



CHAPTER 8

“Women Migrant Workers in the Perspective of Gender Equality in Family and in the Perspective of Islam”

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This paper is a literature review to illustrate the theoretical analysis of how the actual perspective of women migrant workers, viewed from the perspective of gender equality. And because generally they are married, so this gender equality is correlated with the role of husband and wife in the family. The other review is also carried out by the author in the perspective of Islam, because Islam is the majority religion in Indonesia, which is the religion of the most widely practiced by women migrant workers. The discussion begins with a description of the conditions of women migrant workers abroad with all the problems that exist and their effects on families in the perspective of gender equality. Then proceed to discuss the condition of the woman migrant worker in an Islamic perspective.

Background

Based on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Article 2 paragraph (1) states the term "migrant worker" refers to someone who will do paid work in a country where he is not a citizen. Law Number 39 Year 2004 Article 1 Paragraph (1) defines migrant workers as "Indonesian Workers (TKI), that is, every Indonesian citizen who is eligible to work abroad in a work relationship for a certain period of time with a salary".

The National Agency for Placement and Protection of Indonesian Migrant Workers (BNP2TKI) released the number of male migrant workers abroad in 2015 as many as 108,965 and the number of female migrant workers as many as 166,771 (BNP2TKI, 2016). This shows that there

are still more female migrant workers abroad than male migrant workers.

Many physical and non-physical violence experienced by women migrant workers. Tuti a woman migrant worker sentenced to death in 2018. Tuti was blamed for the murder of her employer that occurred on May 11, 2010. Although many injustices experienced by Tuti before: worked 8 months and only paid 6 months, often get sexual harassment and the killings occur because in self-defense. The same thing also happened to Siti Zaenab, a woman migrant worker from East Java. Zaenab was sentenced to death for killing his employer who often beat, even strangled him (Pinter Politik.com, 1 Nov 2018). The unfortunate news of the migrant workers did not make the prospective migrant workers to discourage because generally they have no other choice to get a job.

Some migrant workers originating from Indonesia because they face the demands of needs in the family, forcing every married couple to work. Limited employment opportunities, finally chose the shortcut by becoming Indonesian workers (TKI) by working abroad, especially women who are married. A married couple who become migrant workers and live a long distance, will raise many problems, especially in terms of communication. One problem that arises from interpersonal communication between the husband or wife of migrant workers is due to lack of communication intensity. This can be caused by expensive communication costs, busy with work routines, and the difficulty of communication. This can develop into a serious problem in the family and eventually divorce (Baihaqi, et al. 2018).

The main motivation for women to become migrant workers is to improve their economic lives, with the permission of their husbands. Even the case of a husband who pushed his wife as a migrant worker was found because he saw the success of several neighboring villages who built his house into a better building after working as a migrant worker (Munandar, 2013).

Seeing the above phenomenon, raises the question of how the actual perspective of migrant workers who work abroad, viewed from the perspective of gender equality in the family and viewed from an Islamic perspective.

WOMEN MIGRANT WORKERS IN THE PERSPECTIVE OF GENDER EQUALITY IN FAMILY AND IN THE PERSPECTIVE OF ISLAM

The discussion in this section will highlight woman migrant workers with all their characteristics in a review of gender theory in general namely Nature and Nurture, in addition to other special theories such as structural functional theory, conflict theory and feminist group theory.

1. Women Migrant Workers in the perspective of gender equality in the family

Women migrant workers with all the positive and negative things they experience will be discussed first in the context of gender bias. Inequality gender is a view that distinguishes the roles, positions and responsibilities between men and women in family, community and even country life. The issue of inequality gender is what ultimately gives birth to gender injustice in the form of marginalization, subordination, stereotyping, double burden and acts of violence against women.

Marginalization is the exclusion of women, among others in taking up opportunities in the

productive sector of a particular job. Subordination is the placement of women as subordinates of men so that they cannot make decisions regarding several matters related to themselves and their families. Stereotypes are negative labeling of women, among others, as creatures who are physically and intellectually weak, so that they are always considered weak compared to men. While the double burden in question is if the wife also works outside the home, then in addition to obligations in the public sector, the wife also has obligations in the domestic sector / domestic affairs.

