

**Violence, Silence, and Vulnerabilities of Migrant Workers in Japan
: Study of Indonesian Technical Intern Trainees in Japan**

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**Violence, Silence, and Vulnerabilities of Migrant Workers in
Japan: Study of Indonesian Technical Intern Trainees in Japan**

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ABSTRACT

In Japan, the demand for workers is increasing year by year. This is because Japan's population growth is decreasing yearly and also because young Japanese workers are reluctant to work in low-skilled or dangerous industries. Japan developed the Technical Intern Training Program (TITP) to address these labor shortages and to strengthen cooperation with several countries, including Indonesia. Since 1993, Japan and Indonesia have cooperated on a technical internal training program system. While the program has been amended to improve conditions for workers, there are still many unresolved problems which need attention.

This study aims to analyze the problems arising from the collaboration between Indonesia and Japan through the Technical Intern Trainee Program, expose the real experiences of technical intern trainees, and provide input to the Japanese and Indonesian governments for improvements in the program. The authors used the interview method in this study with 18 participants from all over Japan. The issues addressed in this study are as follows: 1) how do Indonesian technical intern trainees experience violence (direct and indirect) during their training in Japan?; 2) how is the violence towards Indonesian technical intern trainees catalyzed and veer them into 'silence'?; and 3) how does the violence against Indonesian technical intern trainees manifest into vulnerability during their migration journey?

The results of this study find that the violence experienced by Indonesian technical intern trainees is both a direct and indirect form of violence. Direct violence includes physical and verbal abuse. In the meantime, indirect violence is classified into two types: structural violence and symbolic violence. Structural violence is can be seen in the systemic violations of the TITP, while symbolic violence is defined as power dominance especially by the receiving companies towards the trainees. However, when the Indonesian trainees face violence, they dare not to fight back and instead choose to be silent. Therefore, the position of silence which Indonesian trainees take is caused by the vulnerable position of those who lack the power to fight for their rights.

By highlighting the shortcomings of the TITP between Indonesia and Japan, it is hoped that steps will be taken to improve it. However, if both countries do not try to improve this program, it is preferable to stop the program completely.

Keywords: Technical Intern Trainee, Indonesian migrant workers, violence, silence, vulnerabilities

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LIST OF ABBREVIATIONS

IDR	:	Indonesian Rupiah
IET	:	Individual Enterprise Type (企業単独型)
IO	:	Implementing Organization (refers to Company/Accepting Company) (実習実施機関/会社)
IOM	:	International Organization for Migration
JITCO	:	Japan International Trainee Cooperation Organization (国際人材協力機構)
JPY	:	Japanese Yen
KBRI Tokyo	:	Kedutaan Besar Republik Indonesia (Embassy of the Republic of Indonesia)
LPK	:	Lembaga Pelatihan Kerja (Sending Organization in Indonesia) (送出機関)
NGO	:	Non-Governmental Organization
OTIT	:	Organization for Technical Intern Training (技能実習機構)
P-to-P	:	Private to Private
SO	:	Supervising Organization (監理団体)
SOT	:	Supervising Organization Type (団体監理型)
SO	:	Sending Organization (送出機関)
TITP	:	Technical Inter Trainee Program (技能実習機構)

CHAPTER 1

INTRODUCTION

1.1 Background

The Japanese government established the Technical Intern Training Program (hence referred to as TITP) with the goals of transferring knowledge, technology, and/or skills (“Skills, etc.”) from Japan to developing countries such as Vietnam, Indonesia, etc. as part of its efforts to foster international cooperation (JITCO, n.d.-a). Vietnam has the highest number of technical intern trainees (58%), followed by China and Indonesia (Ministry of Justice Japan, 2022). The number of Indonesian technical intern trainees has increased significantly, by five times in the last ten years. There were 25,007 Indonesian technical trainees in the 2021 (Immigration Services Agency of Japan, n.d.).

Various issues have been arising since the start of the TITP. During the first phase of the program, first-year trainees were not acknowledged as workers and were unable to access their rights as workers (Ministry of Internal Affairs and Communications, 2012, pp. 3–4). Although they are currently protected under labor-related laws and regulations, technical intern trainees still face many challenges: the debt incurred during the pre-departure process, restrictions on personal lives (restrictions on pregnancy, etc.), low wages, unpaid salary, restricted mobility to change jobs, companies charging dormitory, electricity bills, etc. higher than the actual price, forced deportation by the companies or supervising organizations in Japan, the practice of penalty contracts, confiscation of passport/residence cards, violence, sexual assault, power harassment, sexual harassment, etc. (Hatate, 2022, p. 6).

In 2021, the percentage of companies accepting foreign trainees that were found to have violated the labor laws and regulations in Japan reached 72.6%, which is 6,556 companies from 9,036 inspected companies (Ministry of Health Labor and Welfare, 2022). In the same year, 7,167 technical intern trainees were reported to have deserted from their Implementing Organization (Ministry of Justice, 2022).

Some famous cases regarding technical intern trainees receiving violence in Japan are the case of the Vietnamese technical intern trainee in Okayama and the female Vietnamese technical intern trainees who gave birth to two children but lost her children after being isolated during the childbirth process in Kumamoto.

First, regarding the case in Okayama: A Vietnamese technical intern trainee reported two years of assaults at the construction company where he was receiving training. The trainee shared his story of coming to Japan alone in October 2019 to support his wife and children. He had never traveled, and it was his first time in Japan. "I chose Japan because I had an image of friendly people and advanced technology," he said. However, when he started working for a construction company in Okayama City, that image began to crumble. About a month later, he said, he started being beaten by Japanese colleagues at the construction site and in the office (Globe the Asahi Shimbun, 2022).

The Vietnamese trainee said, "Just because I was a foreigner and didn't speak Japanese well, I was ridiculed at work and after work, and the violence continued almost every day." He accused three of his Japanese colleagues of assaulting him. He started with being hit with a broom and it escalated day by day. His continued getting injured by the co-workers, and in May 2020, he said construction materials thrown by his colleagues hit him in the mouth, breaking his teeth and severing his upper lip. His employer gave an order that, "Don't treat his injury as something which happened at work, but instead say that he fell while riding a bicycle." The astonishment grew among the public in Japan after he made a video documenting the violence that he received from his co-workers (Globe the Asahi Shimbun, 2022).

Second, regarding the case in Kumamoto. Ms. Lin came to Japan as a technical intern trainee in August 2018 and worked at a mandarin orange farm in Kumamoto Prefecture. She had a loan of 1.5 million yen for her departure expenses. She wanted to repay the debt and to improve her life in Vietnam, so she worked hard at the farm without taking time off (Yahoo! Japan, 2022).

It wasn't until a year and a half later that she found out she was pregnant. The child in her womb was born with a partner she dated after coming to Japan. Ms.

Lin' pregnancy was unexpected and she had no one to consult with. She thought that she would be forced back to Vietnam if her employers and supervising bodies found out that she was pregnant. On November 15, 2020, she gave birth to twin babies in her room. However, the babies passed away. It is speculated that the cause was a premature birth at about eight months. The next day, at the hospital where her employer took her, Ms. Lin revealed that she had given birth. Her doctor called the police, and Ms. Lin was arrested on suspicion of abandoning the body (Yahoo! Japan, 2022).

In January 19, 2022, the Fukuoka High Court sentenced her to three months in prison, suspended for two years. She was charged with the crime of abandoning a corpse. At the trial, Ms. Lin testified as follows about her feelings at that time. "I was so upset that my mind went blank. I didn't know what to do specifically. However, I was thinking of burying him properly when I got better." This case has been receiving a lot of attention from the public (Yahoo! Japan, 2022).

These are phenomenon mentioned in various previous studies and covered by news regarding the technical intern trainees. However, the phenomena above are simply presented without providing a context for how the problems faced by technical interns relate to each other in this system/structure. The aforementioned types of violence are widely interpreted in terms of physical, verbal, and gender-based violence, or merely violations of laws/regulations. How does the theory of violence look at phenomena such as documents confiscation, high departure fees or freedom of mobilization to change jobs? This study attempts to thoroughly explore these questions by identifying indications of violence and its types in the real cases of Indonesian technical intern trainees and relating them to their silence and vulnerability as migrant workers.

Furthermore, the recent COVID-19 pandemic has had an enormous impact on migrant workers, which in this study focused on Indonesian technical intern trainees. In September 2020, it was reported in the news that one of the Supervising Organizations in Oita Prefecture that acted as an intermediary for Indonesian and Vietnamese technical intern trainees collapsed because of the pandemic. It was the first bankruptcy among Supervising Organizations in Japan (NHK, 2020). This

study also researched how the pandemic affected Indonesian technical intern trainees, especially how it affected their vulnerability.

1.2 Literature Review

Early migration scholars focused on migration policy research in Japan. For example, Bartram (2000) studied international migration to Japan and demonstrated that Japan's early 1970s non-use of foreign labor can be seen as a helpful negative example because current labor migration theory would lead us to predict that the nation would have used a sizable number of foreign employees at that time (Bartram, 2000, p. 26). Sellek (2001), on the other hand, points out that the Japanese government has been "playing for time" with regard to policies on foreign labor. Therefore, the legal structure put in place to deal with foreign workers has been created to offer the government the most flexibility possible in hiring and managing foreign workers (Sellek, 2001, p. 222).

Furthermore, Yamanaka (1993) stated that unwillingly or not, the influx of unskilled labor from developing nations indicates that Japan is eventually open to other races and cultures in a world that is becoming more interconnected. It also puts Japan under pressure to help Asian and other developing nations by sharing its wealth, technology, and resources. Immigrant workers in Japan are currently treated as second-class citizens as a result of the country's past immigration regulations. However, these individuals have proven to be an important remedy for the ongoing labor shortage that small-scale, labor-intensive industries face (Yamanaka, 1993, p. 86).

Next, after the TITP (Technical Intern Training Program) was started in Japan, scholars' attention started to describe the Japanese training system. Oishi (1995) explains the revision of the Training System and Technical Intern Training program (Oishi, 1995, pp. 369–372). Saeki (1998) studied the purpose of the Technical Intern Training Program, looking at the process up to the establishment of the public interest foundation International Manpower Development Organization (currently IM JAPAN), which accepts Indonesian trainees. He raises the question of whether the system really was for international cooperation and

international contribution. This organization stated that what trainees are required to acquire in order to find employment is Japanese language proficiency and Japanese work ethics. The training system seems to exist for Japanese companies, and it is difficult to call it as an “international contribution.” First of all, it would be too presumptuous to think that Japan’s work ethics and technology are excellent to teach to Indonesia—a backward nation. If there is real meaning in the concepts of “international contribution” and “international cooperation,” Japan should first get rid of the sense of superiority of Japanese people and the discriminatory view of Indonesian people. Rather, it is Japan that needs “reformation” (Saeki, 1998, pp. 49–52).

Currently, research related to trainees is still being carried out from a human rights perspective, but the research interest is more focused on Vietnamese trainees. For example, Sunai (2019) depicts the Vietnamese technical intern trainees as “slave labor” (Sunai, 2019, pp. 84–107). Saito (2018) states that many Vietnamese Technical Intern Trainees who had to pay expensive departure fees must undergo hardship when they are assigned to harsh working and living conditions after arriving in Japan (Saito, 2018, pp. 14–19). Sawada (2020) conducted research on Vietnamese technical intern trainees from the perspective of the pre-departure process, the reasons behind the high migration costs among Vietnamese technical intern trainees, and the reasons for the high number of runaway trainees among the Vietnamese (Sawada, 2020, pp. 7–194).

Several previous studies on Indonesian technical intern trainees focus on violations that they experienced. For example, Widarahesty (2022) found that trainees in Indonesia experience emotional, physical, and financial problems as a result of unethical practices and systematic exploitation that are enabled by the pre-departure procedure established by the government and adhered to by private Sending Organizations. The events leading up to the trainees’ departure and continuing until their arrival in the receiving country provided additional proof that the process these trainees underwent made them particularly vulnerable. The normalization of violence and intimidation that took place during the pre-departure training period quickly became apparent, and it had a significant impact on the

structural chain of violence that prevented these trainee workers from accessing their rights and information about health and protection in the workplace. Some candidates are warned not to get sick or weak before traveling to Japan, which could prevent them from disclosing their health status or employment circumstances once there (Yusy, 2022, pp. 59–60).

Hasyim (2021) studied the migration infrastructure of Indonesian Technical Intern Trainees by analyzing the burdens of migration, including the excessive departure costs. He provides one of the most thorough analyses regarding the deployment process of Indonesian Technical Intern Trainees, especially in relation to the burdens of migration. This study utilized questionnaires, in-depth interviews, and literature reviews (Hasyim, 2021, pp. 1–23).

