

FEMALE WORKERS AND MISTREATMENT IN MALAYSIA: A CASE OF HOUSEMAIDS FROM CENTRAL JAVA

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Abstract

This paper aims to examine the main reason why some Indonesian housemaids are badly treated in Malaysia and to highlight the steps taken by Indonesian and Malaysian governments to cope with this situation. The study uses a phenomenology qualitative approach with a social paradigm definition of micro analysis. This research was conducted in Central Java. The subjects of the research were female workers in Malaysia and their families, government, and the House of Representatives. The techniques of the data collecting included observation, interview, and documentation. The data were analyzed by implementing first order understanding and second order understanding. The data were analyzed with an interactive model: data reduction, data display, and conclusion. The results from this study demonstrate that: 1) the main reason some Indonesian housemaids are badly treated in Malaysia is due to low competency, miscommunication, bad institutional structure, and difference in Act of Indonesian-Malaysian; and 2) the steps taken by Indonesian-Malaysia governments to overcome this situation are by providing assurance for non-problematic employers to employ Indonesian workers, establishing a Cooperation Agency for problem solving, resolving all problems by Indonesian and Malaysian Cooperation Associations, and revising the Memorandum of Understanding (MoU) for Labor Force.

Keywords: female workers, housemaids, mistreatment, Malaysia, Indonesia

Presenting Author's biography



Dr. Tjipto Subadi, MSi. was born in Sukoharjo June 7, 1953. He is a doctoral education social sciences and teaches geography education. He graduated from Muhammadiyah University of Surakarta. He published two articles in international journals, namely: 1) A Lesson Study as a Development Model of Professional Teachers (International Journal of Education); and 2) Indonesian Female Migrants and Employers' Mistreatment in Malaysia: a Case of Domestic Servants from Central Java (Research on Humanities and Social Sciences).

1. background

Mobility of population, or widely known as migration, formally had begun since 1905. This mobility was intended to meet the need of farming workers. At the moment, the Dutch government had migrated 155 heads of household from Java to Gedong Tataan of South Sumatra (Subadi and Ismail, 2013) [1]. In Central Java, the 2010 population census indicates that the migration into the central Java reached 301.417 people and outmigration out of Java reached 979.860 people. In 2005, the migration to the outside of Java reached 662.193 people and those who came to Java reached 327.604 people (BPS, 2010). In Central Java, the number of transmigration tended to fall from 2005 to 2010.

In 2005, the condition of labor in Central Java was reflected in the productive age (over 15 years old) reached 15,892,588 people; 9,514,816 (59.13%) were female, and 6,377,772 (40.13%) were male. The amount of the employed people attained 14,230,276 people; 8,614,571 (60.545) were male and 5,615,705 (39.46%) were female. A working labor force rate (WLFR) was 71.70%, with 87.68% male and 56.7% female.

In 2002, the amount of the unemployed was high, reaching 984,234 people; it slightly decreased in 2003 to 912,513 people, but it increased significantly to 1,299,220 in 2004; it increased again to 1,422,256 people in 2005, and decreased slightly to 1,296,000 in 2006. The amount of people included in the semi-unemployed was 5,350,413 people in 2002, 5,238,231 in 2003, 5,394,965 in 2004, 5,185,409 in 2005, and 5,062,062 in 2006.

The data in 2014-2015 showed that labor force in Central Java, in August 2014 reached 17,550,000 people, the number amounted to 17,720,000 in February 2014, and in February 2015, it amounted to 18,290,000 people. While the number of people who work in Central Java in August 2014 reached 16,550,000 people, in February 2014 amounted to 16,750,000 people, and in February 2015 amounted to 17,320,000 people (Press Release Central Java 37/05/33 /May 5, 2015) [2]. Based on the above data in Central Java, unemployment is increasing from year to year; therefore, one solution is to send workers abroad.