In the English dictionary, sex and gender are both interpreted as "sex" (Echols, 1993: 263)

The term gene is then transferred into Indonesian into gender (Aisha, 2013; Anwar, 2015)

While sex is sex, a difference between men and women is seen from the biological side.

Gender is inherently natural and has its own function. Men have male reproductive organs such as the penis, testicles, and women have reproductive organs including the vagina, uterus and breasts. The genitals are biologically attached to humans according to their sex and are the provisions of nature or the provisions of Allah swt.

Biological anatomy that is different from men and women is the main factor in determining the social roles of the two sexes. Men play a major role in society because they are considered more potential, stronger and more productive. While women because of their reproductive organs (pregnancy, breastfeeding and menstruation), are considered to have limited mobility. That difference finally gave birth to the separation of the two functions and responsibilities between men and women. Men play a role in the public sector and women in the domestic sector. This point of view is known as nature's gender theory (Aisyah, 2013).

Whereas based on the theory of nurture mentioned that gender is a concept that examines the differences between men and women as a result of the formation of personalities that come from the community (social conditions, customs and culture that apply). Gender in this sense is a form of social engineering (social constructions), not something that is natural (Aisha, 2013). In the sense that the division of roles of men in the public sector and women in the domestic sector is not a gift from God but is the result of the socio-cultural construction of the communities in which women live. In other words, based on this theory, conditions can be reversed where women work in the public sector and men in the domestic sector, due to the demands of prevailing social conditions, customs and culture.

This condition happens to women migrant workers who work abroad. Many of them decide to work abroad with minimal capabilities / expertise and ultimately can only be placed as workers in the domestic sector or domestic workers, even through unsafe migration processes. Within the framework of manifesting gender injustice, women in this case experience marginalization or marginalization which causes poverty.

Because of economic demands, they replaced the role of the husband plunging into the public sector to make a living. While the husband left at home will replace the domestic role of the wife including taking care of the house, taking care of children's education and some husbands

also work to supplement their income.

Besides based on the viewpoint of nature and nurture theory, gender reflection in the family will also be explained according to functional structural theory, conflict theory and feminism theory. According to structural functional theory in the context of gender relations, sexual division of roles is natural. The husband takes an instrumental role, helping to maintain the joints of the community and the physical integrity of the family by providing food, shelter and being the family's liaison with the outside world, the world outside the home. While the wife takes an expressive role to help thicken the relationship, provide emotional support and foster quality that sustains the integrity of the family and guarantees the smooth running of household affairs (Aisyah, 2013). This theory has been used ideologically to provide recognition of the perpetuation of male domination and gender stratification in the family in particular and society in general.

Whereas when referring to the theory of conflict, the pattern of husband-wife relations is analogous to the relationship between the capitalist and proletarian classes, servants, blackmailers and the blackmailed, and this has been constructed in the lives of people including households. According to this theory, conflict situations in family institutions are not regarded as abnormal or dysfunctional, but rather as natural in the social process. A husband who has a position as head of the family will cause open conflict with his wife who is a housewife. This is natural and natural, because according to the view of this theory who has power will oppress who is underneath.

Internalization of the 2 types of theory above can be described in the following conditions: some female migrant workers seek work abroad precisely because they are requested by their own husband (Munandar, 2013). So if women actually do not want that, there has been a gender bias, namely subordination. In other words, women are forced / cannot make their own decisions to do work that they do not really want.

In addition to the two theories above, there are theories according to the views of feminist groups. Feminist groups are divided into several namely: liberal, socialist, radical, existential and postmodern. The first of two still recognize the existence of husband and wife relationships in the family. Therefore, the discussion regarding women migrant workers in their families are only based on an understanding of the view of liberalist feminist and socialist feminism.

A. Gender in the view of liberalist feminis

Liberalists have the idea that men and women are created in a balanced and harmonious way. This view justifies women can work with men and entering total in public roles. Women must be involved in various social, economic and political roles. All matters related to the biological condition of women, do not become a barrier to these roles. Husband and wife in this family have a balanced position. The wife can carry out the public role, and the husband must also be willing to carry out the domestic role. Families in this school do not recognize dominance and inferiority.