Rustam (2013) studied Indonesian trainees and interns in the fishing industry in Japan between 2006 and 2011. The survey used in this study attempts to shed more insight on the difficulties and situations that Indonesian trainees and interns who worked in Japan actually faced as well as how JITCO guidelines were conveyed to them. The results demonstrate some misunderstanding as a result of improper communication of rules governing the deployment of Indonesian trainees, including those pertaining to pay and employment agreements. The limited ability to speak Japanese could also lead to conflicts between Japanese and Indonesian workers because trainees do not use the Japanese lessons they have learned in Indonesia (Rustam, 2013, pp. 53–86).

Regarding the repatriated trainees, Iwashita (2018) examines the impact of TITP towards the lives of Indonesian technical intern trainees. The study found that most trainees considered that the exposure to the Japanese language and Japanese people's sense of diligence and enthusiasm for work to be more valuable than the technical skills they acquired from the program (Iwashita, 2018, p. 76). From the aforementioned studies, the vulnerability of Indonesian technical intern trainees and the violence towards them is revealed, but no previous study has ever classified the type of violence experienced by the subjects. This paper attempts to bring a new perspective on the violence, silence, and vulnerability experienced by Indonesian technical intern trainees.

1.3 Research Significance

Why it is crucial to identify the various types of violence experienced by the Indonesian technical intern trainees? Many studies on the TITP focus on the Vietnamese or Chinese trainees, as they have the highest number of trainees in Japan. The studies that focus on the type of violence faced by Indonesian technical intern trainees are still limited to direct violence and are not comprehensive yet.

Furthermore, there has not been any discussions on the symbolic violence which exists in the program and how it causes the Indonesian technical intern trainees to become 'silent workers'. It is crucial to identify how the symbolic violence is manifested in the reality of the subjects before proposing systematic solutions.

The debt accumulated during the pre-departure process, restrictions on personal lives (such as restrictions on pregnancy), low wages, unpaid salaries, limited mobility to change jobs, companies charging dormitory, electricity bills, etc. higher than the price, forced deportation by the companies or supervising organizations in Japan, the practice of penalty contracts, confiscation of passport/residence cards, violence, and sexual assault are just a few of the problems that can occur in the TITP (Hatate, 2022, p. 6).

The novelty of this research is that it presents a critical analysis of the forms of violations in the theoretical concept of violence, silence and vulnerability that have never been carried out in research on Indonesian technical intern trainees.

1.4 Research Objectives

Migration is not only interpreted as the movement by a group of people from one region to another region but is also about the stories by those individuals that are important to be observed and analyzed. This research thus aims to capture the dynamics of Indonesian technical intern trainees who experience violence (both in direct and indirect forms) under the TITP in Japan, and to reveal how the violence towards them catalyzed into the form of "silence" and "vulnerability".

1.5 Research Questions

- a. How do Indonesian technical intern trainees experience violence (direct and indirect forms) during their training period in Japan?
- b. How is the violence towards Indonesian technical intern trainees catalyzed and develop into ‘silence’?
- c. How does the violence towards Indonesian technical intern trainees manifest into vulnerability through their migration journey?

1.6 Conceptual Framework

This study attempts to address the reality of Indonesian technical intern trainees through the lens of the theory of violence, silence and vulnerability. How are these concepts are correlated to each other?

The etymological roots of the word “violence” are *vis* (power) and *latus*—the past tense of the verb *fero* (to carry). When combined, the two terms have the meaning of using force (toward something). The movement of carrying power (toward something) might then be used as a basic definition of violence (Degenaar, 1980, p. 14). One of the most prominent researchers on the theory of violence is Galtung. In Galtung’s view, there are two types of violence: direct and indirect violence. Direct violence is usually associated with physical and verbal violence. Meanwhile, Galtung also notes that direct violence is rooted in indirect violence, which are structural violence and cultural violence (Galtung, 1996, p. 2).

Regarding structural violence, Galtung explains in that the unequal distribution of resources and the unequal distribution of “power to decide over the distribution of resources” are what is referred to as structural violence; in other words, “violence that is built into the structure, and shows up as unequal power and consequently as unequal life chances”. Confortini (2006) In this perspective, resources are seen as both economic and non-economic, such as education, healthcare, etc. (Confortini, 2006, p. 336). From these explanations, it is noted that there are subjects who receive less and those who receive more with regards to the distribution of resources. Moreover, it must also be noted, according to Kleimann

(2000), Structural violence refers to people who experience violence (and violation) (Kleimann, 2000, p. 227).

Symbolic violence refers to non-physical violence exhibited in power differences between social groups. Besides that, in symbolic violence, both sides often agree unconsciously, and it shows up when the norms of the more powerful group are imposed on the powerless group. According to Bourdieu (1997, 2003a), Symbolic violence can emerge in various social areas, including nationality, gender, sexual orientation, masculine domination, and ethnic identity (Bourdieu, 1997, pp. 191–193, 2003a, pp. 23–26).

According to Montesanti & Thurston (2015) explains that symbolic violence is an imperceptible kind of dominance, much like structural violence. However, the term “symbolic violence” describes ideologies, words, nonverbal behaviors, or communications that represent stereotypes, hegemonies, and inflict humiliation or stigma. Symbolic violence is frequently construed and labeled as normal and natural since it draws from other social institutions (such as the family, religion, education, economic, and political intuitions) (Montesanti & Thurston, 2015, p. 3).

Furthermore, in Bourdieu's view, power and violence are concepts that are inextricably linked. Violence used to establish control, or authority need not be physical in nature. The side that is in charge continuously works to hide its supremacy from plain sight. The dominated party is unaware that they are the targets of violence because the dominating party consistently, methodically, and steadily uses the mechanism of power against them. This dominance is described by Bourdieu as symbolic violence (Martono, 2012, p. 39). In addition to symbolic violence and domination in Thapar-Björkert et al., (2016) state that symbolic violence is ‘imperceptible, insidious and invisible.’ Invisibility is an effective means of silent dominance and silencing the dominated. All other peripheral or subaltern discourses are frequently silenced by dominant discourses. However, merely allowing the subaltern and other peripheral discourses to speak up or express their worries will not end the silence; doing so will make it worse. Systemic/ structural change is needed to ensure that people are genuinely heard and given

agency (Thapar-Björkert et al., 2016, pp. 8–9). Therefore, one may conclude that the symbolic violence creates silence among the dominated subjects as it is construed and labeled as normal and natural, resulting in acceptance of the domination.

Furthermore, Kirby (2006) argues on the relation between violence and vulnerability that “Violence is both a source of vulnerability (increasing threats) and also a reaction to vulnerability (a response to threats)” (Kirby, 2006, p. 11). Although the International Organization for Migration (IOM) merely relates the vulnerability to the physical violence, it provides a concept of what “vulnerability” refers to. It is the idea that certain people are more likely than others to suffer harm as a result of being exposed to risk. They may be more vulnerable to psychological, physical, environmental, or other types of harm. Risk factors depend on the type of harm and may or may not overlap with each other (International Organization for Migration, 2019, p. 4).

There are several differences between the concept of vulnerability from the IOM and the vulnerability theory by Fineman. Fineman proposes four elements in vulnerability, which are universality, constancy, complexity, and particularity. The theory implies that the condition of vulnerability is universal and rejects the identity of subjects. Therefore, Cooper (2015) proposes to incorporate the analysis of privilege into the vulnerability theory, as the approach from the privileged perspective shows that identity is crucial to maintain hierarchy (Cooper, 2015, pp. 1355–1375). Therefore, the vulnerability shall not be disassociated with the identity of the subjects, which are the Indonesian technical intern trainees as migrant workers in this study.

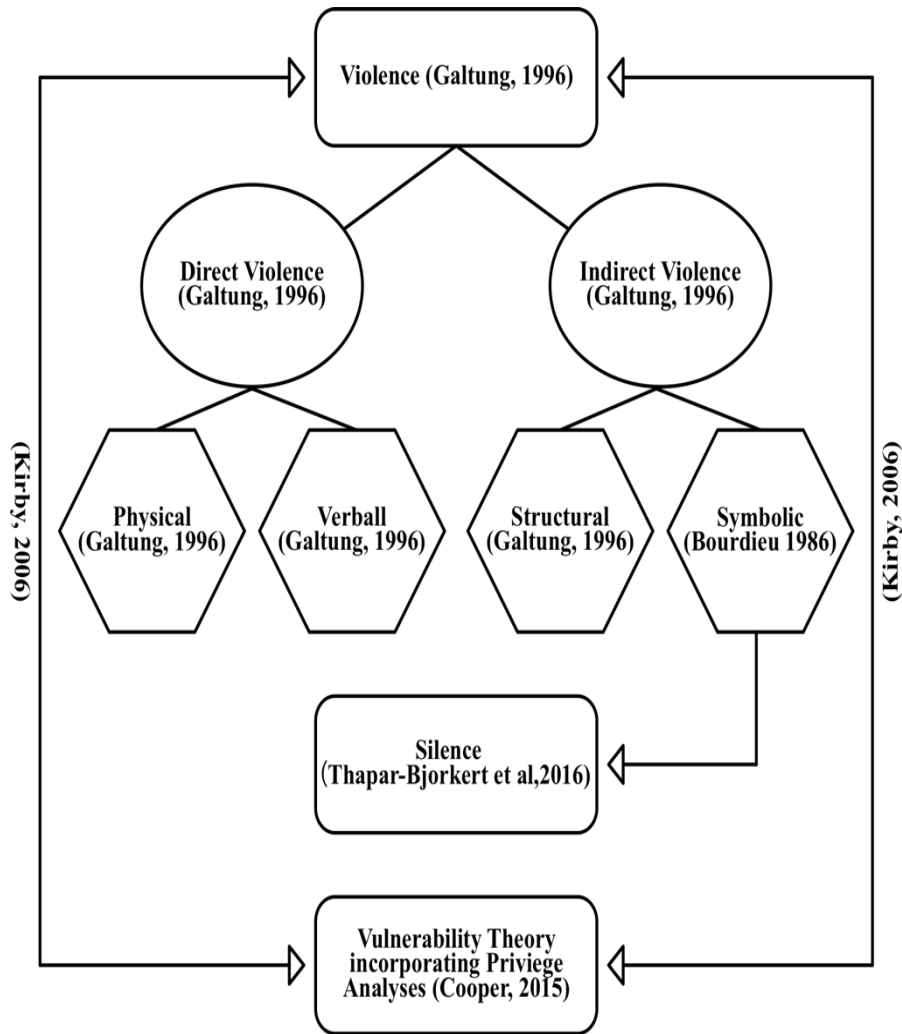
One study that elaborates on the vulnerability of migrant workers is Sugita (2022), which elaborates that the vulnerability of migrant workers includes (1) vulnerabilities unique to migrant workers; and (2) vulnerabilities common to Japanese people. Examples of vulnerable factors for the employment of migrant workers include high immigration costs and pre-departure debt. Meanwhile, vulnerability factors common to Japanese people is the instability of employment in non-regular employment. The problem of migrant workers cannot be solved by

focusing on the systems of the host country, such as the technical intern training system, the specified skilled worker system, and the employment permit system (EPS) in Korea. The causal relationship between the problem and the system is unclear. The institutional theory of the receiving country, in the form of TITP, specified skill system, or other systems, does not focus on the vulnerability of migrant workers (Sugita, 2022, pp. 5–17).

Furthermore, Kirby (2006) states that “Violence is both a source of vulnerability (increasing threats) and also a reaction to vulnerability (a response to threats)” (Kirby, 2006, p. 11). This suggests that it is evident that vulnerability and violence are interconnected with each other. Meanwhile, one type of violence, symbolic violence, creates silence among the dominated subjects as it is construed and labeled as normal and natural, resulting in acceptance of the dominations of the power (Martono, 2012, p. 39; Thapar-Björkert et al., 2016, pp. 8–9). Therefore, this study attempts to analyze the real cases of Indonesian technical intern trainees through the lens of violence, silence, and vulnerability.

