparable to 2.8 percent of the total national workforce), majorities are unskilled women working as domestic helper, manufacturing labor, or entertainer (Hugo 2007).

Indonesian Domestic Workers in Hong Kong: Whose Wellbeing?

Only after the 1990s does Hong Kong become one of the receiving countries of Indonesian helpers. The viability of unskilled labor in any country, in general, has helped the government to cut the number of unemployment and lessen the household poverty in Indonesia. The three districts of Madang, Tulungagung, and Blitar, are channeling the East Java provinces primacy source of domestic worker for Hong Kong market. The three regions have succeeded in raising a high remittance proportion, which is even higher than the regional government budgets that eventually contribute to the overall performance of gross regional domestic product. In national level, official remittances were recorded US\$ 3 billion in 2005, and by the year 2009 government expect to earn foreign exchange of about 5.9 billion US\$ through remittance.2

Figure 1. Overall Official Remittance to Indonesia (1983-2005)



Source: Hugo, 2007

Domestic work emp is a big business. For Hor market, the PJTKI (Per Jasa Tenaga Kerja Inc Administering Agency for ment and Protection of Ind Workers Overseas) works with APPIH (Asosiasi Pene Pekerja Indonesia di Hons Association of Agencies for sian Workers in Hong Kong comprises 168 local agen credited to arrange the empl of Indonesian domestic wo Hongkong. In 1992, the of Indonesian helpers wor Hong Kong was 8,000, thr afterwards the number has doubled, and steeping incre 108,000 in 2005 (Anggrain FDC 2007).

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With reference to the labor rights and protection law, paid domestic workers along with other migrant menial workers are promised to get the maximum payment of HK\$3,580, with 6 or 7 months cancellation, but the actual salary may not be more than HK\$3,000. The cancellation of the payment itself has to be made for compensating the cost preceded their workability in Hong Kong, which accounted for HK\$18,000. With this much of charge, the potential workers are supposed to be assisted with the local agencies of PJTKI in documents, medical check-up, and 3 months training. But, since the

training does not cover essential information needed for insuring their awareness on the state of safety and legality, as much as on language or other technical kit, the cost charged is too expensive (Anggraini 2006, Carmasia 2005).

Hong Kong Special Administration Regional Government recognizes domestic helper migrants as formal workers therefore entitle them the same legal protection. Based on Hong Kong labor law, if her employer abuses a helper, she can report it to police, but if the problem is concerned to the salary or working condition, she may complain to the Department of Labor. Depending on the nature of the case, all of the problem filed may be settled privately in Labor Court, Civil Court, or Criminal Court. The leaflet and book of legal rights and regulations for migrant domestic worker will be given right away as a worker reaches the adopting employer. But, without any assistance on reading the law-directive words from Hong Kong local agency, there is little relevance of distributing it (Rambadeta 2001).

In case of termination of employment contract and the attaching two-weeks rule, for example, there is great possibility that a worker may be subject to law and economic liability, without even noticing reasons behind it and how to come out of the situation (Safitri et al 2009).

The rule has translated the weight of Hong Kong labor market controlled by the government upon foreign domestic workers to the hands of the employer. The termination of the contract by an employer before the fulfillment of two-years indenture or the physical or sexual abuse and unpaid wages which is backed by two-weeks time through visa extension give, if any, little grounds for workers to fight their case. The twoweeks rule has forced them to illegal overstay to do illicit work or to be in a multiplied loan-bondage.

Without proper assistance from Indonesian government in law arbitration, workers are left without much option but to survive in any way. The basic supposition that all citizens are warranted the basic rights of self-sustenance from government are collapse with this denial. For most of the cases, rather than going into the trap of two-weeks rule or bearing shame by going home in a failure, a worker plays an honor to the contract and performs a blind-eye to any ill-treatment she may be experiences through the employer or the agency.

Agency Defined

To Sen (1999), the availability of outside employment is one means by which women achieve agency. By working outside the house, women used their productivity to earn wage contributing to

the household economy and, by so doing, strengthen women's negotiation position, self-confidence, and capacity for leadership. In the gendered relation of a household, Sen argued that, a wife's independent economy could be taken in as their stronger bargaining position vis-àvis husband. While these women have access to economic source and a proportion of decision-making on the remittance to render at home, the decision-making on the use of remitted money is left to husband, parents, or elder member of the family.

