

## Migrant workers' rights

### **Thousands of Indonesian, Bangladeshi Migrant Workers Arrested in Malaysia in Major Crackdown**

Jakarta Globe, 07-07-2017

More than 2,000 illegal migrant workers in Malaysia are facing deportation amid one of the largest crackdowns in recent years, with campaigners concerned this has forced immigrants into hiding and increased the risk of human trafficking.

Malaysia relies heavily on migrant workers from countries including Indonesia, Bangladesh and Nepal for jobs shunned by the locals such as those on plantations and in construction.

It has some two million registered migrant workers but also an equal number of undocumented ones. A senior immigration official said 2,309 undocumented workers have been arrested during mass raids across the country since July 1 in places like factories and restaurants. "[They] will be investigated within 14 days and prosecuted before deportations take place," Saravana Kumar, the Immigration Department's enforcement, investigation and prosecution chief, told the Thomson Reuters Foundation<sup>1</sup> on Thursday (06/07).

He said the majority of those arrested are from Bangladesh and Indonesia, and entered the country with tourist visas and without proper work permits. He said 52 employers were also picked up during these raids on suspicion of hiring undocumented workers.

Activists, however, said most of the undocumented workers were victims of human trafficking and fraud, who have incurred massive debts after paying off recruitment agents in the hope of getting a job abroad to escape poverty at home. "The onus is on the employers and agents to get the work permits. How do you expect migrant workers to do this when their hands are tied?" said Aegile Fernandez, a director from Kuala Lumpur-

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<sup>1</sup> Thomson Reuters Foundation is the charitable arm of Thomson Reuters, that covers humanitarian news, women's rights, trafficking, property rights, climate change and resilience.

based migrant rights group Tenaganita. "It's unjust to arrest and handcuff them, then put them in detention centers and deport them. They have paid money to employers and agents to get permits but it is not done."

Local media said some workers had left their dormitories during the raids and gone into hiding. Fernandez said these workers were at increased risk of human trafficking as some were now trying to leave the country.

Kumar of the Immigration Department said authorities will find out whether those who are held are trafficking victims. Malaysia was upgraded to Tier 2 in the US State Department's 2017 trafficking report last week from Tier 2 Watch list, meaning it was not fully complying with US standards but was making significant efforts to do so.

Tier 3 is for the worst offenders of forced labor and trafficking while nations at Tier 1 are meeting US standards.

In neighboring Thailand, tens of thousands of migrant workers — most of them from Myanmar — have fled the country in recent days after new labor regulations aimed at regulating foreign workforce were introduced.

## Political developments

### **Constitutional Court lets local governments off the leash**

Posted July 4, 2017 by Simon Butt, Indonesia at Melbourne

Decentralisation reforms enacted following the fall of Soeharto gave local governments unprecedented powers to govern their own affairs, including by issuing bylaws, commonly called perda (peraturan daerah). But the absence of workable review mechanisms – ways to cancel bad perda – has given local governments carte blanche to enact laws of virtually any subject matter they want, with only a few exceptions.

And although they have barely featured in the national media, two recent Constitutional Court decisions weaken review mechanisms even further. By stopping the central government from cancelling bad perda, they have let local governments off the leash. This

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spells serious trouble for legal certainty and the rule of law in Indonesia. There is now very little that anyone can do to halt the operation of perda that violate the Constitution, or other national laws.

The ability of local governments to pass bylaws might be a positive development where national level laws have been lacking (for example, where national laws lacked human rights protections or hampered trade across regional borders). They can also be good if local politicians are concerned with passing laws to further their constituents' interests, such as by making advances in areas such as health, education and environmental standards. Many local politicians are indeed well-intentioned and professional, and there are numerous examples of progressive local governments passing regulations that really do improve the welfare of local people.

But many other local lawmakers are incompetent, self-interested or corrupt. They have produced bylaws criticised for being predatory, discriminatory or illegal. The largely unchecked local lawmaking power has also led to serious inconsistencies between the laws enacted by the various tiers of government. For example, the National Commission on Violence Against Women (Komnas Perempuan) conducts annual reviews of local regulations and identified 421 perda (link is external) that discriminate against women and minorities between 2009 to 2016.

Until recently, the national government had the power to cancel regional perda through the Ministry of Home Affairs – the ministry with the authority for administering regional autonomy. At the provincial level, governors could revoke laws passed by district (kabupaten) and city governments.

Unfortunately, the Ministry has too often failed to review local laws for compliance with national laws, including national human rights norms. In fact, it has almost exclusively reviewed and invalidated perda that seek to raise revenue (presumably to safeguard central government revenue flows and promote an attractive investment environment).

In June 2016, for example, President Joko Widodo announced that the Ministry had annulled 3,143 local regulations, (link is external) primarily because they were considered to impede investment. This means that perda with other subject matter have escaped invalidation even if they contradict central government laws or the public interest.

