

## **The Social Impact of the Kafala System Reform on Female Migrant Workers (TKW) and the Dynamics of Bilateral Politics between Indonesia and Saudi Arabia**

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### **Abstract**

*The kafala system had long been the main mechanism for managing migrant workers in Saudi Arabia, but it was often criticized for creating excessive dependency between workers and employers, which led to exploitation. Kafala reform was an important step to improve the protection and welfare of Indonesian female migrant workers, especially because the majority were employed in the domestic sector that was highly vulnerable to violence, wage theft, and restricted mobility. In this context, the bilateral relations between Indonesia and Saudi Arabia played a strategic role in ensuring the implementation of fairer policies for female migrant workers. This study aimed to analyze the impact of kafala reform on the protection of Indonesian female migrant workers and to evaluate the role of bilateral diplomacy in supporting the reform. A qualitative descriptive-analytical approach was applied, using document analysis of regulations, reports from international organizations, official BP2MI data, and media publications. The data were analyzed through thematic analysis, policy analysis, and source triangulation to increase the validity of the findings. The results showed that kafala reforms, including the abolition of exit permits, job mobility, and the introduction of digital contracts, had a positive impact on improving mobility and legal certainty for female migrant workers. However, weak supervision, cultural resistance from employers, and limited access to complaint mechanisms remained major obstacles. Bilateral diplomacy through Memoranda of Understanding (MoU) played an important role, but protection still focused on the formal sector. Therefore, this study recommended strengthening the implementation of reforms, expanding protection to the domestic sector, integrating inter-agency data, and enhancing bilateral and multilateral cooperation to ensure sustainable protection of Indonesian female migrant workers.*

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## **1. INTRODUCTION**

The kafala system has long been the primary mechanism for managing migrant workers in Saudi Arabia. This system gives employers, or kafils, full control over the legal status and mobility of workers, including work visas and residence permits (Silviana et al., 2022). The definition of a sponsor, or kafil, in Saudi labor law is defined as an employer or

company responsible for the residence and work permits of foreign workers, including domestic workers (Saudi HRSD, 2020; Council on Foreign Relations, 2022). Similar practices are also found in other Gulf countries, such as Qatar, which legally defines a residence sponsor in Law No. 4/2009 as an employer, head of household, or recruiter with administrative authority, including granting exit permits (*exit permit*) (Amnesty International, 2019). In the United Arab Emirates (UAE), the sponsorship system is regulated in the Federal Decree-Law 33/2021, which, while introducing new protections for workers, still ties visa status to employers until the transfer process is approved (UAE Gov Portal, 2021). A similar pattern also exists in Kuwait, Oman, Bahrain, Jordan, and Lebanon, where employers are the primary kafala for domestic workers (Human Rights Watch, 2020). This suggests that the kafala system is regional, not unique to Saudi Arabia.

Although designed to facilitate the supervision of foreign workers, the kafala system is often criticized for creating excessive dependency between workers and employers, increasing the risk of exploitation. Indonesian female migrant workers (TKW), who mostly work in the domestic sector, are often victims of discriminatory practices under this system, including physical abuse, unfair wage deductions, passport confiscation, and restrictions on freedom (Gunawan, 2024; Human Rights Watch, 2024). International reports highlight that in Saudi Arabia, cases of wage theft and forced labor are still common (Human Rights Watch, 2024), while in Qatar, despite *exit permit* abolished since 2018, implementation in the field has been inconsistent (ILO, 2018). In Kuwait, the new policy in 2025 even strengthens the mechanism *exit permit* which further restricts worker mobility (Envoy Global, 2025). This fact demonstrates that the kafala problem is structural and cross-border, not just an individual case.

Saudi Arabia itself is one of the countries with the largest migrant worker populations in the world. According to the Assessment of Labor Migration Statistics report from the International Labor Organization (ILO), the number of international migrants in Saudi Arabia reached approximately 13.6 million people in mid-2020, equivalent to 39% of the total population (ILO, 2022). The large dependence on migrant workers makes kafala reform not only a normative necessity to protect workers but also a socio-economic strategy to maintain stability. This reform is also part of Vision 2030, which targets labor market modernization, improving international reputation, and reducing dependence on cheap foreign labor (Syaputra, 2023).