An economic factor is dominantly considered as a main reason people migrate. This is consistent with Todaro's finding (1992) [3], stating that the gap of pay is a determinant why people migrate. Todaro states that salary factor is one of the most determining reasons of labor mobility from an area with over abundant workers in low wage to that with fewer workers in high wage. This approach assumes that a rational economic pattern is migrants' decision, finally leading to labor transfer. The finding of Subadi research (2004) [4], entitled *A Migration of Tegalombo People Village: an Analysis of circular Migration in Phenomenology Perspective* states that a process of making decision in circular migration depends on whether or not there is some consideration of social relationship, economic favor, healthy and life insurances.

This phenomenon could be assumed as the reason to send female workers to a country that will employ workers; and the major reason of that is due to economic problem and Indonesia low salary rate. It is such a condition that encourages female workers to make a decision in working abroad because the salary is higher than in Indonesia, and Malaysia is one of the destination countries for female workers of Central Java Province.

Ahmad Kamil Mohamed (2007) [5] states that Malaysia is one of the countries that needs the highest foreign workers in Asia. About 12% of its labors are foreign people, in which most of them work in training field, oil palm farm, and domestic service. Almost half million of foreign people are illegal, most of them come from Indonesia and they have left Malaysia for a forgiving program ending on February 2004. This condition has caused significant lack number of workers in Malaysia, leading the industry to lose millions of Malaysian ringgit (Utusan Malaysia, April 11, 2007).

Indonesia is one of the highest sources of labor for Malaysia. As one of the Indonesian province, Central Java greatly contributes the sending of female workers (FWs) to Malaysia. For Indonesian government, sending its labors and FWs to Malaysia is one of the ways to solve unemployment and

contribute a foreign exchange of \$2.6 million (Darwin, 2005: 280) [6] According to Labor Force and Transmigration and Demography Affairs of Provincial Central Java, the remittance sent to Central Java attains 926,085,803,912 rupiahs.

For Indonesian government, in one side, sending female workers abroad is necessary to solve unemployment; however, on the other side, the female workers face many problems in their destination country, for example, torture or mistreatment against female workers, in which there is still no solution of these problems.

In the study, the problems are as follows: 1) the main reasons why some Indonesian housemaids are badly treated in Malaysia, and 2) the steps taken by Indonesian and Malaysian governments to cope with this situation. And this paper aims to answer both questions based on the research conducted.

tempointeraktif.com on Tuesday, June 27, wrote about a case of a female worker who was tortured or mistreated by their employers, Modesta Rengga Kaka. Modesta's case is revealed by the testimony of Choo Pelling's neighbor who pitied her for getting a punishment for talking back on Wednesday night (June, 26) when it was raining heavily. The neighbor called the local police and one hour later, the police came to save Modesta and arrest her employer (Choo Pelling) at Ampang Police Office.

In the Embassy of Republic of Indonesia (KBRI) in Kuala Lumpur, Modesta said that she was punched and hit with a wood and rattan. In addition, she only had a meal once a day and her salary was not paid to her for nine months. She also said that she did not escape because she expected to accept her salary.

According to Widyarka Ryananta, a Ministerial Counselor of Social and Cultural Information of the KBRI in Kuala Lumpur, he will assist closely with her in the legal process. The KBRI has sent a letter to HANZZSdn Bhd, the agency that sent her to Malaysia.

According to Sumardoko, the Head of Social Relationship of Labor Force and Transmigration center Java, Indonesia, said that he did not know about Modesta's problem but he promised to contact Teguh Hendro Cahyono, an Attaché of Indonesian Labor Force in Malaysia.

Even though sending Indonesian female workers is one of the ways to solve unemployment and contribute a foreign exchange, in the process of recruitment and allocation, the female workers always become an unfavorable party. In addition, there are many problems with certain charged fee to female workers before going abroad and legal guarantee for safety is not yet a priority for them.

The Indonesian Republic Act No. 39 of 2004 [7] concerning the Allocation and TKI (Indonesian Workers) Protection Abroad stipulates that in Article 77: (1) every candidate TKI / TKW has the right to protection in accordance with the legislation, and (2) protection as referred to in paragraph one shall be implemented from pre placement, placement period, until after placement.