This study attempts to analyze the reality of Indonesian technical intern trainees in Japan through the lens of violence, silence, and vulnerability through the theoretical framework below:

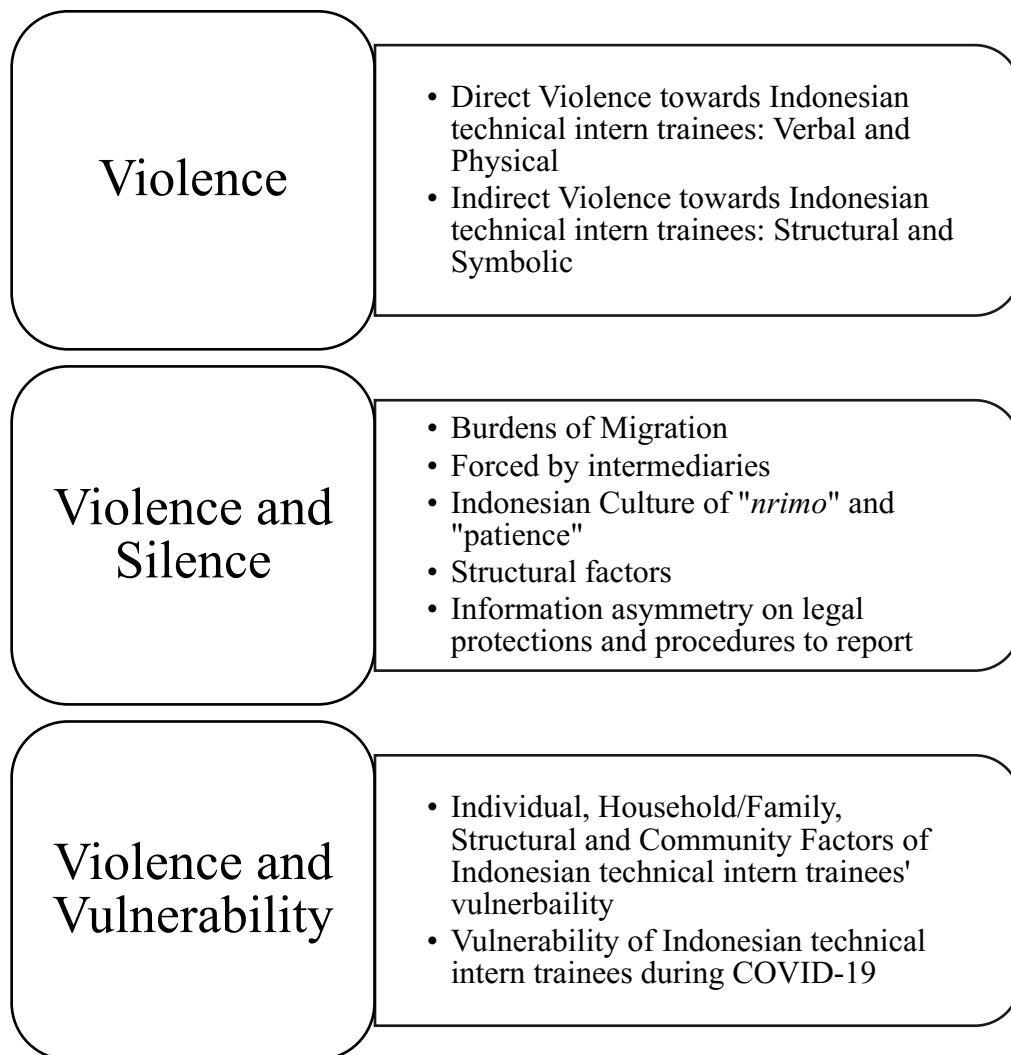
Figure 1. Theoretical Framework of Violence, Silence, and Vulnerability



Source: Made by the Author based on Bourdieu (1986, 2003); Confortini (2006); Cooper (2015); Galtung (1969, 1996); Kirby (2006); Thapar-Björkert et al., (2016).

The theoretical framework above will be utilized as the conceptual framework as a roadmap to answer the research questions as below:

Figure 2. Conceptual Framework of Violence, Silence, and Vulnerability of Indonesian Technical Intern Trainees



Therefore, this study will identify the type of violence experienced by Indonesian technical intern trainees, discuss how those types of violence make them become 'silent workers', and explain the condition of vulnerabilities experienced by them that varies in types and degrees.

1.7 Methodology

This paper adopted the Conceptual Framework of Violence, Silence, and Vulnerabilities (Figure 1). The framework addresses the reality of Indonesian technical intern trainees through the lens of violence: 1) direct violence consisting of physical and verbal violence, and 2) indirect violence consisting of structural and symbolic violence. These forms of violence affect the vulnerabilities of Indonesian migrant workers. Furthermore, symbolic violence later takes the form of ‘silence’ by Indonesian technical intern trainees.

This paper collected data through literature reviews and in-depth interviews. The reason to utilize interviews in this paper is that in-depth interviews are essential to analyze the “layers” of the “Migration Infrastructure”. The interviews were held between 2020 to 2022. However, the authors also used data collected from interviews from research related to Indonesian oyster workers in Hiroshima in 2017. Besides that, the author also used data from the organization RUMI Jepang. This is an organization that the author established with other researchers of migrant workers, especially technical intern trainees. In addition, the author also conducted specific interviews with technical intern trainees in Hiroshima related to their experience during the COVID-19 pandemic. The table below shows the participants of the interviews as followed:

Table 1. List of Interviewees

No.	Gender	Place	Type of Job
1	Male	Yokohama	Electronics Service
2	Male	Itabashi Tokyo	Constructions
3	Female	Tochigi	Food processing
4	Male	Chubu	Garbage separation
5	Male	Kure	Oyster farm
6	Male	Hiroshima	Oyster farm
7	Female	Fukuyama	Care worker
8	Female	Fuchu	Care worker
9	Female	Hachihonmatsu	Electrical
10	Male	Hachihonmatsu	Electrical
11	Male	Kure	Oyster farm

12	Male	Onomichi	Food industry
13	Male	Yano	Food industry
14	Male	Kure	Under Japanese Language Training
15	Male 1	Hikari-Yamaguchi	Construction
16	Male 2	Hikari-Yamaguchi	Construction
17	Male	Saitama	Construction
18	Male	Shikoku	Under Japanese Language Training

From the table above, it is clear that this study covered technical intern trainees from various types of jobs and areas in Japan. The interviewees have had different challenges during their migration journeys as Indonesian technical intern trainees.

1.8 Structure of Dissertation

First of all, Chapter 1. Introduction. The Introduction of this paper covers the background, literature review, research significance, research objective and question, conceptual framework, methodology, structure of thesis and limitations. It summarizes previous studies on migration to Japan and explains the that the purpose of this study is to examine the violence experienced by Indonesian technical intern trainees and its relation to vulnerabilities and silence.

Chapter 2. History of Technical Intern Training Program explains the background of the TITP and the issues of the receiving country, Japan. It explains how the Training System was modified to become the current Technical Intern Training Program. After that, it also presents an overview of the current TITP, the challenges of the technical intern training program, the protections from the legal framework, and the role of civil society in supporting trainees in Japan.

Chapter 3. Migration of Indonesian Migrants Through Technical Intern Training Program analyzes the TITP from the perspective of Indonesia as the sending country. It starts with the situation of international migration and poverty in Indonesia and the reasons why Indonesian technical intern trainees are attracted to the program. This chapter also analyze the cashflow between the actors in the TITP in Indonesia and Japan.

Chapter 4. Violence at the Workplace of Indonesian Trainees draws on in-depth interviews with trainees and presents their experiences through the theory of violence. First, it explains the different kinds of violence faced by Indonesian trainees in Japan. As a part of the analysis stage, two types of violence are highlighted, namely direct violence and indirect violence. Indirect violence can be divided into structural violence (Galtung, 1969) and symbolic violence (Flam & Beauzamy, 2011; Bourdieu, 1986, 2003). In this case study, structural violence occurs in the recruitment process of the TITP program. The trainees are trapped between the Supervising Organization and the companies that hire them during the recruitment process. The strict contract that binds the trainees leads to the high dependency of the trainees on their recruitment agents. As a result, there are loopholes in which violence can occur, such as different jobs assigned from that stated in the contract, forced abortions, wage violations, debt, ignored complaints, etc. Another type of violence to be discussed in this chapter is symbolic violence, a term coined by Bourdieu to refer to a form of domination that functions as a means to highlight the differences between different groups of people; to legitimize social hierarchy and to strengthen the power domination by the dominant groups (Cui & Worrell, 2019).

Chapter 5. Silence of Indonesian Technical Intern Trainees in Japan explains how violence is manifested and catalyzed, making the Indonesian technical intern trainees into silent workers. This chapter focuses on the trainees' silent stance during their training program in Japan. Initially, such passive responses can be interpreted as their inability to fight for better conditions. However, their silence also reflects their acceptance that such discrimination is a normal 'rite of passage' of their program. Some trainees expressed their hope that after enduring such hardships, they can change their economic conditions once they are back in Indonesia.

Chapter 6 has shown how those experiences of violence related to the vulnerabilities of Indonesian technical intern trainees. The relationship between violence and vulnerability is that violence is both a cause of vulnerability (increasing threats) and a reaction to vulnerability (a response to threats).

Nevertheless, in this chapter, the author applies the determinants of migrant vulnerability (DoMV) Model in this chapter and discovered that the vulnerabilities of Indonesian technical intern trainees were caused by various factors, including individual, family/household, structural, and community factors. Furthermore, the author will discuss the vulnerabilities of technical intern trainees during the Covid 19 pandemic in this chapter.

Finally, the Conclusion and Recommendations elaborates the conclusion from the cases presented in the study and the solutions proposed for improving the TITP. Forms of violence, especially experienced by Indonesian technical intern trainees, are not only visible violations, but also take the form of invisible violations. The workers' vulnerability is worsened because they do not have a bargaining position, but instead resume a form of silence.

1.9 Limitation

- a. This paper mainly analyzes Indonesian technical intern trainees through the private-to private scheme.
- b. This paper mainly acquired qualitative data through in-depth interviews.

Since the only data gathered from the interviews came from the interviewees' point of views, it is possible for the interviewees' perspectives to be biased. The Author always asked if the interviewees had any supporting documentation and sought the interviewees' consent before revealing the contents of documents in this study.

CHAPTER 2

HISTORY OF THE TECHNICAL INTERN TRAINING PROGRAM (TITP)

2.1 Background to the Technical Intern Training Program

Before discussing the current TITP, it is crucial to be aware of the training program preceding it, which can be traced back to 1950s. When Japan joined the Colombo Plan in 1954 with the goal of advancing social and economic development in Asia, a government channel for foreign trainees was established (Oishi, 1995, p. 368). During the high economic growth period of Japan, the number of foreigners accepted as trainees rapidly grew. As Japan legally prohibits the acceptance of unskilled workers, Japan tried to fill the job vacancies by hiring foreigners in the name of “training” (Asano, 1994, pp. 187–188).

The Colombo Plan for Cooperative Economic and Social Development in Asia and the Pacific was founded in 1950 with the goal of advancing the economic and social development of its member nations. The mission of this organization is to increase awareness of and support for the economic and social development of Asia and the Pacific, support the sharing and transfer of technology among the member nations, encourage technical collaboration, keep up with current information on technical cooperation between member governments, multilateral organizations, and other organizations with a view to accelerating development through cooperative effort, and to facilitate the transfer and sharing of the developmental experiences among member countries within the region with a focus on the idea of South-South cooperation (Plan, n.d.).

Japan’s joining of the Colombo Plan provided an opportunity for Indonesia to send Indonesian citizens to obtain knowledge from Japan, which was for the purpose of allowing them to contribute to the development of Indonesia after returning to their home country. Japan accepted 15 Indonesian Trainees in 1954 for the first time right after Japan’s participation in the Colombo Plan (JICA, 2018, p. 8). Following the rise of the Japanese economy, major corporations first built a private channel for trainees. The needs for training their international workforce

progressively became apparent when newly established Japanese multinational corporations began making investment in Asia in the middle of the 1950s, though this was of limited significance at that time (Oishi, 1995, p. 368).

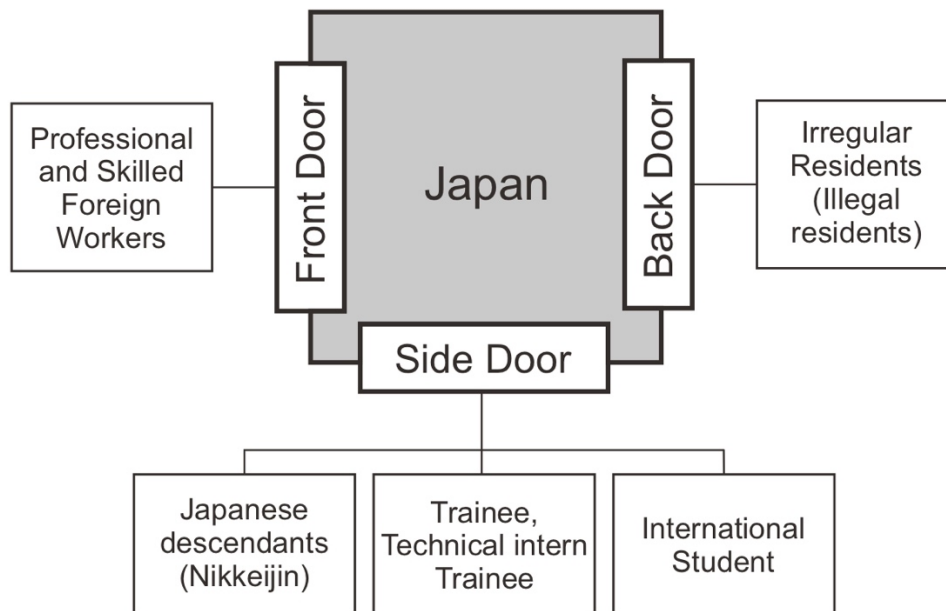
After the second half of the 1960s, Japanese corporations that expanded overseas have been able to train their local workers from other countries at their headquarters in Japan under the acceptance scheme of “Individual Enterprise Type (hereinafter referred to as “IET”) of TITP. The Training Program or 外国人研修制度 was created later in 1981 following the modification of the Immigration Control and Refugee Recognition Act (Saito, 2020a, pp. 32–33).

