Investigative Report: Indicators of Forced Labour, Exploitation and Human Trafficking



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1. Introduction

Oil palm plantations are a strategic sector in West Kalimantan, employing approximately 150,000 people. Behind their economic contribution, however, lie structural problems of labour exploitation, particularly affecting casual daily workers (BHL) from Indigenous communities and other regions of Indonesia.

This report draws on preliminary investigations into four cases of alleged forced labour and exploitation experienced by workers at several oil palm plantation companies in West Kalimantan. Investigations covered companies in Sanggau, Sintang, Ketapang and Kubu Raya regencies. The cases came to light when workers arrived at the West Kalimantan Provincial Social Affairs Office, stranded and needing assistance to return to their home regions.

Information and data from the office's Social Rehabilitation Division corroborate the findings. The division reported handling 333 stranded people and 64 Indonesian victims of human trafficking (WNI-KPO). Assessments found that most of the stranded people had worked on

oil palm plantations in West Kalimantan and were suspected to have experienced conditions associated with human trafficking (TPPO).

Most of the stranded people assisted were suspected victims of domestic human trafficking. Assessments established that most had worked for palm oil plantation companies in West Kalimantan. These data suggest that the experiences of the interviewees are not isolated cases, but part of a pattern of systematic exploitation of workers migrating between Indonesian regions to work on West Kalimantan's oil palm plantations.

These findings underline the considerable challenges of protecting plantation workers. Failure to uphold basic rights—decent wages, secure employment status and social protection—can place them in vulnerable situations exhibiting indicators of forced labour.

1.2 Objectives

- Identify patterns of human rights violations in recruitment and employment supply chains in the oil palm plantation sector.
- Analyse indicators of forced labour against International Labour Organization (ILO) standards.
- Identify violations of Indonesian legislation, including human trafficking offences.
- Provide policy and law-enforcement recommendations for stakeholders.

1.3 Legal Framework

1. Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons.
2. Law No. 13 of 2003 on Manpower.
3. Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers.
4. Law No. 1 of 2023 on the Criminal Code.
5. Law No. 24 of 2011 on Social Security Administering Bodies.
6. Government Regulation No. 36 of 2021 on Wages.
7. The ILO's 11 indicators of forced labour.
8. Law No. 27 of 2022 on Personal Data Protection.
9. Law No. 6 of 2023 enacting Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation.
10. Law No. 1 of 1970 on Occupational Safety.

2. Methodology

2.1 Approach

The research uses a qualitative approach combining in-depth interviews, document analysis, and assessments and observations at oil palm plantation companies.

2.2 Data-Collection Tools

1. A structured interview checklist based on the ILO's 11 indicators of forced labour.
2. Audio recordings, with interviewees' consent.

3. Field notes.

3. Company Profiles and Case Summaries

3.1 Companies Implicated

PT Ichiko Agro Lestari, PT Bintara Tani Nusantara, PT Mitra Austral Sejahtera and PT Permata Lestari Jaya.

3.2 Individual Case Summaries

- AZ, PT Ichiko Agro Lestari: never received net wages; debts continued to grow.
- MR, PT Bintara Tani Nusantara: received Rp1 million out of Rp4 million in wages.
- SY, PT Mitra Austral Sejahtera: never paid; work targets increased sharply; subjected to isolation.
- SD, PT Permata Lestari Jaya: received misleading information, witnessed violence and encountered poor facilities.

3.3 Recruitment and Placement Patterns

The cases indicate a common recruitment pattern:

- **Recruitment:** through social media, particularly Facebook, or friends' networks, with promises of Rp3 million–Rp4.5 million a month.
- **Holding arrangements:** workers were gathered in accommodation in Boyolali, Mojokerto, Palangka Raya or Semarang for 1–7 days.
- **Transport:** workers travelled to West Kalimantan by ship, aircraft and passenger shuttle services.
- **Placement:** workplaces often differed from those promised. AZ was promised work in Central Kalimantan but placed in West Kalimantan.
- **Documents:** agents collected identity cards (KTP) and family cards (KK), handed them to companies and retained them.

4. Analysis of Forced-Labour Indicators: ILO Standards

4.1 Indicator-by-Indicator Analysis

a. Critical Indicators: Score 3

1. Retention of Identity Documents (D1)

Three of four interviewees had their KTP or KK retained by an agent or company. MR's assistant requested his identity card on the first day and returned it after 6 months. SD retained only an identity card. Violations: Article 2(1) of Law No. 21 of 2007 and Article 6 of Law No. 18 of 2017.