It is also stated that the Article 78 (1) Representative of the Republic of Indonesia to provide protection to migrant workers abroad in accordance with laws and regulations and international law and practices. (2) In order to protect migrant workers abroad, the Government may establish the post of labor attaché at the Indonesian Representative particular. (3) Assignment Attaché Employment referred to in paragraph two shall be conducted in accordance by legislation.

Article 79 states that in order to provide protection during the placement of migrant workers abroad, Representative of the Republic of Indonesia to provide guidance and supervision of a representative PPTKIS and workers who are placed abroad.

Regarding the protection of the female workers in Malaysia, the Malaysian government has issued A Guideline and Qualifications of Employing Foreign Servants (GQFS). The Malaysian Immigration Agency (2006), coordinating foreign workers, has determined 30 guidelines and qualifications of employing foreign servants informed to employers and servant agencies.

2. Method

The study uses Berger's theory of phenomenology (Berger, 1967) [8] with a social definition paradigm for the micro analysis. The researchers then will interpret a case based on their scientific knowledge.

Berger defines his method as the first order understanding (asking the researcher to interview the people to find accurate information) and second order understanding (explaining and interpreting the result of interview for elaborating a new meaning).

The subject of the study is Indonesian housemaids in Malaysia (5 people) from Central Java who were mistreated by their employers in Malaysia. In addition, there were other informants selected on the basis of validity consideration. They were the neighbors (5 people) of the female workers, their families (10 people), one person from Indonesian Labor Allocation and Protection Agency (BP3TKI), and the Head of Provincial Agency).

In obtaining information of the Indonesian domestic servants in Malaysia, the researchers went to the Central Java Provincial Department of Labor to consult to the head of BP3TKI for crosschecking the information. Then, the researchers interviewed the selected domestic servants who were mistreated by their employers in Malaysia.

The data collection was done by using the method of observation, documentation, and in-depth interview. The researchers took many pictures of the servants' present physical condition for documentation. The researchers used a structural and semi structural in-depth interview. In this interview, the researchers asked some substantial questions that could be developed into more detailed questions.

The data analysis was done by employing a method of first order understanding and second order understanding with an interactive model, including data reduction, data display and conclusion/verification (Miles, 2007) [9]. The researchers analyzed the domestic servants' and other informants' information and then asked them on the accuracy of the information. The researchers then selected and analyzed the accurate information and eliminated the inaccurate one.

3. Findings Research

The main reason why some Indonesian housemaids are badly treated in Malaysia.

This study surveyed five cases of domestic servants from Central Java who experienced abuse in Malaysia. Information collected either directly from the victim or from their families. Discussion of the case are as follows: based on the data that the researchers found in the field, some cases of torture of women workers by employers in Malaysia often occurs, and they were, among others the case of Siti Musrifah, Pujianti, Siti Hajar, Modesta, Sutilah, and Siti Musriah.

The Case of Siti Musrifah.

Siti Musrifah is a female worker from Demak. She was tortured by her employer in Malaysia, and as the result of torture, she had to undergo a treatment at Rumah Sakit (Hospital) Mranggen Demak. Siti's body was scarred due to torture. Her left ear ultimately suffered from defects. She said; "I do not know why I was often beaten employer in Malaysia." Further, she explained: "I do not know my mistakes. Almost every day I was hit with a stick, even though I worked until late at night, I tried to escape from my employer's house but my employer always found me. The employer said to me: your work is not satisfactory, you are not a professional, we have miscommunication.

The Case of Pujianti (from Magelang, Central Java).

Since August 5, 2008, she was tortured by employer (a Chinese) in Malaysia. She was frequently beaten, forced to drink detergent, to eat sands, and the salary was not paid to her for one year. "The reason why I was hit, according to my employer was because I always misunderstood my employer's command, and that I did not have the ability to work as a maid in Malaysia."

The Case of Siti Hajar, (Sunday, June 14, 2009).