B. Gender in the view of socialist feminism

This view thought expresses that the pattern of gender relations in the reality of society is more caused by cultural factors. Therefore, in order for the pattern of relations between men and

women to be balanced it needs a deep review of the structure, especially eliminating the dichotomy of domestic and public sector jobs (Aisyah, 2013). The internalization of the two theories of socialist and liberalist feminism above can be seen in the condition in which the wife undertakes work as a female migrant worker abroad for the results of a joint decision with her husband, with the consequences of changing domestic and public roles in each individual husband / wife. Husband in this case will play a more domestic role, such as a caregiver, manage household, manage children's education, even not infrequently also the husband is still working in the public sector to earn extra income.

C. Gender in the view of radical feminism

This view implies that women can also become heads of families. The core concept of the family by the radical feminism of family leaders is not always men. The wife can also be the head of the family. This group wants to replace the patriarchal culture which has ingrained in the body of the family institution with matrilineal. This view allows a wife to be the head of the family.

D. Gender in the view of existential feminism

The figure in this view considers that the institution of marriage seizes women's freedom. So that this view does not know the concept of family and even refuses to legalize marriage. Men and women can live side by side without being united by marital ties. According to him, women can exist on their own.

E. Gender in view of postmodern feminism

This view seeks to dismantle social and cultural constructions in the body of society. This was done because the socio-cultural construction in the community was considered to hinder women's freedom. This view also tries to dismantle constructions in the family, where in the family there is actually a firmer opinion that does not benefit women. This flow supports the flow of existential theory.

2. Women migrant workers in an Islamic perspective

Islam is a Shari'a revealed by Allah, Lord of the Universe. He is the Creator and Knows the intricacies of His creation. Only Allah Who Knows which is good and fixes His servants, as well as what is bad and endanger them. Therefore, Islam is the best, most complete and most noble rule of human life. Only Islam can deliver people to the goodness, progress, and happiness of the afterlife. One of the proofs of Islam can lead humans towards the happiness of the world and the hereafter is to glorify women (Enginer, 1992).

Before the advent of Islam, women were very humiliated. In the days of ignorance women did not get inheritance even women like assets that can be inherited to heirs. At that time every family that has a daughter will feel ashamed, so that burying his daughter alive (Ramadan, 2002).

But after the advent of Islam, women gained a high position. Women have the right to inheritance. Women are honored with orders to close the genitals / hijab. Women are ordered to be at home in honor so as not to be disturbed and humiliated. They do not go out unless there is an important need and with the permission of their husband. This shows that Islam is very

protective of a woman's dignity (Sukri, 2002).

Islam also commands men to protect and maintain the dignity of a woman. This is evidenced by making the man as head of the family, on his shoulders is the main responsibility of the inner birth and family. Islam is also very proportional in dividing household tasks, the head of the family is given the main task of completing all matters outside the home, while the mother has a noble main task, namely to take care of all matters within the home.

In the letter An-Nisa 'verse 34 it is stated that "Men (husbands) are leaders for women (wives), because Allah has exaggerated some of them (men) over some others (women), and because they (men) have provided a living from their wealth "(Surah An-Nisa: 34). That is, let you (the wives) occupy your house, and do not go out unless there is a need. Among the needs that are shar'i are leaving the house to pray at the mosque by fulfilling its requirements "(Tafsir Ibn Kathir, 6/409).

This is the ideal family in Islam, the head of the family as the main person in charge of affairs outside the home, and the mother as the main person in charge of affairs in the home. If this rule is truly applied, and husband and wife understand each other's respective tasks, surely the developed and balanced social order in the moral and material fields will be achieved, inner peace and harmony, and also the happiness of the afterlife (Nurmansyah, 2010) will be achieved. one understands this basic law which is about the rights and obligations of men and women will undoubtedly be established harmony in the household.

Including understanding that men are protectors for women. For example in matters of living, Islam stipulates that a husband is obliged to provide for his wife. While for a woman, she has the right to earn a living from her husband. Because in Islamic law a woman is not obliged to provide for herself. Never have the obligation to support others, just support themselves Islam does not require for a woman. Because those who have these obligations are their parents (father), or their husband, or brother, uncle or other family who are able to support him.