While Sen (1999) talks about the positive correlation between the uses of wage earned by a wife and a mother to provision of goods and services that benefit children, there is little relevance on that argument to the context of paid domestic labor. Based on the description above, the abject position of rural unskilled women is inalienable even when they are trying to enable a sense of independence. Independent economy, which they aspire to get through finding an employment outside the home, is basically a rendition of performance in the same boundary of domesticity. Thus, while paid domestic labor has been geographically transformed form of economic production, the nature of domesticity itself is not culturally transformed, and is even more confused by the hiera privilege and of power.

In general, Sen's (1999 ment may not be suited in paid domestic worker sit Exposition to transnational market, rural unskilled won part to a new geographical si by translating the realm of ticity, which she has left be a not-necessarily new cultur text. Once these women hav abroad to work, they went the realm of domesticity. another realm of domesticity in to. The fact that these are going into the same dor domesticity is finely put in the ception of privacy, for which do not have a share of cont it. Transnational domestic embed with the duality of I money out of domesticity, is fore a puzzling realm of p public inconsistency. The or to go beyond the murky bo is by overtaking the situati which this can also be regard form of agency although it de originate from freedom as su from the constraint of the str and the impulsive response to survive.

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more confused by the hierarchy of privilege and of power.

In general, Sen's (1999) argument may not be suited in for low paid domestic worker situation. Exposition to transnational labor market, rural unskilled women depart to a new geographical situation by translating the realm of domesticity, which she has left before to a not-necessarily new cultural context. Once these women have gone abroad to work, they went beyond the realm of domesticity, but for another realm of domesticity to give in to. The fact that these women are going into the same domain of domesticity is finely put in the conception of privacy, for which they do not have a share of controlling it. Transnational domestic work, embed with the duality of making money out of domesticity, is therefore a puzzling realm of private/ public inconsistency. The only way to go beyond the murky boundary is by overtaking the situation, for which this can also be regarded as a form of agency although it does not originate from freedom as such, but from the constraint of the structure and the impulsive response urged to survive.

Being denied safety by the government, fatigued by unmanageable marriage relation, and exhausted working bondage by employer and agency, Indonesian domestic labors form coalition of Indonesian Workers Organizations in Hong Kong (Koalisi Organisasi Tenaga Kerja Indonesia di Hong Kong/KOTKIHO) in 2000, which comprises of nine organizations.3 These organizations work with different strategies and orientations, but all are meant to be the pool of workers' empowerment. As a union, KOTKIHO enable to link up the various strategies taken by its member organizations and, at the same time, set up connection through networks of organization working with the same platform in Coalition for Migrant Rights (CMR). Together, all the members of KOTKIHO and CMR hooked up to the umbrella organization, Asian Domestic Workers Alliance (ADWA). Among the resultant organizations are political groups that periodically organize public rallies and protest marches to voice their concerns over exploitation and discrimination, and fight for policy changes in Hong Kong and Indonesia (Lai n.d.).

In 2.5 Billion Dollars for the State (2001), a 51-minutes documentary movie on Indonesian domestic worker in Hong Kong, there was a scene depicting gendered street performance. Street

Found on August 7th 2000, KOTKIHO instituted on the basis of mutuality, solidarity, and lot in life. Initially it was comprised of seven member organization, but since 2008 two organization were accepted as new members. See KOTKIHO, http://kotkiho-hk.org/

performance may be added on to political speeches in public rallies. Performance may vary remarkably in terms of media, modes, and styles being used. But what interesting is that the performers are sometimes dressed sexily. This is actually in contrast to the fact that most of them are coming from East Java provinces which is the base of Muslim community in Java Island. Given this contradictory fact, the sexy dresses they wear brings to the forth the voice of challenge or of interruption to the living norms, the values, or the prescribed roles they used to live with. This may also be seen as the expression of disgruntlement to their seclusion out of their being economically independent and their economic partake to the family wellbeing, on the one hand, with the absence of support from government and -in some casesspouse or spouse's family thoughtfulness.4

From all of the organizations aimed at fighting against exploitation and abuse of Indonesian workers' rights, Indonesian Migrant Workers' Union (IMWU) is probably the most trenchant one. Among the variety of activities to reach the goal of empowerment, education adds on the mobilization that other unions have offered. In terms of education. IMWU has persistently offers classes in English speaking, law session, and some learnt new skills. Besides education, IMWU provides a shelter for workers subject to abuse by their employers or subject to two-weeks rule (Rambadeta 2001).