Siti Hajar was tortured by her employer in Malaysia. In the view of the National Agency for the Placement and Protection of Labor (BN2TKI) of Central Java (Rachman), based on information from her employer, Siti Hajar was frequently beaten up by his employer because she could not meet the employers' desire, she frequently made mistakes in her work, and lastly, it was the culture in Malaysian families that both mild and severe error must be sanctioned.

The Case of Modesta Rengga Kaka

Similarly, the victims of torture by the employers also override Modesta Rengga Kaka. Modesta, in which she was probably tortured by Choo Pelling, suffered from serious body injury. Her ear cannot work normally, which made her have the difficulty in communicating with others. According to the doctor, her eardrums were damaged. Modesta explained "In addition to being abused by employers, I was often beaten with wooden and rattan. Tragically, I only ate once a day. My salary was not paid for 19 months. I did not want to run away from my employer, because I still hope that they would pay my salary." Modesta's case is revealed by the testimony of Choo Pelling's neighbor who pitied her for getting a punishment for talking back on Wednesday night (June, 26) when it was raining heavily. The neighbor called the local police and one hour later, the police came to save Modesta and arrest her employer (Choo Pelling) at Ampang Police Office. Unfortunately, the case is not solved completely. This means that there are weaknesses in the legal system and institutional structure.

The Case of Sutilah.

The Head of Manpower, Transmigration and Population Central Java (Siswo Laksono) in their Official Memorandum submitted to the Central Java Governor through the Secretary, No. 560/6974, dated 26-8-2009: Subject, TKI Case Report Sutilah, explained that Sutilah worked in Malaysia through a recruitment agency PT Arni Family Semarang District. She had been treated as a slave and tortured by the employer for refusing to comply with the employer's wishes. In addition, the employers also abused her and she was only fed with bread and apples. Entering the third month, Sutilah fell ill, and the employer threw her out of his home. She was later found by a driver who came from Surabaya, and then she was brought to the Indonesian Embassy in Kuala Lumpur.

The cases of abused women workers in Malaysia are mainly caused by poor institutional structures and the differences of law between Indonesia and Malaysia. The Indonesian government, represented by the Governor of Central Java (Mardiyanto, 2005) stated that the Indonesian government expressed that the violence experienced by the female workers in Malaysia is due to the difference in Labor Act.

From these data, it can be concluded that the main reason why some Indonesian housemaids are badly treated in Malaysia is due to low competency, miscommunication, bad institutional structure, and the differences between the Acts of Indonesian-Malaysian

The steps taken by the Indonesian-Malaysia governments to cope with this situation.

The research results encourage the researchers to interview Ahmed (former member of Commission E DPRD Central Java), which was as follows: the government should provide assurance for non-problematic employers to employ the Indonesian workers, establishing a Cooperation Agency for problem solving (interview from 12/07/2014).

The view from the Malaysian government, Prime Minister of Malaysia, states that the Government of Malaysia welcomes the arrival of Indonesian workers well, and will continue to take great effort of protecting them, especially those who have complied with legal procedures. They will also provide legal certainty to employers who have no problem to continue to use female workers and prohibits the employer in question for the female workers legally. The Malaysian government will try to realize the justice among Malaysian people who take a violent action against Indonesia workers to comply with the Act. The Minister of Human Resources Department agrees to establish an agency to make sure the issue of organizing the recruitment of Indonesian servants/workers. In addition, they will get a one-day or week furlough. If they do not get this furlough, the government will give any compensation to them and ensure that the employers will provide a bank account for their servants (Utusan Malaysia, 28/06/2009).

The steps taken by the Indonesian-Malaysia governments to cope with this situation are by providing assurance for non-problematic employers to employing the Indonesian workers, establishing a Cooperation Agency for problem solving, giving one day off of every week or give them compensation, resolving all problems by the Indonesian and Malaysian Cooperation Associations, and revising the Memorandum of Understanding (MoU) for Labor Force.

4. DISCUSSION

First, the main reason why some Indonesian housemaids (Siti Musrifah, Pujianti, Siti Hajar, Modesta, Sutilah, and Siti Musriah) are badly treated in Malaysia is due to low competency and miscommunication.