Following a long period of economic malaise and recession, elements of the Japanese government are reluctant to recognize the need for foreign labor, preferring to maintain strict immigration controls to preserve society's cultural and ethnic homogeneity. But interestingly, the 1990 Immigration Control and Refugee Recognition Act resulted from a compromise between several ministries and input from various interest groups. However, the policy established several doors “front door” was open only to professional and skilled foreign workers (Eriko, 2022), the “back door” for irregular residents (illegal residents), and the “side door” for unskilled foreign workers, such as a “trainee” program for foreign interns, an “ethnic visa” for overseas Japanese descendants (Nikkeijin) allowing second-generation and third-generation to temporarily live and work, who are essentially foreign workers, and the last an international student (Hollifield & Sharpe, 2017, p. 386; Kondo, 2008, p. 6; Mochizuki, 2019, pp. 87–90).

According to Tsuda (1999), this compromise arose from competition between business interests and factions of the Liberal Democratic Party (LDP) and input from the conservative Ministry of Justice - which sought to protect Japan's racial and ethnic identity and Nikkeijin associations in Brazil and Japan. The latter wanted to ease Japan's highly restrictive immigration policy (Tsuda, 1999, p. 10). According to Kajita et al. (2005); Milly (2014, p. 65); Surak (2008, p. 562) in Hollifield & Sharpe (2017), the Ministry of Justice promoted the teijusha (ethnic visa) to ease rules restricting Latin American Nikkeijin who have Japanese

nationality or are the spouse or child of a Japanese national. As a result, it began entering Japan in the 1980s claims that by allowing Nikkeijin to enter as a family member, the government avoided accusations of racism and discrimination at the time by keeping the law in line with international human rights standards. Nevertheless, the 1990 Immigration Act amounted to opening a side door for immigration into Japan, de jure and de facto (Hollifield & Sharpe, 2017, pp. 374–375).

Figure 3. Front door, Side door, and Back door



Source: Made by author base on Hollifield & Sharpe (2017, p. 386); Kondo (2008, p. 6); Mochizuki (2019, pp. 87–90).

Max Frisch's comment, “We asked for workers, but human beings came,” is cited by Strausz (2019) in his book “Help (Not) Wanted—Immigration Politics in Japan” to explain why the Japanese government accepts foreign workers but not immigrants. The Japanese government has not provided access to foreign workers in the numbers that Japanese companies genuinely required to meet their labor shortages. The government has provided “side doors” that allow the admission of

relatively few foreign workers when Japanese businesses have experienced a labor shortage. The “trainee” program and the preferential treatment given to South Americans of Japanese descent (*nikkeijin*) are two of the most well-known examples of these “side doors” (Strausz, 2019, pp. 1–3).

Furthermore, according to Strausz (2019), the case of the Japanese government’s immigration policies is also confusing. First, Japan is a liberal democratic nation with strong business associations that have repeatedly pushed for more access to foreign workers. These companies currently require foreign workers more than ever because they have previously experienced significant labor shortages. These requests, however, have often not been fulfilled. Second, Japan’s population is aging and shrinking. This is a widespread issue in the affluent industrialized world, but it is felt more apparent in Japan due to the country’s highest life expectancy and lowest birth rate. Many politicians, bureaucrats, and commentators frequently suggest immigration as a potential solution to the labor problem, yet little has really changed in this matter. Third, Japan generally takes seriously the commitments it has to the international communities. However, it has been significantly less willing to accept refugees than most sophisticated industrialized nations. According to conventional wisdom and popular narratives of immigration, Japanese xenophobia plays a significant part in restricting that group’s immigration to Japan. According to a researcher with a company interested in Japan’s high-tech industry, “For a long time, an island country mentality has taken root among the Japanese, which suggests that we should not admit foreign residents and that we can only get along with ourselves.” The country’s politicians are reluctant even to use the word *imin* or “immigration.” He continued by saying that even while he personally supports immigration, some people prefer not to discuss it, even in his lobbying group, even though they prefer not to talk about immigration, they do still talk about “foreign labor” (Strausz, 2019, pp. 10–18).

Therefore, as a result of Japan being reluctant on accepting migrants, as explained in Strausz (2019, pp.1-18), Japan started discussions regarding how to deal with foreign workers, resulting in the establishment of “training” as a resident status in the revised law in 1989. It was mainly affected by the declining birthrate

and aging population and the emergence of the “borderless” society and advanced information technology (Moriya & Yingying, 2010, p. 155).

A notification from the Ministry of Justice established the new Supervising Organization Type (hereinafter referred to as “SOT”) route in addition to the Individual Enterprise Type (IET). Deregulation of the program made it possible for Small and Medium Enterprises (SMEs) to hire trainees through intermediary organizations called Supervising Organizations. The Supervising Organizations serve as the primary point of contact between the Sending Organizations and the Implementing Organizations. One may argue that the foundation of the current TITP was built from the moment the Supervising Organization Type (SOT) was chosen as the new acceptance method to accept the trainees (Mochizuki, 2019, pp. 127–130).

According to JITCO, the TITP is a program established by the Japanese Government to “*transfer skills, technologies, and knowledge*” in Japan to developing countries and to promote “*international cooperation*” (JITCO, n.d.-b). In 1993, the Training and Technical Intern Training Program started, where in the first year, participants of the program are regarded as “*trainee/ kenshuusei*”—for which labor-related laws and regulations are not applied, while after the second year, the participants are regarded as “*technical intern trainees/ ginou jisshuusei*” under the resident status of specific activities. In contrast with trainees, technical intern trainees are protected by labor-related laws and regulations (Ministry of Internal Affairs and Communications, 2012, pp. 3–4).

Therefore, in the previous program, the *Kenshuu-Seido*, the first year of participants are regarded as trainees, while the second and third years are regarded as technical intern trainees—thus the program was named *Kenshuu-Ginou Jisshuu Seido* or Training and Technical Intern Training Program. After that, the training system was abolished under the Immigration Control and Refuge Act, which was revised in July 2009 and came into effect in 2010. Under the revision of the law, the first-year participants changed to “*Technical Intern Trainee Number 1*”, and the second- and third-year participants became “*Technical Intern Trainee Number 2*.” Prior to that, the status of residence was “*training*” and “*specific activities*”, but all

were unified to “technical intern training.” By definition, technical intern trainees are workers and are therefore subject to the Labor Protection Act. Finally, it has become legally possible to define the Technical Intern Training Program as a worker acceptance system (Kamibayashi, 2018, p. 53).

This revision of the program’s status took on significance in a court case won by trainees against the Sanwa Service Company Case in 2009. Before the judgment of this case, the first-year trainees who were *de facto* workers were treated as non-workers under the system. Labor standards laws and regulations such as the Minimum Wage Law and Labor Accident Insurance Law were not enforced. As a result, the Labor Inspection Office did not even attempt to advise or notify the employer when laws were violated, for example, when the trainees were required to work overtime for 300 yen. Nevertheless, following the verdict against the Sanwa Press Company, the court accepted the “labor element” of the trainees in accordance with the following standards:

1. Foreign trainees are required to do “non-practical training” for around one-third, or at least one-fifth or more of the training time in accordance with the Ministry of Justice Ordinance and Notification. However, the non-practical training for the trainees in this instance lasted just three days. As a result, it failed to satisfy the criterion.
2. The practical training’s subject matter is the same as the work done by the technical intern trainees who are protected by labor laws and regulations (Foreign Technical Intern Trainee Problem Lawyer Liaison Committee, 2018, pp. 18–30).

According to the Labor Case No.941, regarding the judgment of the case states that the trainees will not be regarded as trainees anymore, but as Technical Intern Trainees from the first year of entry. Furthermore, Labor-related laws and regulations such as Labor Standard Act will be applied to them (Labor Cases Collection, 2010).

The next remarkable revision of the program came in 2016, when the Technical Intern Training Act, officially known as the *Act on Proper Technical Intern Training and Protection of Technical Intern Trainees*, was published and went into effect the following year. The Organization for Technical Intern Training (hereinafter referred to as “OTIT”) was established as an approved organization that also provides protection for technical intern trainees. It oversees an accreditation system for technical intern training plans, a notification system for implementing organizations, a licensing system for supervising organizations, and other measures aimed at system optimization. In addition, this law permits raising the quotas, extending the training period from three to five years (the final four to five years are referred to as “Technical Intern Training Number 3” for outstanding Supervising Organizations and Implementing Organizations), and expanding the list of authorized occupations for technical intern training (JITCO, n.d.-b).

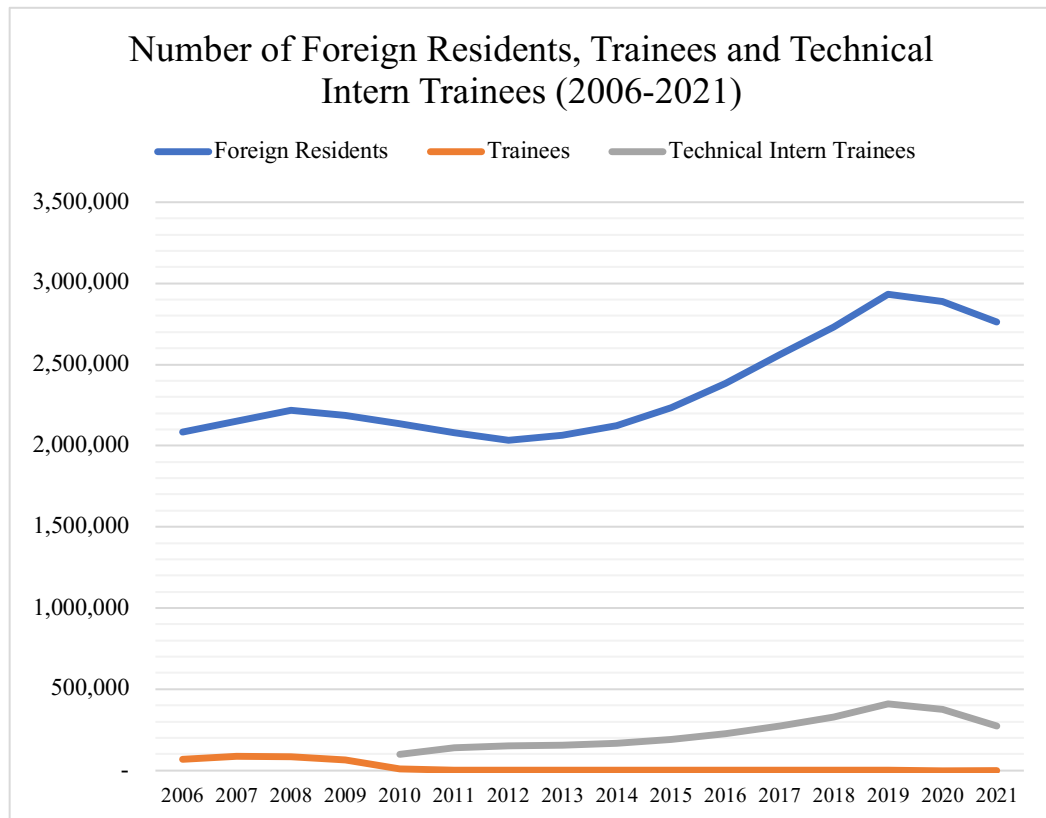
By tracing back from the Training Program in the 1950s to the current TITP and Technical Intern Training Act, it is apparent that the transformation throughout the years contributed to improving the current program, as today the trainees from the first year until the end of the training period are under the protection of labor related laws and regulations. However, regardless of the changes in the domestic sphere and the real conditions in Japan, the official stance of both sides from the earliest Training Program to the current TITP has not changed: it is still considered as an “international contribution”.