Read the full article: <http://indonesiaatmelbourne.unimelb.edu.au/constitutional-court-lets-local-governments-off-the-leash/>

### **KPK to Summon Politicians Allegedly Involved in E-KTP Graft Case**

Tempo, 10-07-2017

The Corruption Eradication Commission (KPK) is aiming to question all politicians allegedly involved in the electronic identity cards (e-KTP) graft case this week. Starting today, investigators will once again summon current and former members of parliament who had previously skipped questioning.

“We expect that they will fulfill their legal obligation to appear as witnesses,” KPK spokesman Febri Diansyah said via a text message yesterday.

The agenda to question the lawmakers came up following the KPK's plan to announce four new suspects over the project that caused Rp2.3 trillion in state losses. Febri declined to divulge details about the names and questioning schedules of the house members.

The KPK notes that nine House members had earlier skipped questioning, namely House Speaker Setya Novanto, former House speaker Ade Komarudin, and Nu'man Abdul Hakim, Teguh Juwarno, Taufiq Effendi, Djamal Aziz, Tamsil Linrung, Agun Gunandjar Sudarsa, dan Mirwan Amir.

They were mentioned in the indictment made by the KPK public prosecutors against defendants Irman and Sugiharto—both are former home affairs ministry officials—for allegedly taking bribes in the project. Setya Novanto, for example, together with e-KTP suspect Andi Agustinus, allegedly took Rp574.2 billion or 11 percent of the total value of the project.

Ade Komarudin also allegedly received US\$100,000 from Irman in December 2015. Meanwhile, Mirwan Amir and Tamsil Linrung, the leaders of House's Budget Committee during the deliberations of the e-KTP project, allegedly received US\$1.2 million and US\$700,000, respectively, from Andi Agustinus.

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### Palangka Raya Prepares Land as Govt Plans to Move Capital City

Tempo, 10-07-2017

Central Kalimantan Governor Sugianto Sabran said that the region has 300,000 hectares of land in Palangka Raya that can be used to materialize the plan to move the capital city. He will allow the government to turn the forest area into a new capital city. "I only do what President Joko Widodo had asked me to do: to find a plot of land," Sugianto stated in an official statement made last week.

The PDIP politician said that local government needs to ensure that the land is available for the central government to prevent land speculation in the future. According to him, other provinces might have also been asked to do so. After all, he said, the study on the plan to move the capital city is still ongoing.

The National Development Planning Agency (Bappenas) is the one who will decide on the location, according to Sugianto. He said that his administration will make further preparations should the central government instructs him to do so in the near future. "I only do what I've been told by the central government. I call on people who own properties not to immediately sell their land," he said.

Bappenas head Bambang Brodjonegoro said that the government will not yet discuss the future location before the study is concluded by the end of this year. He said that the government will be focusing on a possible move that is also cost-effective. Land availability and involvement of private firms are among the main topics of the study.

Concerns over land speculation continue to grow, however. Sumarno, a Palangka Raya resident, could not resist the offer to sell his land. "I bought the land at only Rp100 million, it has now been bought by a Jakartan at Rp400 million," he said.

Arifin Rudiyanto, Bappenas Deputy for Regional Development Division, said that the government will need a vast land to accommodate the relocation of all state institutions. Aside from the executive branch, the legislative branch and the judiciary, at the minimum, will also be included in the plan to move the capital city. "Jakarta will still serve as the center of the national economy and trade," Rudiyanto said.

Central Kalimantan Indigenous Dayak Council chief Agustiar Sabran is hopeful that the government would take into account the key aspects of human society in the capital city relocation plan, in addition to the infrastructure. He said that diminishing Betawi tradition in Jakarta should serve as a lesson learned with regard to the plan. "Dayak Culture must remain master [of the region]," he said.

### Indonesia blocks major artery in haze-causing Mega Rice canal network

Mongabay, posted 09-07-2017.

One of the largest drainage canals ever dug through Indonesia's peat swamps is being blocked in Kalimantan, the archipelago country's portion of Borneo island, part of President Joko Widodo's efforts to rewet some 2 million hectares of peat damaged in the great fires of 2015.

The canal in question is one of the main branches in a giant, treelike canal network that stretches from the Java Sea to the outskirts of Palangkaraya, the capital of Central Kalimantan province, some 150 kilometers away.

The network was built in the mid-1990s, when former strongman President Suharto launched the Mega Rice Project in a bid to achieve rice self-sufficiency in the nation then home to around 200 million people. To make up for the widespread conversion of paddy fields on Indonesia's most-populous island of Java, the five-star army general sought to carve out 1 million hectares of agricultural land from Kalimantan's peat swamps. Thousands of excavators and tens of thousands of workers were deployed.

The megaproject was an unmitigated disaster, with not a single blade of productive rice ever grown. The nutrient-poor peat soil proved too unforgiving for Java-style rice cultivation. Jakarta ultimately abandoned it, leaving behind a dried-out wasteland that burns on a large scale almost every year. In 2015, peat fires across the country sickened half a million people and spewed more carbon into the atmosphere than the entire U.S. economy during the same two-month period. Central Kalimantan was the worst hit.

See the full article: <https://news.mongabay.com/2017/07/indonesia-blocks-major-artery-in-haze-causing-mega-rice-canal-network/>