In literary realms, there is a Hong Kong Forum of Pen Circle, which was founded in 2004 and is principally the branch of Indonesian Forum of Pen Circle, a flourishing organization comprises of young talented writer in Indonesia. Hong Kong is the extension of the same organization whose majority members are domestic workers. They organize a regular meeting twice a month when they learn and discuss literary works through presentation and appreciation. Annual literary contest is held and the prize will be given through publication of their works, exposition before literary critics in City University of Hong Kong, and amount of cash provided by sponsors. For domestic helpers who become the members, writing becomes a sort of therapy, where

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Based on study conducted by ATKI (Asosiasi Tenaga Kerja Indonesia/Association of Indonesian Migrant Workers), 48% of domestic workers were single, 43% were married and left their husbands and children behind in their home villages, and the remaining 8% divorced or separated. See Safitri, M. A., Abdul Rahman, N., & Rokoduru, A. (2009). A Study on the Contribution of Indonesian Domestic Workers to the Quality of Life of Hong Kong and Malaysian Employers. Chiang Mai: Asia Pacific Forum on Women, Law, and Development (APWLD). Labor and Migration Task Force Report (online). http:// www.apwld.org/pdf/DW/research_13_8_2009.pdf [Accessed 07/11/2009]

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they are able to release their tension, soothe their emotion, and lift their spirit. Most of their writing is shaped from their fresh experiences, happenings in surrounding, and all the familiarity they encountered in day-to-day situation. In one of the fiction written by Wina Karnie (won the first prize of 2006 contest), ran a real story of an Indonesian helper who was initially offered a job to look after babies, but when finally arrived in Hong Kong she was to care for ten dogs that came to bite and snap at her. Her body was terribly wounded and she was also suffered with rabies. When the story was published in 2006, the case was being filed to the court. In this manner, writing gives benefit not only for the writer herself, but also for the collectivity in which she is registered. Writing enables them to speak for their experience, to voice their aspiration, to draw attention and line a public opinion (Rosa 2006).

Failing to address the issue of paid domestic worker, the notion of agency by Nussbaum may worth comparing. In *Frontiers of Justice* (2007), Nussbaum gives a weigh on the issue of rights based on the utilitarian idea rather than on the issue of achievement as Sen did (as a measure of social progress). Nussbaum mentions the precondition needed for all member of society to have certain minimal

level of capability, by which the provision shall be provided by the state or any other decentralized institution. When each person is to have at least the minimum level of each, justice will be guaranteed. Translating Nussbaum's idea to the context of the paper, the government of Indonesia fails in supplying the minimum rights of their citizen. But the role is taken over among the domestic workers themselves. Filipinos are the prime movers in encouraging the social movement among Indonesian domestic workers through unions and networking. Other than that, Indonesian helpers are taking the advantage out of Hong Kong government, whose labor-related laws do not separate foreign workers from the locals, in a sense that all workers are allowed to form and join unions or associations. This providential situation, however, may not beget from other countries, such as Malaysia or Gulf countries, where lots of Indonesian women also try to make a living through domestic works.

Conclusions

Based on the case given above, it is shown that although milieu provides a substantial urge for activating women's agency, but it is the women themselves who actualize it on their own purpose and defined method of mobilization. It is important to note that when the

government of Indonesia fails to support their needs, the individual character of Hong Kong society and the law enforcement of Hong Kong government give no constriction for foreign domestic workers to use public sphere. With the help of Filipino non-governmental organizations active in migrant issues, many of them make good use of these rights.

Yet, agency remains a problematic concept, because any form of action cannot but be inclined to the extent that these are meant to obtain the result they want. But the choice of taking a particular form of action itself is not free from entanglement, such that facilitates the change or challenges against those working exploitive toward them but at the same time may also reinforce the prevalent power relations. As an enabling concept, agency calls up a vision of empowerment and positive social change, but that does not necessarily do away with all byproducts out of the preferences they make. Therefore, it is not a matter of making good by excluding the bad in a black/white formulation, but how to articulate particular form of action with conscientious intention through estimation. []

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