2.2 Overview of Technical Intern Trainees in Japan

Indonesia comes in third place behind China and Vietnam in terms of the number of technical intern trainees sent to Japan. While there have been fewer Chinese technical intern trainees in recent years, the proportion of technical intern trainees from Southeast Asia, including Vietnam and Indonesia, had been increasing before the COVID-19 pandemic hit the world. In 2021, 9.05% of Technical Intern Trainees in Japan were Indonesian (Immigration Services Agency of Japan, n.d.; Ministry of Justice Japan, 2022). The figure below shows the trends

in the total number of Foreign Residents, Trainees and Technical Intern Trainees in Japan:

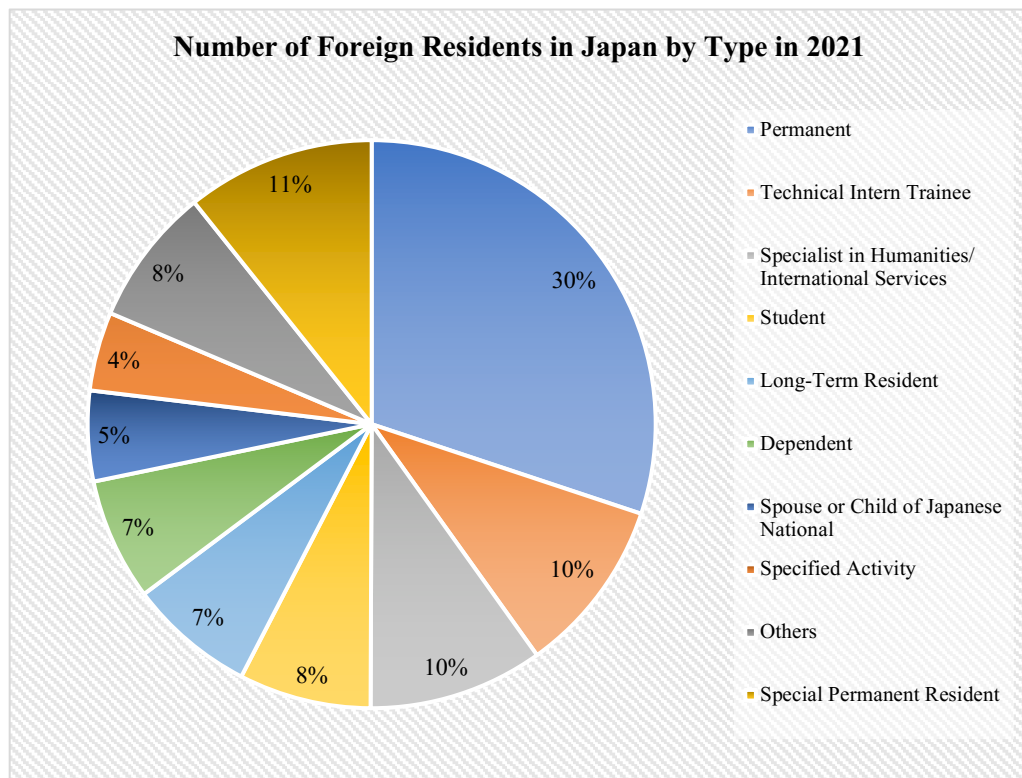
Figure 4. Number of Foreign Residents, Trainees, and Technical Intern Trainees (2006-2021)



Source: Data processed by the Author based on Immigration Services Agency of Japan, n.d.

The figure above shows that as the number of trainees went down after 2009, when they were recognized as workers under domestic labor laws, the number of technical intern trainees rose. After the pandemic started in early 2020, the number of both foreign residents in Japan and technical intern trainees decreased (Immigration Services Agency of Japan, n.d.). The figure below shows the percentages of foreign residents by type of stay permits in Japan:

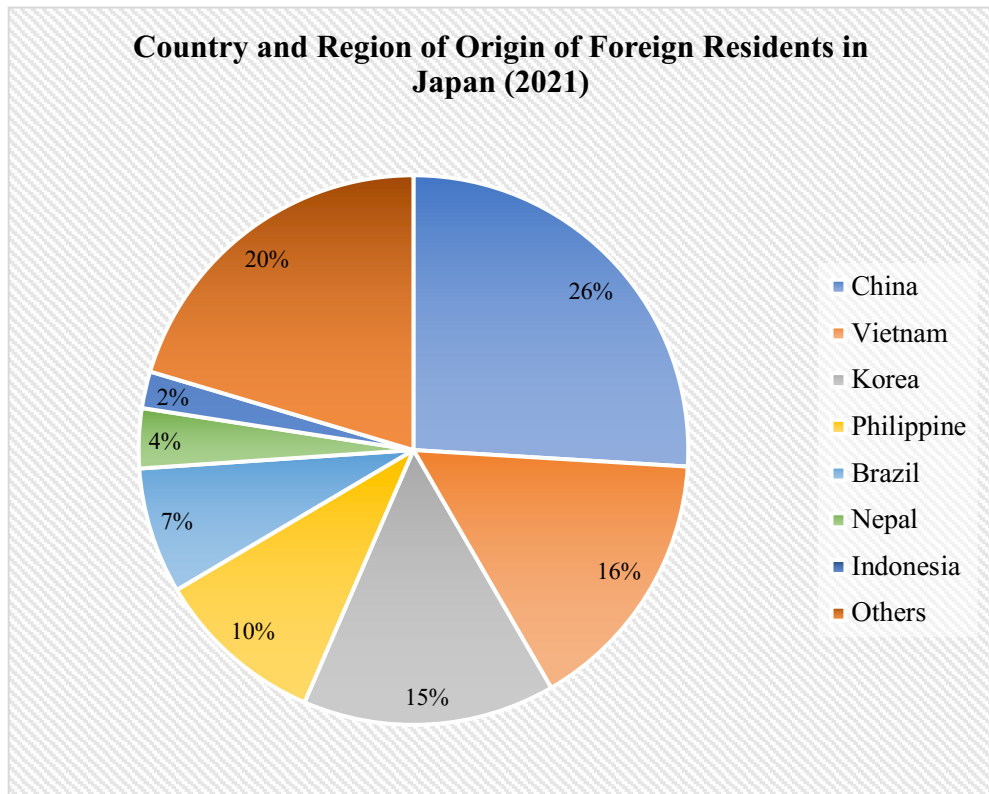
Figure 5. Number of Foreign Residents in Japan by Type in 2021



Source: Data processed by the Author based on (Ministry of Justice Japan, 2022)

The figure above shows that foreign residents with permanent stay permits make up the highest percentage among all foreign residents in Japan, followed by special permanent residents (11%), Technical Intern Trainees (10%) and Specialists in Humanities/International Services (10%). Therefore, it is apparent that Technical Intern Trainees hold crucial roles in the labor market in Japan (Ministry of Justice Japan, 2022). The figure below shows the percentages of origin country/region of the foreign residents in Japan:

Figure 6. Country and Region of Origin of Foreign Residents in Japan (2021)

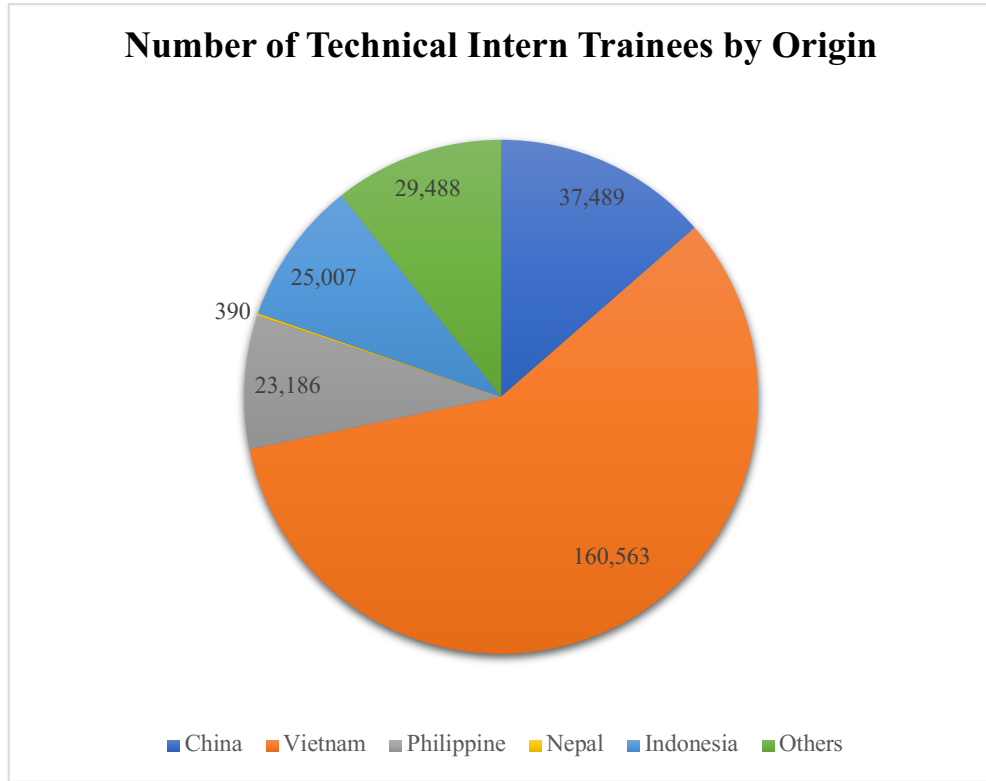


Source: Data is processed by the Author based on (Ministry of Justice, 2022).

From the figure above, it is apparent that Chinese residents in Japan have the highest percentage (26%), followed by Vietnamese (16%) and Korean (15%). The percentage of Indonesian residents was only 2% of the total foreign residents in Japan (Ministry of Justice Japan, 2022).

The figure below shows the number of technical intern trainees by origin country/ area:

Figure 7. Number of Technical Intern Trainees by Origin

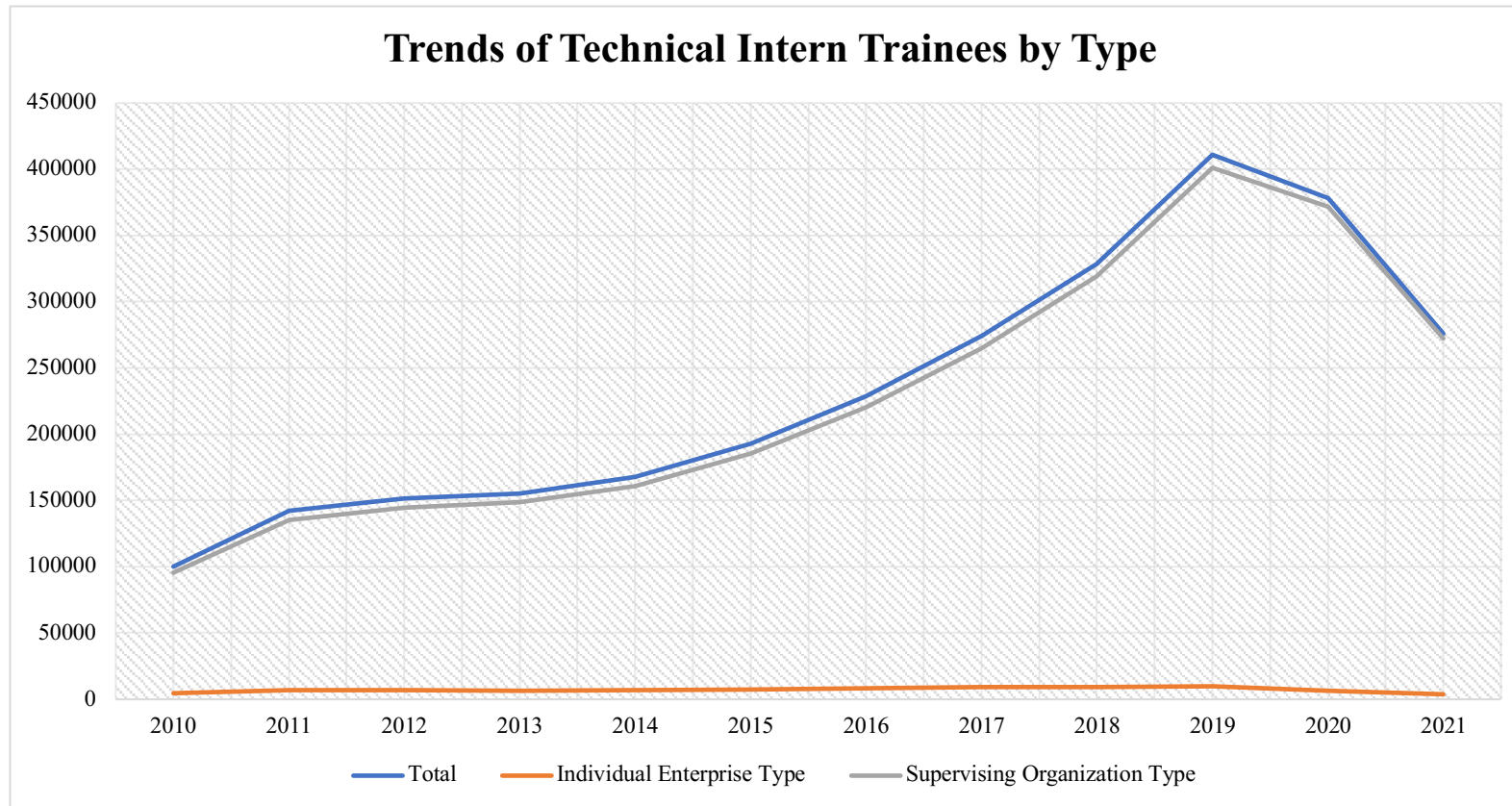


Source: Data processed by the Author based on Ministry of Justice Japan (2022).

The figure above reveals that Vietnam has the highest number of technical intern trainees, which is 58% of the total number, followed by China, Indonesia and the Philippines (Ministry of Justice Japan, 2022).