The obligation to deny a man for women is the provision of the Shari'a. However, Islam does not close the door for "ta'awun" (help to help) between husband and wife in goodness (Ambarwati, 2009). A husband who has a role to provide for his wife does not prevent him from helping his wife do homework, such as washing clothes, cooking, sweeping and others. Likewise a wife who has the role of doing homework does not prevent her from working according to her abilities and expertise while avoiding slander and having permission from her husband. Helping each other like this is kindness in the household. And this is a household dynamic that cannot be avoided by every husband and wife. And Islamic sharia does not forbid mutual help like this as long as the husband and wife continue to carry out their respective roles.

Helping one another like this has been an example of the best man created by Allah, the Prophet Muhammad. He is a head of the family but he helps his wife do homework. Similarly, his wife Khadijah helped him in financial matters. As is known that Khadijah was a successful businessman in his day. Helping each other like this makes the Prophet's family the best family of all time.

Based on the explanation above, it shows that working for a living is the duty of a husband

as head of the household, but Islam also does not forbid women to work. Women may work, if they meet the conditions and do not contain things that are prohibited by the Shari'ah. Shaykh Abdul Aziz Bin Baz said: "Islam does not forbid women to work and business, because Allah jalla wa'ala presides and commands his servant to work in his word:

وَقُلْ اَعْمَلُوا فَسَيَرَى اللّٰهُ عَمَلَكُمْ وَرَسُولُهُ وَالْمُؤْمِنُونَ

"Say (O Muhammad), you work! then Allah, His Messenger, and the believers will see your work
"(Surah At-Taubah: 105)

This command is for men and women. Allah also prescribes business to all of his servants, Therefore all people are ordered to do business, endeavor and work, both men and women, Allah said (which means):

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِنْكُمْ

"O you who believe, do not eat one another's property with your fellow paths that are not right, but you should trade on the basis of mutual willingness between you" (QS. An-Nisa: 29).

The above verse shows that the work order is generally accepted, both for men and women. However, it must be noted in the implementation of work and business, it should be free from the things that cause problems and negligence. In women's work, there should be no adherence (mixing) with men and does not cause slander. Likewise in his business, he must not bring about slander, always try to use sharia hijab, be closed, and stay away from sources of defamation.

It is permissible to work, on condition that it does not endanger religion and honor, both for women and men. Women's work must be free from things that endanger their religion and honor, and not cause libel and moral damage to men. Likewise men's work must not cause libel and damage to women.

There are things that need to be considered, if the wife wants to work, including:

1. His work does not interfere with his main obligations in the affairs of the house, because taking care of the house is his obligatory work, while his outside work is not an obligation to him, and something that is obligatory must not be defeated by something that is not mandatory.
2. Must be with her husband's permission, because the wife is obliged to obey her husband.
3. Applying Islamic manners, such as: Keeping eyesight, wearing sharia hijab, not using fragrances, not softening his voice to men who are not mahromes, and others.
4. Her work is in accordance with women's tabi'at, such as: teaching, doctors, nurses, article writers, books, and others.
5. There is no advertising in the work environment. He should look for a work environment that is specifically for women, for example: Women's schools, women's associations, women's courses, and others.
6. First look for work that can be done at home. If not, then look for work outside the home that

is specific among women. If there is not, then he should not look for work outside the home mixed between men and women, except if it is an emergency or very urgent situation, for example the husband is unable to provide for his family life, or her husband is sick, and others.

The explanation above shows that Islam does not forbid women to work while paying attention to these matters. Women are also not prohibited from becoming female migrant workers as long as they avoid things that have plunged into immorality and violations of religious norms.

Related to the discussion about the existence of women as female migrant workers which is quite rampant at the present time, has given rise to various controversies (Ambarwati, 2009). Various responses were made by various parties as a response to the phenomenon of the rise of women migrant workers in the community. One of the factors that influenced the emergence of these various responses was the difference in perception in viewing women who played a dual role, as housewives and as woman migrant workers at the same time. These different perceptions subsequently lead to various reactions (treatments) to the female migrant workers.