The case of Siti Musrifah, the employer said that Musrifah's work was not satisfactory, she was not a professional, and some miscommunication. From Pujianti's, she was frequently beaten, because she always misunderstood her employer, and that she did not have the ability to work as a maid in Malaysia. The case of Siti Hajar, she was frequently beaten by her employer, because she cannot satisfy the employers' desires. Modesta's case was revealed by the testimony of Choo Pelling's neighbor who pitied her for getting a punishment for talking back on Wednesday night (June, 26) when it was raining heavily. Unfortunately, the case is not solved completely. This means that there are weaknesses in the legal system and institutional structure. While in Sutilah's case, she had been treated as a slave and was tortured by the employer, because there was always miscommunication with the employer, and she did not have the ability to work as a maid in Malaysia.

This is in accordance with Nazarudin Zainun and Soijah Likin's opinion (2004) [10] that it is necessary to understand servants' attitude and behavior: "what are factors that really cause torture against servants? And why does the employer torture his or her servant?" They suggested some answers to that problem that servants' qualifications do not meet employers' expectation. An employer has to pay at least RM5,000 to the agent for getting a servant in addition to the servant's monthly salary of about RM400 per month. Therefore, the employer has very high expectation in getting most qualified servant. If the servant fails to serve as they expect, the employer will be very disappointed and this will lead to mistreatment. Furthermore, there is the tendency of having low education among the Indonesian maids. Consequently, it will make them have the difficulty in understanding what their employers want. Most of them use broken mother tongue language for communicating. Some of Indonesian housemaids are even having difficulties in understanding their proper mother tongue language, even more, to understand another language. This subsequently leads to miscommunication or misunderstanding of the instruction regarding the house chores. Consequently, this will create tension and rouse anger among the employers.

Another reason that some Indonesian housemaids are badly treated in Malaysia is due to bad institutional structure and the differences in Acts by Indonesian-Malaysian.

There are some differences in the Labor Act of the two countries, specifically Malaysia. Mardiyanto (2005) [11] explained that the Indonesian government expressed that the violence female workers in Malaysia is caused by the differences in Labor Act. The difference often times results in violent case of abuse experienced by Indonesian labors; thus, the case is more difficult to solve, as expected by the Indonesian people.

Furthermore, he said that as one of the countries employing the Indonesian labors, the Labor Act of Brunei Darussalam is not highly different from the Indonesian Labor Act. The government of Brunei Darussalam always records women workers working in their country through the local labor agency; therefore, the country seldom questions about illegal women workers. A different Act that regulates problem with labors results in a violent action against servants and it does not get any solution as expected by the Indonesian people. Therefore, great difference between Indonesian and Malaysian's Act results in violence acts against servants, especially those related to human rights and social insurance of "not having legal protection."

It is consistent with the Minister of Labor and Transmigration, Suparno Erman, states that the violent or mistreatment action is caused by the difference in Labor Act of both countries. In terms of the

Labor Act, Malaysia has greatly different Act compared to Indonesia. Furthermore, he said that it is the difference that frequently results in violent cases of women workers; thus, sometimes the cases are more difficult to solve, as they are expected by the Indonesian people.

As one of the countries employing the Indonesian labors, the Labor Act of Brunei Darussalam is not highly different from the Indonesian Labor Act. The government of Brunei Darussalam always records women workers working in the country through the local labor agency; therefore, the country seldom questions about illegal women workers (Saturday, June 20, 2009; Time: 22:42 West Time of Semarang Central Java).

The senior researcher, Datuk Firdaus Abdullah (2009) [12] Pengajian Melayu Academy, Malaya University, states that the case of violence against servants is not only considered as a normal criminal action, but it also includes many other aspects. In addition to the humanistic dimension, criminal issue and violence against foreign servants in Malaysia will also have a diplomatic, international relation, and enforcement dimension of the Act. It means that in addition to disturbing the relationship of the two countries, this case can also result in a confidence crisis in state administration and our justice system.

From these discussions, it can be concluded that the main reason that some Indonesian housemaids are badly treated in Malaysia is due to low competency, miscommunication, bad institutional structure, and the differences of Act by Indonesia and Malaysia.