2. Debt Bondage (D3)

All interviewees except SD were burdened with debt. AZ owed Rp7,000,000, with Rp4,000,000 remaining. MR owed Rp3,400,000 for travel. Violation: Article 1, point 15 of Law No. 21 of 2007 on debt bondage.

3. Deceptive Recruitment (D8)

All interviewees received inaccurate information. AZ was promised employment at PT DWK in Central Kalimantan but placed at PT Ichiko in West Kalimantan. MR was not told the workplace location until arrival. Violations: Article 2(1) of Law No. 21 of 2007 concerning deception and Article 492 of the Criminal Code under Law No. 1 of 2023.

4. Physical Violence (D10)

SD witnessed a manager beating 2 workers for running away. Violations: Article 1, points 11 and 12 of Law No. 21 of 2007, and Article 466(1) and (2) of the Criminal Code under Law No. 1 of 2023.

b. Moderate Indicators: Score 2

5. No Written Contract (D2)

None of the interviewees had a valid written employment contract. AZ signed a contract at the holding accommodation but received no copy. Violation: Article 54 of Law No. 13 of 2003.

6. Unexplained Wage Deductions (D4)

MR: wages of Rp4,000,000, but only Rp1,000,000 received, without a breakdown. WT: the basis for calculating deductions was not explained. Violation: Article 88E(2) of Law No. 6 of 2023 enacting Government Regulation in Lieu of Law No. 2 of 2022 on Job Creation.

7. Not Registered with BPJS (D5)

MR: wages of Rp4,000,000, but only Rp1,000,000 received, without a breakdown. WT: the basis for calculating deductions was not explained. Violation: Article 15(1) of Law No. 24 of 2011.

8. Inadequate Workers' Accommodation (D11)

AZ: polluted black water; slept on a cement floor for 1 month. MR: murky, foul-smelling pond water. AD and others: cloudy, reddish water unsuitable for cooking. Violations: Article 100(1) of Law No. 13 of 2003 and Article 3(1) of Law No. 1 of 1970 on Occupational Safety.

c. Supporting Indicators: Score 1

9. No Transport (D12)

AZ walked 1–2 hours to reach the workplace.

d. No Indication Found: Score 0

10. Threats for Leaving or Complaining (D7)

Only indirect threats were identified: MR was told to work for 6 months because the company had already paid the recruiter. SD faced a Rp7,000,000 fine.

4.3 Risk Categories

- AZ: 22 — Very High.
- MR: 18 — Very High.
- SR and others: 19 — Very High.
- SD: 22 — Very High.

Conclusion: all five cases fall into the very-high-risk category for forced labour.

5. Analysis of Violations of Indonesian Law

5.1 Violations of Law No. 21 of 2007 on the Eradication of Human Trafficking

Definition of trafficking in persons: Article 1, point 1

> "Trafficking in persons means the recruitment, transportation, harbouring, sending, transfer or receipt of a person through threats of violence, use of force, abduction, confinement, forgery, deception, abuse of power or a position of vulnerability, debt bondage, or the giving of payments or benefits to obtain the consent of a person having control over another person, whether within a country or across borders, for the purpose of exploitation or resulting in the exploitation of a person."

Elements established:

- **Recruitment:** workers were recruited through social media, transported to holding accommodation and then to West Kalimantan — Article 1, points 9 and 10.
- **Deception:** promised wages and facilities did not match reality — Article 1, point 1.
- **Abuse of vulnerability:** workers came from poor backgrounds and lacked access to information — Article 1, point 1.
- **Debt bondage:** workers were charged debts for travel, tools and shop purchases — Article 1, point 15.
- **Forced-labour exploitation:** compelled to work without decent wages, with pregnant women also forced to continue working — Article 1, point 7.

Criminal Provisions

Article 2(1):

> "Any person who recruits, transports, harbours, sends, transfers or receives a person through threats of violence, use of force, abduction, confinement, forgery, deception, abuse of power or a position of vulnerability, debt bondage, or the giving of payments or benefits, even with the consent of a person having control over another person, for the purpose of exploiting that person within the territory of the Republic of Indonesia, shall be punished by imprisonment for a minimum of 3 (three) years and a maximum of 15 (fifteen) years, and a fine of at least Rp120,000,000.00 and at most Rp600,000,000.00."

Article 2(2):

> "If the acts referred to in paragraph (1) result in a person being exploited, the perpetrator shall receive the same punishment as stipulated in paragraph (1)."

Aggravated Cases: Article 7(1)

Article 7(1):

> "If the offence referred to in Article 2(2) results in the victim suffering serious injury, a serious mental disorder, another infectious disease endangering their life, pregnancy, or impairment or loss of reproductive function, the prescribed penalty shall be increased by one third."

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