Priority scale as said by psychologists and strengthened by religious teachings, shows that the fulfillment of duties by a wife for the responsibility of taking care of her husband and educating children to be pious children is the highest level of benefit, or is a demand for primary priority scale in the context of benefit community (Ambarwati, 2009). The reason is, because the benefit of the family is the main foundation for the benefit of society. If the family structure is damaged and falling apart as a result of neglect, then overall scientific and educational activities, all economic strength and reserves will not be able to replace the position of the family in building an ideal society. Because in any condition and however, the condition of a society is very dependent on family conditions. If the family is damaged, the community will be damaged, on the contrary, if the family is good, then a good society will also be created.

Departing from this reality, then if in a condition a woman is faced with household duties and obligations as well as other scientific and social activities, even though she is unable to carry out both at the same time, then based on priority scale rhetoric, what she has to do is fulfill her duties and obligations household, even though it is forced to sacrifice the interests of others. Furthermore, so that women do not experience difficulties in determining the scale of priorities, the Islamic Sharia stipulates that the fulfillment of economic needs for wives and children is borne by men (read: husband). This is in accordance with the word of Allah. in Q.S. Al-Baqarah: 233,

"Mothers should breastfeed their children for two whole years for those who want to perfect breastfeeding. The duty of fathers is to provide for their livelihoods and clothing for mothers in an acceptable manner. Someone is not burdened but according to their abilities. Do not let a mother suffer because of her child, and a father because of his child, and heirs are also obliged to.

The above verse explains the relationship of two important elements in family life. The first is the sacred duty of a wife such as caring for her husband, educating children, and so forth, while the second is the fulfillment of all needs to carry out the duties of the wife. What is meant here is, so that the wife can carry out their duties properly, then the economic needs must be fulfilled perfectly. And the task of meeting these economic needs is borne by the husband (Ramadan:

2002).

Along with the explanation above, it is important to keep in mind that dispensation given to women based on dialectics of this priority scale does not mean that women are prohibited from doing other duties and work outside the home. In fact, the door to carrying out tasks and work is always wide open, as the opportunity is open for men. However, the priority scale must still be a reference.

For example, when a couple considers that household chores will not take up much of the wife's time, then there is no obstacle for the wife to use some of her time to work outside the home, regardless of the type of work as long. If it turns out that the wife's work turns out to interfere with the benefit of the family, then both must consult to reach an agreement in applying priority scale principles, so that harmony and family integrity are maintained well (Ambarwati, 2009).

Based on the explanation above, it can be seen that Islam does not impose the task of fulfilling economic needs on women not because Islam rapes women rights and eliminates their independence in the economic field as claimed by the West as a defense of women's rights. On the contrary, Islam has guarded and looked after women in such a way that they feel safe and secure in their female dignity and dignity. Islam has also made it easier for them to become one of the pillars of a good family, so that a family that formed *sakinah, mawadah, wa rahmah*. And to be able to realize the creation of a happy family, women are freed from various difficulties and difficulties. Thus, women can concentrate on taking care of the family. At the same time, Islam also opens the door for women to actively participate in various activities that they enjoy, both social, scientific, or other activities, including to choose jobs that are in accordance with their wishes, as long as these activities are not carried out with destructive motivations.

SOLUTIONS AND RECOMMENDATIONS

A number of things should be considered after discussion regarding how the position of women migrant workers in the perspective of gender equality and islamic perspective.

Based on the description above, it is necessary to consider the following matters before making the decision to become a female migrant worker abroad.

1. The family should decide on a job for women to supplement their income, which is the type of work with which women can still carry out their obligations in the household.
2. If a woman is forced to work outside the home, then women should equip themselves with skills so that women can work in the wider public sector, not limited to the household.
3. The choice of working abroad must be a last resort, even if possible, that choice should not be made

FUTURE RESEARCH DIRECTIONS

Research on female migrant workers needs to be developed, especially related to matters such as: optimizing the family support capacity of female migrant workers working abroad, bearing in mind this weakness in families whose women have left the country to work abroad.

Conclusion

The conclusion of the discussion above is:

1. There is a gender bias, namely marginalization, subordination, stereotype, violence and double burden on women migrant workers abroad.
2. The division of roles between public and domestic becomes changed with the departure of his wife abroad
3. The decision to become a woman migrant worker abroad will result in the inaction of some of the rights and obligations of a husband and wife. If not handled properly, then this will cause inequality in the family which can further lead to the destruction of the family.

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