Second, the discussion of the steps taken by the Indonesian-Malaysia governments to cope with this situation (abuse of women workers) states that the Indonesian-Malaysia governments will provide assurance for employers to hire non-problematic Indonesian workers, and will continue to take great effort of protecting them, especially those who have complied with legal procedures. The Malaysian government will try to realize the justice among Malaysian people who take a violent action against Indonesia workers to comply with the Act. In an interview with the Minister of Human Resources Department, he agrees to establish an agency to make sure an issue of organizing the recruitment of the Indonesian servants (interview 28/06/2009).

Besides this, the steps taken by the Indonesian-Malaysia governments to cope with this situation are by providing assurance for non-problematic employers to employ Indonesian workers, establishing a Cooperation Agency for problem solving, giving one day off every week or giving them compensation, resolving all problems by the Indonesian and Malaysian Cooperation Associations, and revising the Memorandum of Understanding (MoU) for Labor Force.

This discussion is supported by the two countries (Indonesia and Malaysia). Malaysia as represented by Prime Minister of Malaysia states that the Government of Malaysia welcomes the arrival of Indonesian workers well, and will continue to take great effort of protecting them, especially those who have complied with legal procedures. They will also provide legal certainty to employers who have no problem to continue to use female workers and prohibits the employer in question for the female workers legally. The Malaysian government will try to realize the justice among Malaysian people who take a violent action against Indonesia workers to comply with the Act.

The Minister of Human Resources Department agrees to establish an agency to make sure the issue of organizing the recruitment of Indonesian servants/workers. In addition, they will get a one-day or week furlough. If they do not get this furlough, the government will give any compensation to them and ensure that the employers will provide a bank account for their servants.

The steps taken by the Indonesian-Malaysia governments to cope with this situation are by providing assurance for non-problematic employers to employ Indonesian workers, establishing a Cooperation Agency for problem solving, giving one day off every week or giving them compensation, resolving all problems by the Indonesian and Malaysian Cooperation Associations, and revising the Memorandum of Understanding (MoU) for Labor Force.

This means that some steps were already taken by the Indonesian and Malaysian Governments in cooperation. An agreement of both countries (Indonesia and Malaysia) to cope with the problem of Indonesian workers and female workers in Malaysia is as follows: (1)the Indonesian government guarantees that an employer who has paid for a fee to agencies of servants in Malaysia and Indonesia

will be true to take a servant from Indonesia to Malaysia for the employers; (2) the guarantee is committed by a Minister of the Indonesian Labor and Transmigration in the meeting with a Minister of the Malaysian Human Resources.

From the discussion, it can be concluded that the steps taken by the government of Indonesia and Malaysia to overcome violence are by providing assurance for employers to hire non-problematic Indonesian workers, establishing Cooperation Agency troubleshooting, solving the problems with Indonesia and Malaysia Cooperation Association, and revising Memorandum of Understanding (MoU) for Labor Force

5. Conclusion

The Main Causes of Tortured FWs by their Employers

Mainly, the main causes of torture case against FWs from Central Java are due to five factors. They include miscommunication between the employer and servant, pissing off their employers with low competency and the employers' high demand, making the employers disappointed with their job, different culture in which the Malaysian employers think that when the workers talk back to the employers means debating and the culture in which any servants' fault deserve to be punished, feudalistic and slave attitude, influencing employers to vent their anger on his or her servant. The employers (servants) are considered as slaves in Malaysia. There is also another cause of violence and torture that there is low-institutional structure and low agency where the agency that does not control the hiring process. Lastly, there is different Act, making a violent action experienced by ILS.

Steps taken by the government of Indonesia and Malaysia to overcome Violence

The steps taken by the government of Indonesia and Malaysia to overcome this problem are by providing assurance for employers to hire non-problematic Indonesian workers, establishing Cooperation Agency troubleshooting, solving the problems with Indonesia and Malaysia Cooperation Association, and revising Memorandum of Understanding (MoU) for Labor Force

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