As mentioned above, there are two acceptance types of the TITP: the Individual Enterprise Type (IET) and the Supervising Organization Type (SOT) (JITCO, n.d.-b). The figure below shows the trends of technical intern trainees by type

Figure 8. Trends of Technical Intern Trainees by Type



Source: Data processed by the Author based on Immigration Services Agency of Japan, n.d.

From the figure above, it is apparent that the number of technical intern trainees significantly increased between 2010 to 2019 up to the COVID-19 pandemic, which mostly affected the number of SOT technical intern trainees. When the pandemic started, the number of SOT sharply decreased, while the number of IET has remained stable (Immigration Services Agency of Japan, n.d.).

From the overview of the data of foreign residents and technical intern trainees, it is apparent that technical intern trainees play a crucial role in the foreign labor market in Japan, and that it is mainly influenced by the number of SOT-type technical intern trainees, mainly from Vietnam, China, Indonesia and the Philippines.

2.3 Challenges of the Technical Intern Training Program

From the Training System of the 1950s to the current Technical Intern Training Program, there have been improvements, particularly related to the protection for trainees in Japan. However, criticisms and challenges of the program still remain, as follows:

1) Gap Between Official Stance and Reality of the Program

The Japanese government established the Technical Intern Trainin with the goals of transferring the knowledge, technologies, and skills (“Skills etc.”) acquired in Japan to other countries and developing regions, while also fostering international cooperation by assisting in the creation of human resources that can aid in the economic growth of those developing countries (JITCO, n.d.-b).

Before 1993, these foreign trainees were totally regarded as non-workers, and were thus outside of the legal protection framework for workers. After 1993, it was not until the verdict against the Sanwa Press Company that the court recognized the “labor element” of the trainees from the first year (Foreign Technical Intern Trainee Problem Lawyer Liaison Committee, 2018, p. 18). Hatate (2015) points out that there is a gap between the official stance or *tatema*e of the program, which is to do “international contributions”, while in reality, many trainees are used as an

“extremely cheap labor force” in small and medium-sized enterprises which face a labor shortage in Japan (Hatate, 2015, p. 59).

Due to this contradiction, foreign trainees from various Asian nations travel to Japan to work for a low wage. They are hired on the condition that they cannot change jobs, and after completing their training, they are expected to return to their home countries. These kinds of settings frequently lead to situations in which the rights of foreign trainees are infringed (Suniai, 2019, pp. 15–17). This statement is also supported by the ILO, which has noted that in various countries, more and more people are turning to internships, apprenticeships, and other work experience programs in order to find quality work. However, there is a chance that these methods might occasionally be utilized to replace current employees or to find cheap labor (Stewart et al., 2018, p. V).

Hasyim (2021) also relates the gaps between the official stance and reality of TITP as a side door policy to accept foreign workers in Japan, and how it affects the sending country’s protection policies towards the trainees. He points out that the gaps between domestic policy in Japan and Indonesia have been caused by the official positions’ mismatch with reality, in part because Japan adopted a side door strategy to welcome unskilled people through the TITP. Technical intern trainees are protected by labor-related laws and regulations in Japan, but the Indonesian government does not recognize the “labor element” of technical intern trainees. As a result, it does not recognize them as migrant workers, and thus excludes them from the legal protection framework for Indonesian Migrant Workers. Although Japan and Indonesia have the same “official stance” toward the TITP in the international sphere, their domestic legal systems do not offer identical recognition of technical intern trainees as workers under the related legal protection framework. Japan has changed its national policy by offering legal protections, such as labor-related rules and regulations and the Technical Intern Training Act after recognizing the “labor element” of the trainees in 2009. In contrast, Indonesia did not change its national policy to recognize them as migrant workers (Hasyim, 2021, pp. 169–170).

Therefore, it is apparent that the gaps between the official stance and the reality of the TITP not only affect the legal protection in Japan but also the protection framework of Indonesia as the sending country, which regards the TITP as a pure training system.

2) Excessive Recruitment and Related Costs and Intermediaries

From the departure processes, the excessive recruitment fee is one of the problematic issues related to the TITP. Not only has the TITP received criticism from the domestic civil society in Japan, but it has also drawn attention from the international community. Debt bondage is a type of forced labor in which the victim is compelled to work in order to pay back the loan or associated fees or both. Until the debt is repaid, the victim of debt bondage is forced to work for little or no remuneration (Institute for Human Rights and Business, 2016, p. 1). The TITP has been mentioned in the *Trafficking in Persons Report 2021* by the United States Department of State regarding the risk for debt bondage on TITP, as Japan failed to hold the governments of sending countries accountable for the unfair and abusive practices by sending organizations and recruiters (State Department, Government of the United States of America, 2021, pp. 317–321).

In addition, the practices of taking deposit fees and penalty fees, and confiscating important documents that are difficult to be re-issued such as graduation certificates, still exist in the program (Hasyim, 2021; Suniai, 2019). Furthermore, during the employment matching procedure in the country of origin, many cases have been reported, particularly in the P-to-P scheme of SOT type trainees, human rights violations and the exploitation by intermediaries who demand disproportionately large fees from candidates of Technical Intern Trainees (Azis et al., 2020; Ratnayake & De Silva, 2017; Suniai, 2019).

For instance, despite the Vietnamese Government setting a maximum recruitment fee of USD 3,600 to be paid by the candidate to the Sending Organization and a minimum education fee of VND 5,900,000 (USD 251.47¹) for

¹ Based on exchange rate on 2 September 2022.

a 520-hour Japanese language course, many of Vietnamese technical intern trainees claimed that they spent approximately JPY 1,000,000 (USD 7133.02²) (Sawada, 2020, pp. 109–111; Suniai, 2019, pp. 58–59).

In the case of Indonesia, according to research conducted by the Human Rights Working Group, in extreme circumstances, the P-to-P system of the TITP in Indonesia could cost as much as IDR 80.000.000 (USD 5368.88³) for training and placement (Azis et al., 2020, p. 48). Therefore, one may assume that the issue of excessive recruitment costs in the technical intern trainees sending countries such as Vietnam and Indonesia, is highly correlated with the existence of intermediaries during the pre-departure process.

3) Issues related to Implementing Agencies and Japan as Receiving Country

The existence of multiple intermediaries in the TITP does not only cause the excessive recruitment and related costs, but also makes the technical intern trainees work under low wages (Mochizuki, 2019; Saito, 2020b). The average wage of technical intern trainees is the lowest among other types of foreign residents' stay permit, which is JPY 164,100 (USD 1170.53⁴) and is still lower than Japanese workers who start working as high school graduates by JPY 15,600 (USD 111.28⁵) (Ministry of Health Labour and Welfare, 2022, p. 8).

In addition, there are many labor laws and regulation related violations by the Implementing Organizations towards the trainees, including those related to wages, as shown in the figure below:

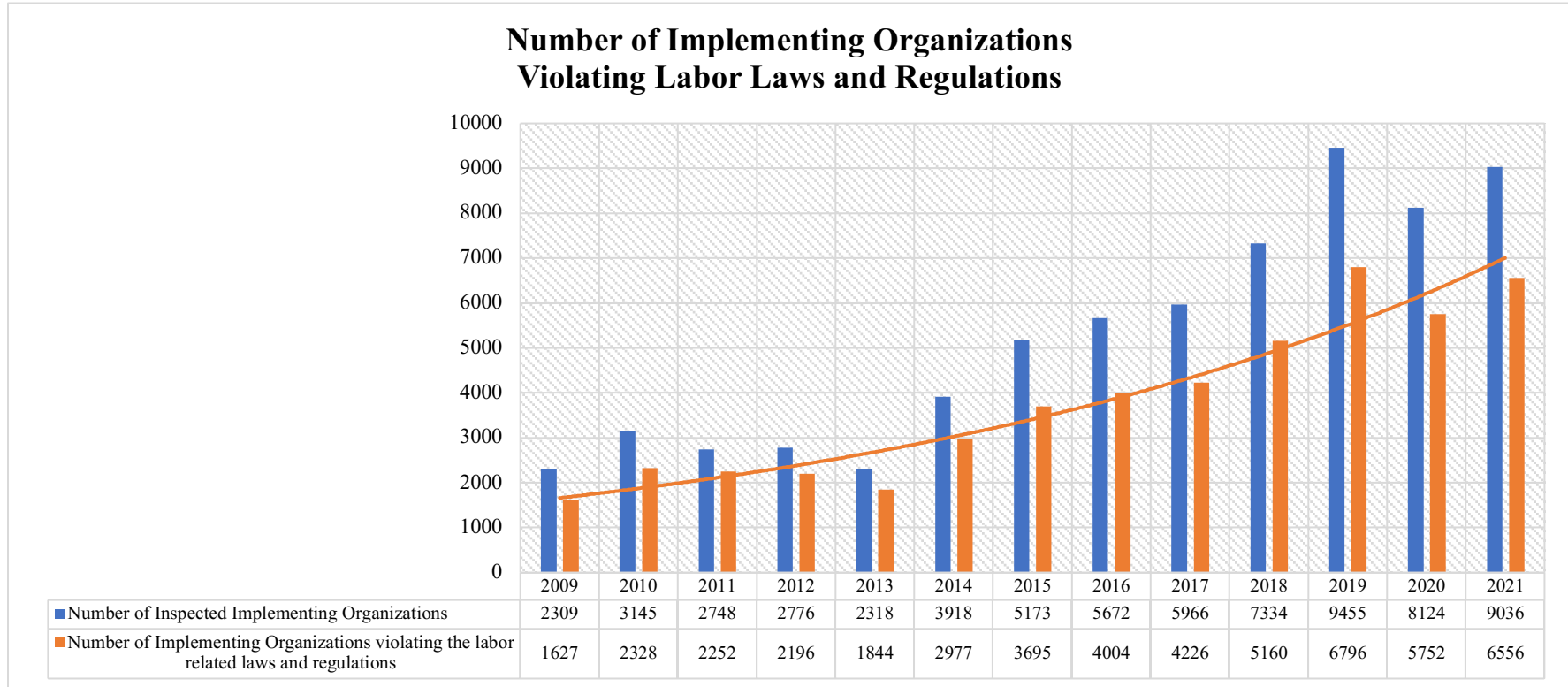
² Based on exchange rate on 2 September 2022.

³ Based on exchange rate on 2 September 2022.

⁴ Based on exchange rate on 2 September 2022.

⁵ Based on exchange rate on 2 September 2022.

Figure 9. Number of Implementing Organizations Violating Labor-related Laws and Regulation



Sources: Data processed by the Author based on Ministry of Health Labor and Welfare (2014, 2018, 2020, 2022).

The figure above shows the number of inspected Implementing Organizations in Japan violating labor laws and regulations. As the number of inspected companies rises 3.9 times, the number of companies violating the laws increased by 4.02 times between 2009 and 2021 (Ministry of Health Labor and Welfare, 2014, 2018, 2020, 2022).

In 2021, the percentage of companies accepting foreign trainees that were found to have violated the labor laws and regulations in Japan reached 72.6%, which is 6,556 companies from 9,036 inspected companies. The major violations were (1) safety standards for machines used (24.4%), (2) payment of extra wages (16.0%), and (3) working hours (14.9%), in that order (Ministry of Health Labor and Welfare, 2022).

Even if the Implementing Organizations do not violate regulations related to wages as above, the candidates have spent notably high recruitment fees, thus their salaries, in many cases, are not adequate to pay their pre-departure debts and send remittances to their families in the home country. Only limited types of occupations in the TITP utilize the monthly compensation system; most use the hourly wage system. In many situations, the hourly wage system allows the employers to pay only extremely low salaries to the trainees when they are not able to secure the appropriate workload for the trainees. It should be noted that technical intern trainees are not permitted to work part-time or have side jobs in such circumstances in order to supplement their income (Saito, 2020b, pp. 35–37).

Beside the violation related to labor laws and regulations, there are also cases of physical abuse, power and verbal harassment towards technical intern trainees, some of which have been highlighted by the national media in Japan. A case that recently went viral was the case of Vietnamese Technical Intern Trainee working at a construction company in Okayama who has been receiving abuse and harassment by several Japanese workers over a long period. The trainee tried to put up with it because of the debt owed from pre-departure preparations, but then started to ask for help from a support group in Japan (Konno, 2022).

Therefore, from the high percentage of inspected companies violating the rights of trainees, the fact that most occupation types in Japan only offer hourly

wages to trainees, and the multitude of cases of physical abuse, power and verbal harassment, problems with the TITP exist in the Implementing Organizations as receiving companies, and Japan as the receiving country, which has put many trainees into vulnerable conditions.