For Indonesia, the urgency of kafala reform is particularly high, given that Saudi Arabia is a major destination for the placement of Indonesian migrant workers. Data from the Indonesian Migrant Workers Protection Agency (BP2MI) shows that Indonesian migrant workers sent to Saudi Arabia are predominantly women from West Java, East Java, Central Java, West Nusa Tenggara, and Banten. They work in the domestic, caregiving, health, and hospitality sectors (BP2MI, 2024). This dependency increases the risks if legal protection and reform are not implemented consistently. The cases of Nurlela, a domestic worker from Karawang who was abused by her employer, or Wasini from Indramayu who did not receive wages for 16 years, are only a small part of the reality of the structural problems kafala poses to Indonesian migrant workers (Detik News, 2020; Bangka Tribun, 2023).

Internationally, Saudi Arabia's commitment to kafala reform is considered moderate. Some reforms have been implemented, such as the abolition of exit permits and the freedom to change employers after the contract expires, but Human Rights Watch and ILO reports note numerous cases of wage violations, weak oversight, and cultural resistance in their implementation (Human Rights Watch, 2021; ILO, 2024). Comparatively, the UAE is considered more progressive with its 2021–2022 labor law

reforms (UAE Gov Portal, 2021), while Qatar has made significant progress with its abolition of the exit *permit* (ILO, 2018). On the other hand, Kuwait is considered regressive because it is reinforcing sponsor control through its policies. *exit permit2025* (Envoy Global, 2025), while Lebanon and Jordan still face weak law enforcement (Amnesty International, 2020; HRW, 2011).

In bilateral relations, Indonesia holds a significant bargaining position through migrant worker protection diplomacy. The Memorandum of Understanding (MoU) between Indonesia and Saudi Arabia on worker placement has become a formal instrument to improve contracts, guarantee wage payments, and provide a dispute resolution mechanism (Sophianti, 2024). However, the success of the MoU depends heavily on the consistent implementation of kafala reforms in Saudi Arabia. Therefore, this study is crucial to analyze how reforms to the kafala system in Saudi Arabia affect Indonesian migrant workers, while simultaneously evaluating the bilateral political dynamics of the two countries in championing the protection of migrant workers.

## 2. RESEARCH METHODS

This study uses a qualitative, descriptive-analytical approach to understand and analyze the impact of the kafala system reform on the protection and well-being of Indonesian migrant workers in Saudi Arabia. This approach was chosen because it can explain complex social phenomena, employment policies, and diplomatic dynamics in depth. Descriptive methods are used to describe the factual conditions related to the implementation of the kafala reform, while analysis is conducted to evaluate its impact on the basic rights of migrant workers, such as freedom of mobility, humane treatment, and access to justice (Creswell, 2022).

Data collection in this study was conducted through document analysis, taking into account official regulations in Gulf countries, reports from international institutions, bilateral documents, and Indonesian national data. The referenced documents include Saudi Arabia's Labor Law (*Royal Decree No. M/51* and amendments 2015–2024), Law No. 4/2009 Qatar, as well as Federal Decree-Law. 33/2021 in the United Arab Emirates, which regulates the sponsorship and employment system. This analysis is complemented by reports from international organizations such as the International Labour Organization (ILO), Human Rights Watch, and Amnesty International, which assess the implementation of kafala reform and highlight structural issues, including passport retention, wage theft, and discriminatory treatment of domestic workers. Furthermore, this research utilizes data from the Indonesian Migrant Workers Protection Agency (BP2MI) regarding the placement of Indonesian migrant workers in Saudi Arabia, originating from major sending provinces such as West Java, East Java, Central Java, West Nusa Tenggara, and Banten, as well as records of health worker placement agreements through the G-to-G scheme. Secondary data from international and national online media is also used to enrich the context of public perception, field practices, and socio-political dynamics related to the implementation of kafala reform.

The collected data were then analyzed using three main techniques: thematic analysis, policy analysis, and triangulation. Thematic analysis was used to identify key patterns and themes from documents covering the definition of kafala, structural problems, reformed articles, and conditions in the Indonesian migrant worker (PMI) sector (Haryoko et al., 2020). The policy analysis was conducted to assess the effectiveness of kafala reform, particularly in terms of its compliance with international standards such as the ILO Convention on the Protection of Migrant Workers, and to compare the level of commitment of GCC countries to implementing the reforms (Browne et al., 2019; ILO, 2022).

Furthermore, triangulation techniques were applied by comparing information from various sources, ranging from official regulations, NGO reports, BP2MI data, and media coverage, thereby increasing the validity and reliability of the research results (Haryoko et al., 2020).

The choice of document analysis as the primary method is based on the consideration that the kafala system is a legal and administrative framework directly reflected in formal regulations, yet its implementation in practice often generates controversy. Therefore, a combination of legal text analysis, NGO reports, official government data, and media information allows this study to comprehensively capture the gap between legal norms and the realities experienced by Indonesian migrant workers in Saudi Arabia.

### 3. RESEARCH RESULTS AND DISCUSSION (12 Pt)

#### 3.1. Reform of the Kafala System in Saudi Arabia

Saudi Arabia has been one of the Gulf countries most scrutinized for the kafala practice, due to its high proportion of migrant workers and numerous cases of workers' rights violations. The kafala system in Saudi Arabia legally places employers or recruiting companies as kafil (sponsors) who are solely responsible for the residence and work permits of migrant workers. For domestic workers, the head of the household can also act as a sponsor (kafil). The Ministry of Human Resources and Social Development (HRSD) confirms that sponsors have administrative authority to manage residence permits, employment contracts, and control worker mobility (HRSD, 2020; ILO, 2021).

In the last decade, the Saudi government has made several reforms to the kafala system, which are reflected in amendments to the Labor Law (*Royal Decree No. M/51*) and its implementing policies. Important amendments were made in 2015, 2020, and 2024, marking a gradual shift in worker protection mechanisms. One of the most significant steps was the launch of the Labor Reform Initiative (LRI) on March 14, 2021, run by HRSD. The LRI introduced new freedoms for migrant workers, including:

- Removal of exit permit (*exit-reentry permit*) – migrant workers can leave the country without the employer's consent, simply by applying for permission through the HRSD electronic system.
- Freedom to change jobs (*job mobility*) – employees can move to a new employer after the contract ends without requiring permission from the old sponsor.
- Digital employment contracts – HRSD introduced an electronic employment contract system to ensure transparency, minimize contract manipulation, and strengthen legal aspects for migrant workers.

In addition to the LRI, the latest amendments in 2024 clarify the provisions of key articles in the Labor Law, including:

**Table 1: Latest Amendments in 2024: Key Articles in Labor Law**

Chapter	Contents of the Reformation	Impact on Migrant Workers
Art. 31	Employers are required to cover recruitment, visa, and work permit costs.	Reducing the financial burden on migrant workers
Art. 35	Written contract confirmation for foreign workers	Ensuring legal certainty of employment relations
Art. 37	Terms of futures contracts and trial periods	Protects arbitrary contracts
Art. 39	Job transfer mechanism	Expanding workers' access to legally change employers
Art. 41–42	Sick leave rights and job protection	Providing minimum social protection

Art. 46	Administrative obligations for employers	Ensuring compliance with labor bureaucracy
Art. 48	Work termination	Limiting unilateral contract termination
Art. 51–53	Workers' rights in contracts	Affirming minimum standards for migrant workers' rights

Source: (HRSD, 2024)

These reforms represent Saudi Arabia's effort to align its labor system with international standards and respond to global pressure, highlighting the exploitation of migrant workers under kafala. However, reports by Human Rights Watch (2024) and the ILO note that these reforms have not been fully effective. Wage theft, passport confiscation, and limited access to complaint mechanisms are still common. Structural barriers such as weak inter-agency coordination, limited oversight, and cultural resistance among employers also undermine the effectiveness of reform implementation.