4) Structural Challenges, Debt Bondage and Desertion Issues

Saito (2020b), the structural problems that produce a compounding effect on one another are the source of the problems of the TITP. The limitations on one's freedom of mobility, change of jobs, or leaving of jobs, as well as the ban on side jobs and part-time jobs, are notable structural issues on the program. In addition, the heavy weight of costs to find jobs in Japan causes restricts the freedom to resign from the current program. Despite the fact that the Technical Intern Trainees are not prohibited from quitting by Japanese law, the existence of numerous private human resources businesses in the program (particularly on the Supervising Organization Type) has increased the departure fees, forcing them into debt coercion (Saito, 2020b, pp. 35–37). In addition, among 378,200 technical intern trainees in the 2020 (Immigration Services Agency of Japan, n.d.), only 49 technical intern trainees could change their Implementing Organization. These technical intern trainees comprised 29 trainees from Vietnam, seven from the Philippines, five from China, three from Indonesia, and five from other countries (OTIT, 2021b).

The burdens of migration during the pre-departure period and/or the violations of labor laws and regulations conducted by the Implementing Organizations, in addition to structural issues where the trainees do not have the mobility to change their jobs nor to quit their jobs, has led the trainees to choose between the two following options, as below:

1) Forced to continue working

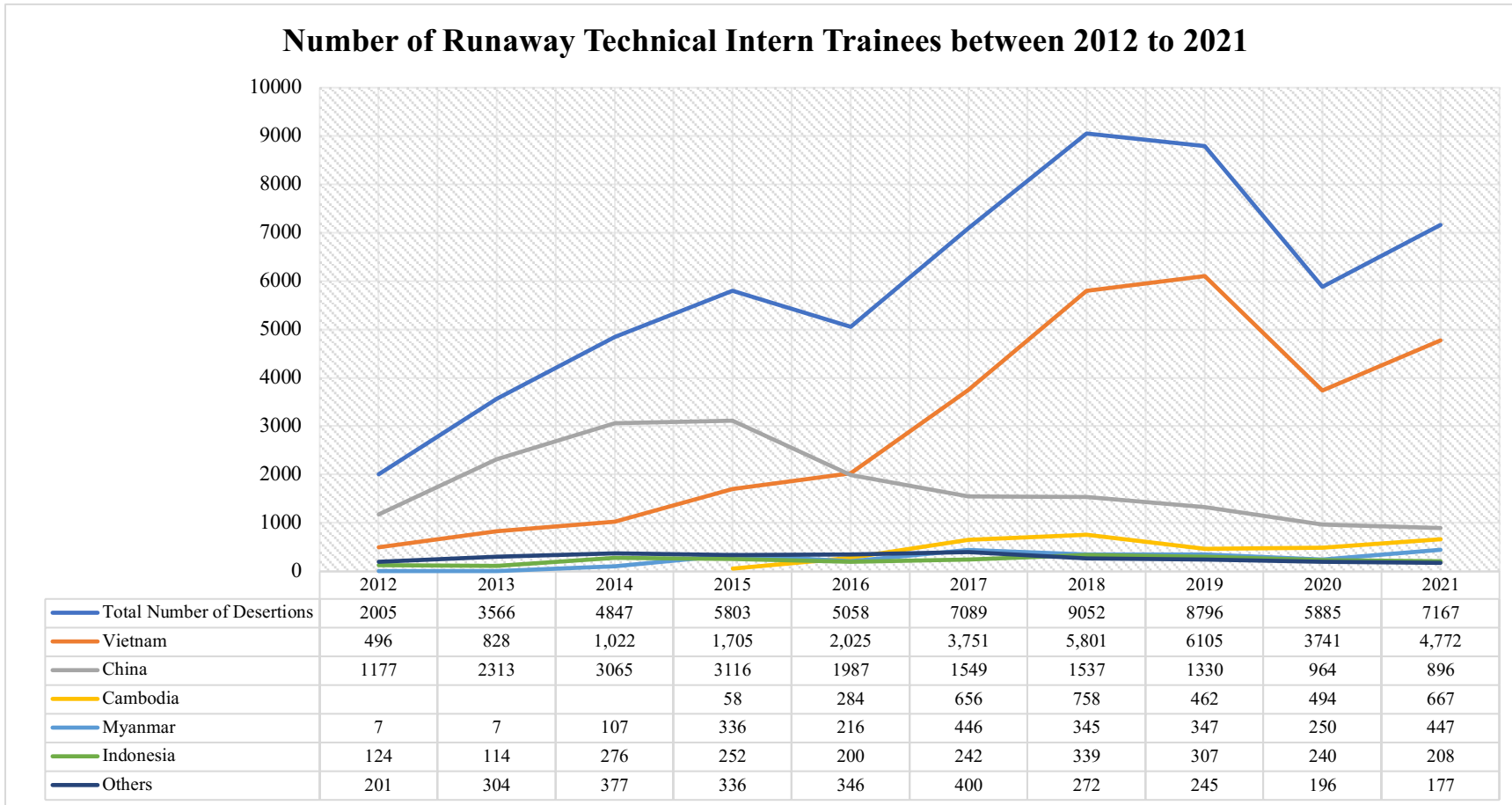
In their study on Indonesian technical intern trainees, Sato et al. (2015) note that many of the trainees, particularly those who are first-year trainees who have recently arrived in Japan, are unable to complain to the implementing organizations because they are in debt from paying excessive fees to the

private sending organizations in Indonesia. If they complain, they will be sent back to their native country while their debts are still to be repaid (Sato et al., 2015, p. 180). In the case of Vietnamese technical intern trainees, Saito (2018) states that many Vietnamese Technical Intern Trainees who had to pay expensive departure fees undergo hardship due to the harsh working and living conditions after arriving in Japan (Saito, 2018, pp. 14–19). Therefore, as the trainees cannot choose to quit or change their implementing organization, one of the only options left is to keep working—which reflects the situation of debt bondage in the program (Hasyim, 2021, pp. 42–46).

2) Run away and become irregular migrants.

If they cannot bear to stay at their Implementing Organization, another option for trainees is to run away. The figure below shows the number of runaway technical intern trainees between 2012 to 2021.

Figure 10. Number of Runaway Technical Intern Trainees (2012-2021)



Source: Data processed by the Author based on Ministry of Justice (2018, 2022).

The figure above shows that the total number of runaway trainees kept increasing until 2018, then sharply fell during the early phases of the pandemic (between 2019 to 2020) and started to rise again in 2021. The trend of the total number of runaway trainees is linear with the trend of the overstaying Vietnamese trainees. The number of runaway trainees from China has significantly decreased over the years, while the other countries do not show any crucial changes (Ministry of Justice, 2022).

According to a project team investigation into the operation of the technical intern training program, violations were committed by implementing organizations against technical intern trainees who left their companies. Between December 2018 and March 2019, the project investigated cases of former technical intern trainees and their implementing organizations. The project team consisted of the Regional Immigration Bureau, the Organization for Technical Intern Training (OTIT), and the Immigration Services Agency of the Ministry of Justice (Ministry of Justice, 2019). The results of the investigation are as below:

Table 2. Types of Misconduct, Runaway Trainees, and Inspected Implementing Organizations

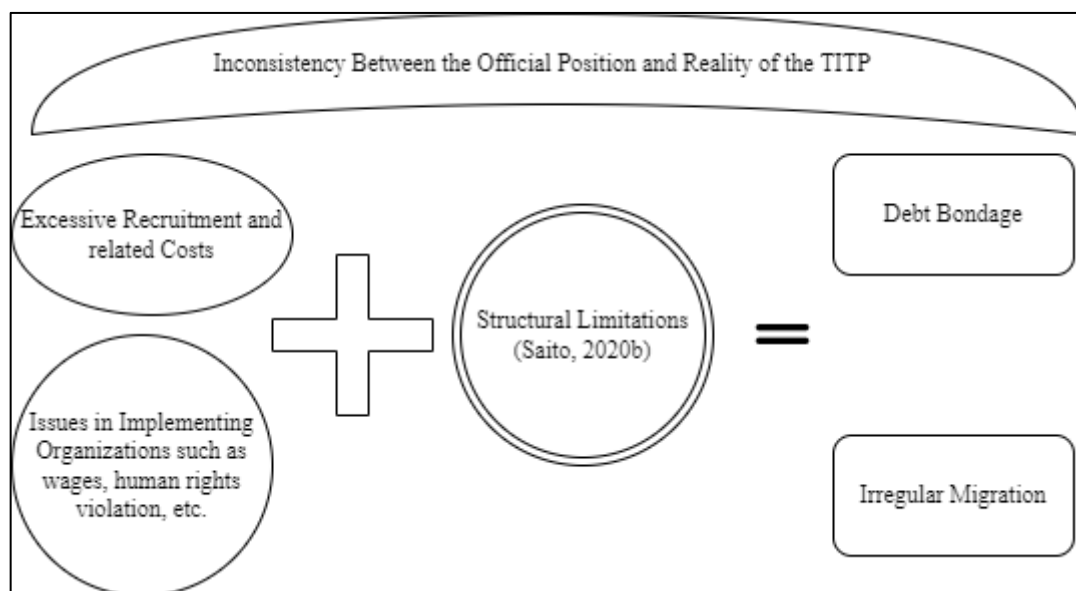
NO	Types of Misconducts	Number (Trainee)	Number (Company)
1	Minimum wage violation	57	51
2	Contract wage violation	64	61
3	Inappropriate deduction of wages	92	86
4	Non-payment of extra wages for overtime work, etc.	176	156
5	Inappropriate overtime hours, etc.	223	189
6	Other human rights violations	30	23
7	Serious insufficient documents	222	195
8	Minor incomplete documents	2060	1788
9	Other fraudulent activities, etc.	29	25

Source: Ministry of Justice (2019).

It is apparent that among the 9 types of misconduct, minor incomplete documents (e.g., minor deficiencies such as non-entry of some required items in the wage ledger) and serious deficient documents (e.g., discarding wage ledger prior to the end of its expiration period) had the highest number of violations, followed by wage-related misconduct (item 1 to 5) (Ministry of Justice, 2019). Therefore, it is clear that the mistreatment of the Technical Intern Trainees also influenced their decision to “escape” from their Implementing Organizations.

Therefore, the challenges of the TITP and the results of those issues can be summarized as the figure below:

Figure 11. Challenges on the TITP and the Results



Source : by the author based on Azis et al. (2020); Hasyim (2021); Ministry of Justice (2018, 2019, 2022); Mochizuki (2019); OTIT (2021b); Saito (2018, 2020b); Suniai (2019).

To sum up the challenges of the TITP and the results, the figure above illustrates that the inconsistency between the official position and the reality of the program, suggesting that it affects the domestic protection policies towards the technical intern trainees. Furthermore, excessive recruitment and related costs and

issues of implementing organizations related to wages, human rights violation, etc., which are fueled by the structural limitations for the mobility of technical intern trainees, may manifest into technical intern trainees falling into vulnerable conditions such as being trapped in debt bondage or trapped as irregular migrants in Japan (Azis et al., 2020; Hasyim, 2021; Ministry of Justice, 2018, 2019, 2022; Mochizuki, 2019; OTIT, 2021b; Saito, 2018, 2020b; Suniai, 2019).

2.4 Protections for Technical Intern Trainees from the Japanese Legal Framework

After the first-year trainees won the case against the Sanwa Service Company in Nagoya Court and their “labor element” was recognized, it was confirmed that trainees from the first year until the end of their training period are under the protection framework of labor laws and regulations, such as the Labor Standards Law, Minimum Wage Law, Labor Accident Insurance Law, etc. (Foreign Technical Intern Trainee Problem Lawyer Liaison Committee, 2018, pp. 18–30; Kamibayashi, 2018, p. 53).

In addition, the Technical Intern Training Act, which was promulgated in 2016 and came into effect in 2017, has contributed towards the significant improvement of legal protections towards the technical intern trainees. This was followed by the establishment of OTIT as an approval organization that also offers protection for technical intern trainees, conduct accreditation procedures for technical intern training plans, making notification for implementing organizations, providing licensing system for supervising organizations, and other measures aimed at optimizing technical intern trainees’ protections (JITCO, n.d.-b).

With regards to technical intern trainees changing their implementing organizations, the Technical Intern Training Act Article 51 states that the Implementing Organizations and Supervising Organization have obligations to “*communicate and coordinate with other implementing organizations, supervising organizations, or other relevant persons and shall take other necessary measures to ensure that the technical intern trainees who wish to continue with the technical intern training are able to do so*” (Ministry of Justice Japan, 2017). However, the

trainees are mostly unable to switch companies because any changes are restricted to occupations that meet the requirements of their prior job descriptions. When a technical intern trainee looks for a new Implementing Organization, they need to choose one that offers the precise type of occupation that is allotted to the trainees based on the previous job requirements. Thus, there are very few options for the trainees to change their companies when they were “unfortunate” to be placed in companies as they expected (Saito, 2020b, pp. 35–36). Furthermore, Oosige (2016) pointed out that the structural issue with sending organizations was brought up during the 2015 draft of the Technical Intern Training Act since there was no significant countermeasure to the issue of the sending organizations demanding payment from technical intern trainees (Oosige, 2016, p. 292).