Institutionally, the implementation and reform of the kafala system in Saudi Arabia involves two main actors: the Ministry of Human Resources and Social Development (HRSD), which handles employment and work contracts, and the Ministry of Interior (Jawazat), which is responsible for issuing residence permits (iqamas), entry and exit, and immigration procedures. This inter-institutional synergy is key to the reform's effectiveness, although practice still reveals significant gaps in law enforcement.

Saudi Arabia's kafala reforms have demonstrated normative progress through legal amendments and new policies, particularly through the Labor Reform Initiative 2021–2024. However, the success of these reforms still faces significant challenges in terms of law enforcement, practical protections, and changes in work culture. This categorizes Saudi Arabia's commitment to kafala reform as medium: legal progress has been made, but practical implementation remains weak.

### 3.2. Comparison with Other GCC Countries

The reform of the kafala system in the Gulf states exhibits varying dynamics, with some countries making significant progress, while others have reinforced sponsor controls. This comparison is important for understanding Saudi Arabia's position in the regional context and for assessing the extent to which kafala reform in the GCC states has impacted the protection of migrant workers, including Indonesian domestic workers.

Qatar became the first country in the region to formally abolish the exit *permit* for most migrant workers. Since 2018, the Qatari government, through Law No. 4/2009 and subsequent amendments, has granted workers the freedom to leave the country without their employer's permission. In 2020, this policy was expanded to cover almost all categories of workers, although in practice, exceptions remain, particularly for domestic workers and certain sectors such as oil and gas (Amnesty International, 2019; ILO, 2018). Human Rights Watch reports highlight the gap between formal reforms and implementation, with cases of passport confiscation, delayed wage payments, and limited access for workers to assert their rights.

The United Arab Emirates (UAE) is recorded as the country with the most comprehensive reforms in the GCC. *Federal Decree-Law No. 33/2021*, which will take effect from 2022, replaces the old law and introduces new protections, such as fixed-term employment contracts, sick leave rights, working hour arrangements, and expanded protection for female workers. In addition, *Federal Decree-Law No. 9/2022* specifically regulates domestic workers, guaranteeing the right to rest days, limited working hours, and protection from violence. The UAE also introduced non-sponsored visa mechanisms such as the Green Visa, although the visa status of most workers

remains tied to their employers until the transfer is approved (MOHRE, 2021). With a modern legal framework and an active complaints mechanism, the UAE is considered the most progressive in efforts to reform kafala.

In contrast, Kuwait is demonstrating a regressive policy direction. In 2025, the government introduced a new regulation requiring private sector workers to obtain employer approval before leaving the country. This policy essentially revived the existing labor mechanism. An *exit permit*, which was previously widely criticized by the international community. A Human Rights Watch report (2025) and analyses by international organizations assessed that this policy strengthens sponsors' control and increases migrant workers' vulnerability to exploitation, particularly as their access to reporting violations is increasingly limited.

Oman also undertook significant reforms by replacing *Royal Decree* No. 35/2003 with *Royal Decree* No. 53/2023. This new law strengthens employers' obligations to cover the costs of recruiting and permitting workers, and clarifies the employment contract mechanism. However, the effectiveness of this new law's implementation is still in its early stages, so its practical impact on migrant workers, including Indonesian migrant workers, will require further evaluation (ILO, 2023).

Bahrain introduced the Labor Market Regulatory Authority (LMRA), which has regulated migrant work permits since 2006. Employment Law No. 36/2012 affirms the rights of private sector workers, but international reports continue to document cases of passport retention, delayed wages, and weak protections for domestic workers (HRW, 2021).

In Jordan and Lebanon, reforms remain limited, and law enforcement capacity is weak. Jordan amended its Labor Law in 2023 to improve several provisions, including protections against sexual harassment and tightening regulations on expatriate work permits. However, domestic workers remain highly vulnerable to passport confiscation, long working hours, and criminalization of absconding (HRW, 2011). Meanwhile, Lebanon uses the 2009 Standard Unified Contract (SUC) as the legal framework for migrant domestic workers. Although a 2020 revision of the SUC added important protections such as a ban on passport retention, limitations on wage deductions, and the right to rest days, the decree was subsequently suspended, limiting implementation (Amnesty International, 2020).

This comparison shows that the UAE is the most progressive in kafala reform, while Kuwait, Lebanon, and Jordan are less committed. Saudi Arabia itself falls in the middle, with some important reforms but still facing significant implementation challenges. This cross-country comparison is important to assess that, despite the trend of reform in the region, the gap between law and practice remains wide, directly impacting the vulnerability of migrant workers, including Indonesian domestic workers.

### 3.3. Social Impact on Indonesian Migrant Workers

The reform of the kafala system in Saudi Arabia has not yet had a significant positive impact on the social conditions of Indonesian migrant workers. Despite new policies introducing freedom of mobility and electronic employment contracts, the reality on the ground shows that migrant workers still face various vulnerabilities, primarily due to their position as domestic workers who are completely dependent on sponsors (kafil). Under this system, employers have control over the legal status and residence permits of migrant workers, which is often exploited to restrict freedom of movement, delay salary payments, and even commit abuse without an effective complaint mechanism (HRW, 2024).

Based on BP2MI data, the majority of Indonesian migrant workers placed in Saudi Arabia come from West Java, East Java, Central Java, West Nusa Tenggara, and Banten. They mostly work in the domestic sector as domestic workers (*domestic workers*), *caregivers*, healthcare workers through the G-to-G scheme, and the service/hospitality sector. The concentration of workers in the domestic sector makes Indonesian migrant workers particularly vulnerable to exploitation, as this sector is often excluded from formal protections under labor reforms.

The vulnerability of migrant workers can be broken down into several social dimensions. First, economic exploitation in the form of wage theft or late salary payments. Many cases have been reported where migrant workers have not received wages for years, such as the case of Wasini from Indramayu, who went unpaid for 16 years. Second, physical and psychological violence, as reflected in the case of Nurlela from Karawang, who experienced abuse by her employer. Third, limitations on mobility and personal freedom, where migrant workers often have their passports confiscated by employers, preventing them from reporting violations or changing jobs. Fourth, limited access to justice and legal services, because visa statuses tied to sponsors make migrant workers vulnerable to criminalization if they are deemed to have "runaway" (*absconding*).

This situation is further exacerbated by the gendered perspective of the kafala system. As women, migrant workers face a double layer of vulnerability: in addition to being positioned as migrant workers dependent on sponsors, they also face gender stereotypes that place female domestic workers in a subordinate position. This makes them more vulnerable than male migrant workers, who typically work in the construction or industrial sectors with greater supervision.

Despite legal reforms to the kafala system, the social impact experienced by Indonesian migrant workers in Saudi Arabia remains far from ideal. Structural problems such as economic exploitation, violence, limited mobility, and limited access to justice demonstrate that the vulnerability of migrant workers is not merely an individual issue, but part of a systemic failure in the implementation of kafala reform. This situation reinforces the urgency for Indonesia to advocate for more effective protection for migrant workers through bilateral mechanisms and multilateral cooperation.

### 3.4. Implications for Indonesia–Saudi Arabia Bilateral Politics

The reform of the kafala system in Saudi Arabia has direct implications for the dynamics of bilateral politics between Indonesia and Saudi Arabia, particularly within the framework of migrant worker protection. Saudi Arabia's position on kafala reform is categorized as medium: some normative progress has been made through the Labor Reform Initiative (2021) and amendments to the Labor Law (2024), but implementation on the ground still faces various obstacles, including wage theft, passport confiscation, and limited worker access to complaint mechanisms (HRSD, 2024; HRW, 2024). This gap between formal regulations and field practice is what drives the need for intensive diplomacy from the Indonesian government.

In terms of labor diplomacy, Indonesia has signed several Memoranda of Understanding (MoUs) with Saudi Arabia, focusing on improving employment contracts, salary payments, and dispute resolution mechanisms. One important collaboration is the Implementing Arrangement for the placement of Indonesian healthcare workers in Saudi Arabia through the G-to-G scheme, run by the Indonesian Migrant Workers Association (BP2MI, 2024). However, this stronger formal protection

for healthcare workers does not fully cover migrant workers in the domestic sector, who are most vulnerable to exploitation.

The bilateral political implications can be analyzed in three main dimensions. First, protection diplomacy: Indonesia is required to be more active in pushing for the full implementation of kafala reforms in Saudi Arabia, for example, by affirming the prohibition on passport retention, ensuring wage payment certainty, and ensuring workers' access to fair legal mechanisms. Second, economic-political relations: Saudi Arabia's dependence on Indonesian migrant workers in the domestic, caregiving, and healthcare sectors is a strategic factor that can strengthen Indonesia's bargaining position in bilateral negotiations. Third, regional commitment: compared to the UAE (high commitment) and Qatar (medium-high), Saudi Arabia's position, which is only in the medium category, suggests that Indonesia needs to strengthen diplomatic alliances with other Gulf states to promote more consistent migrant worker protection standards.

The kafala reform in Saudi Arabia is not only a legal and social issue but also has strategic implications for bilateral politics. Indonesia is required to not only sign a formal MoU but also ensure its implementation on the ground through monitoring mechanisms, improved complaint services, and close coordination with the Human Resources Development Agency (HRSD) and the Job Creation Law Agency (Jawazat). Furthermore, Indonesian diplomacy needs to expand the negotiation agenda, not only to formal sectors such as health, but also to encompass domestic sectors where the largest number of migrant workers are employed. This is crucial to ensure that the protection of Indonesian migrant workers remains not merely a paper commitment but also a tangible reality in the practice of bilateral relations.

#### 4. CONCLUSION

Saudi Arabia's reform of the kafala system through the 2021 Labor Reform Initiative and the 2024 amendments to the Labor Law represent significant normative progress. These reforms include the elimination of exit permits (*exit permit*), expanding opportunities for job mobility, and implementing digital employment contracts. However, the implementation of these reforms still faces significant obstacles, such as weak oversight, cases of wage theft, passport confiscation, and cultural resistance from employers. Compared with other GCC countries, Saudi Arabia's commitment to reform can be categorized as moderate. The United Arab Emirates has adopted a more progressive approach, while Kuwait, Lebanon, and Jordan have demonstrated more restrictive or minimal efforts. These conditions continue to impact Indonesian migrant workers, particularly those working in the domestic, care, healthcare, and hospitality sectors. They remain vulnerable to economic exploitation, physical and psychological abuse, limited mobility, and limited access to justice. The findings of this study confirm that reform of the kafala system is not only a legal and social issue, but also a crucial factor in shaping the dynamics of bilateral diplomacy between Indonesia and Saudi Arabia. This underscores the need for more effective and comprehensive protection mechanisms for Indonesian migrant workers.

This research is limited by its heavy reliance on secondary data, which limits its ability to capture both direct implementation challenges and the lived experiences of migrant workers. The analysis is also influenced by the availability of official reports, which may not fully reflect undocumented cases or informal practices within the kafala system.

Further research is recommended to utilize primary data collection, including interviews with migrant workers, government officials, and recruitment agencies, to obtain a more accurate picture of the actual impact of kafala reform. Comparative studies across

GCC countries, long-term monitoring of policy changes, and research focusing on gender dimensions are also recommended to provide a deeper understanding of the development of migrant worker protection in the Middle East.

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