Therefore, despite being protected under the legal framework of domestic labor laws and regulations in Japan, the freedom of mobility of technical intern trainees is still restricted and the issue of intermediaries adding to the burdens of migration for the trainees still remains.

2.5 Protections for Technical Intern Trainees from Civil Society in Japan

One of the most prestigious and prominent migrants’ support organizations in Japan is Solidarity Network with Migrants Japan (hereinafter referred to as “SMJ”).⁶ It was first founded in 1997 under the name of or Solidarity Network with Migrants Workers in Japan.⁷ However, it was later recognized that “*It is not merely about the issues of migrant workers,*” leading it to change the name into SMJ. SMJ has been assisting a large number of foreign migrants on issues such as visa overstayers, experiencing occupational accidents, issues of human trafficking and forced labor, etc. SMJ has also been advocating for the protection of technical intern trainees and the abolishment of TITP (Torii, 2020, pp. 243–248).

In 2022, SMJ cooperated with various individuals, non-profit organizations, labor unions, and other organizations to hold the “National Caravan

⁶ Translation in Japanese 移住者と連帯する全国ネットワーク.

⁷ Translation in Japanese 移住労働者と連帯する全国ネットワーク.

for Abolishing Technical Intern Training Program” in various regions in Japan. These organizations such as RINK (Rights of Immigrants Network in Kansai) Osaka, ActNow! Kagawa, Union Network Kyoto, Scrum Union Hiroshima, and the only organization specifically working on advocacy for Indonesian Migrant Workers in Japan, the RUMI Jepang (*End Slavery*, 2022).

RUMI Jepang is the abbreviation of “Rumah Masyarakat Indonesia di Jepang” which means Home for Indonesian Society in Japan. From the social media of RUMI Jepang, it shows that the previous name was Iza Migrant Rights founded by Indonesian international students researching on Indonesian Migrant Issues in Japan. It shared important information for Indonesian Technical Intern Trainees and conducted a Short Story Contest to empower the technical intern trainees to raise their voice through literature, which resulted in the publication of the book entitled “Morotomo”. Later, Iza Migrant Rights merged into RUMI Jepang with new members and a broader mission and purpose. The members are Associate Professor Saeki Natsuko (Nagoya Gakuin University), Yusy Widarahesty (Ritsumeikan University), Muhammad Reza Rustam (Hiroshima University), Anastasya Wulandari Hasyim (Kobe University), Waode Hanifah Istiqomah (Hitotsubashi University) and Fitria Noriza (Chiba University) (Rumi Jepang, 2022).

Hence, it is apparent that the support groups for technical intern trainees may have started from Japanese civil society, but the migrant communities in Japan have started to join the movement to advocate for the rights of technical intern trainees in Japan.

2.6 Conclusion

At the beginning of chapter 2, the author describes that The Japanese government is reluctant to recognize the need for foreign labor, preferring to maintain strict immigration controls to preserve society's cultural and ethnic homogeneity. However, interestingly, even though the Japanese government is reluctant to recognize foreign labor but creates immigrant policies and opens various entry doors to Japan. The “front door” was open only to professional and skilled foreign workers. The “back door” for irregular residents (illegal residents).

The “side door” for unskilled foreign workers, such as a “trainee” program for foreign interns, an “ethnic visa,” and international students.

In addition, this chapter's main issue describes the background and provides an overview of Japan's Technical Intern Training Program. It highlighted the various structural challenges in the program and the inconsistency between the official position and the reality of domestic protection policies and protection under the current legal framework for technical intern trainees. For example, despite currently being protected under the legal framework of domestic labor laws and regulations, the freedom of mobility of technical intern trainees is still restricted. Furthermore, the issue of intermediaries adding to the burden of migration for the trainees remains. To analyze and describe these challenges, the author uses papers from scholars such as Azis et al. (2020); Hasyim (2021); Hatate (2015); Kamibayashi (2018); Oosige (2016); Saito (2018, 2020a, 2020b); Suniai (2019), etc. and also reports from ministries and organizations related to the technical intern trainee system.

Therefore, with the many challenges that this technical intern trainee system has resulted in, migrant communities' organizations in Japan have started to join the movement to advocate for the rights of technical intern trainees who face various hardships. These organizations, such as RINK (Rights of Immigrants Network in Kansai) Osaka, ActNow! Kagawa, Union Network Kyoto, Scrum Union Hiroshima, and the only organization specifically working on advocacy for Indonesian Migrant Workers in Japan, the RUMI Jepang.

As a note, the many challenges experienced by technical intern trainees have been discussed by previous scholars in this chapter. However, the author's difference from scholars before is that authors will discuss in the next chapter and analyze these challenges as violence (direct and indirect), where indirect violence will be divided into structural and symbolic violence. Furthermore, the violence experienced by the technical intern trainees manifested in silence and put them in a vulnerable position.

CHAPTER 3

MIGRATION OF INDONESIAN MIGRANTS THROUGH THE TECHNICAL INTERN TRAINING PROGRAM

3.1 Overview of Indonesian Technical Intern Trainees

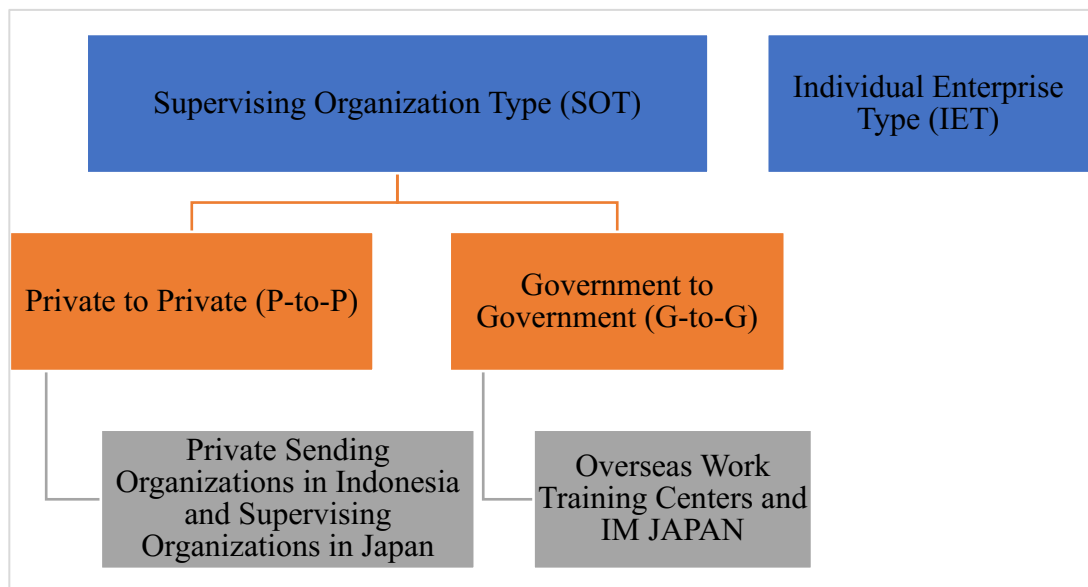
The Ministry of Manpower's Regulation No. 8/2008 on Overseas Internship Program regulates the TITP, which is governed by Law No. 13/2003 on regulating Manpower in Indonesia. Only the component costs of TITP under the government-to-government scheme are managed by this regulation, while the private-to-private scheme remains unregulated. The Technical Intern Trainees are not covered by the protection framework under Law No. 18/2017 or the earlier Law No. 39/2004 concerning the Placement and Protection of Indonesian Overseas Workers because the sending country, Indonesia, does not recognize them as migrant workers. However, as stated in Ministry of Manpower's Regulation No. 39/2016, the placement of technical intern trainees follows the same procedure as the deployment of foreign workers (Azis et al., 2020, pp. 45–46). Comparatively speaking, under Law No. 18/2017, Indonesian migrant workers are ensured access to Social Security for Indonesian Migrant Workers and their families, are prohibited from being responsible for placement charges, and are provided with other legal, social, and economic benefits (Article 29 to Article 35). Technical intern trainees are not recognized by the Indonesian government as “workers,” hence their access to these protections provided by the Law No.18/2017 is restricted (Hasyim, 2021, pp. 58–59).

As technical intern trainees are not considered as migrant workers, they are regulated under the Ministry of Manpower Directorate General of Vocational and Productivity Training (hereinafter referred to as “Binalavotas”). In 2022, Binalavotas stated that the government planned to increase the number of TITP participants. The Director General of Binalavotas, Mr. Budi Hartawan explained that the TITP is a part of “job training”—where the participants shall intend to learn and practice through the program, which offers opportunities to improve the competence of Indonesian human resources. In addition, Mr. Budi Hartawan noted

that there have been 94,348 Indonesian technical intern trainees from 1993 until 2022, in which 13,699 trainees are still participating in the program (Ministry of Manpower Indonesia, 2022).

Indonesians participating in the TITP through two acceptance types of the TITP: the Individual Enterprise Type (IET) and the Supervising Organization Type (SOT) (JITCO, n.d.-b). Within the SOT acceptance type, there are also two schemes (Azis et al., 2020, pp. 44–45). The figure below shows the acceptance types and schemes on the TITP between Indonesia and Japan.

Figure 12. Acceptance Types and Schemes on the TITP Between Indonesia-Japan

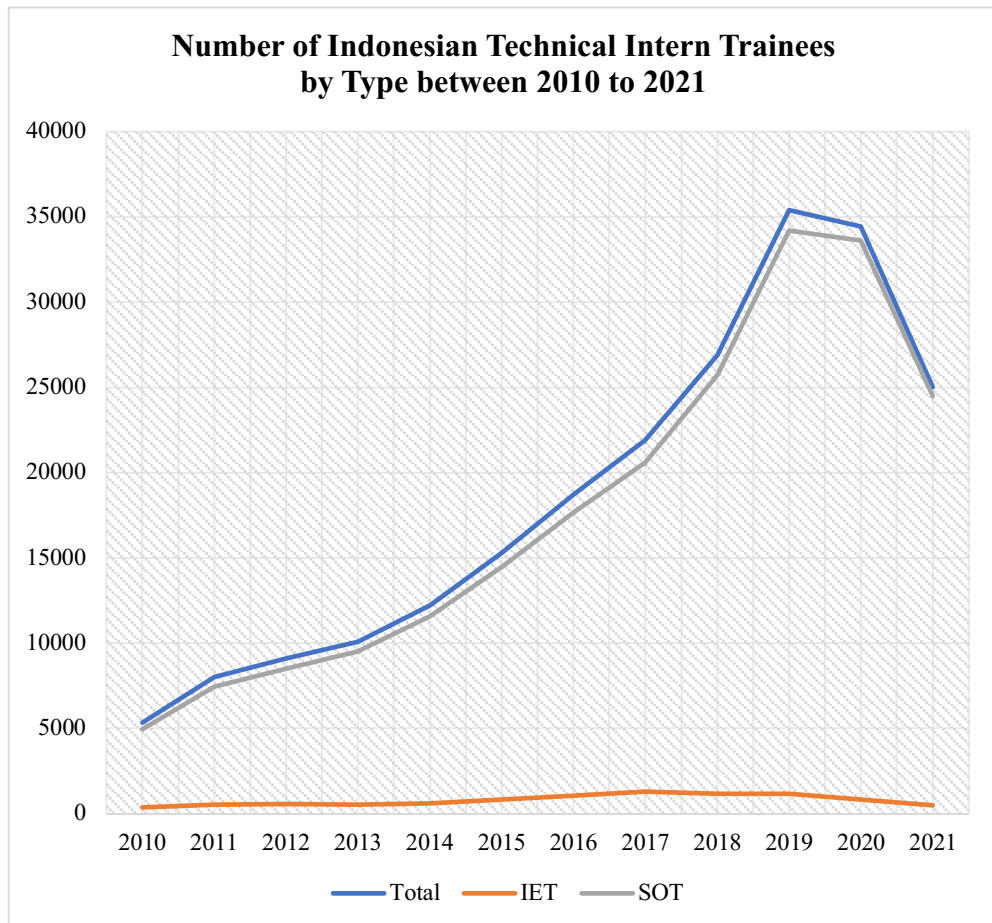


Source: Based on Azis et al. (2020, pp. 44–45).

As the figure above shows, the Supervising Organization Type of TITP has two schemes. One is the Private-to-Private (P-to-P) scheme, which is the term used to describe the hiring and placement of the TITP by private Sending Organizations and private Supervising Organizations. However, in the case of Indonesia, there is a second Government-to-Government scheme, in which workers are hired and sent out by the Indonesian Government through the Overseas Work Training Centers, which are approved by IM Japan, the sole Supervising Organization directly

designated by the Japanese Government (Azis et al., 2020, pp. 44–45). The figure below reveals the number of Indonesian technical intern trainees between 2010 to 2021 based on acceptance type:

Figure 13. Number of Indonesian Technical Intern Trainees by Type between 2010-2021

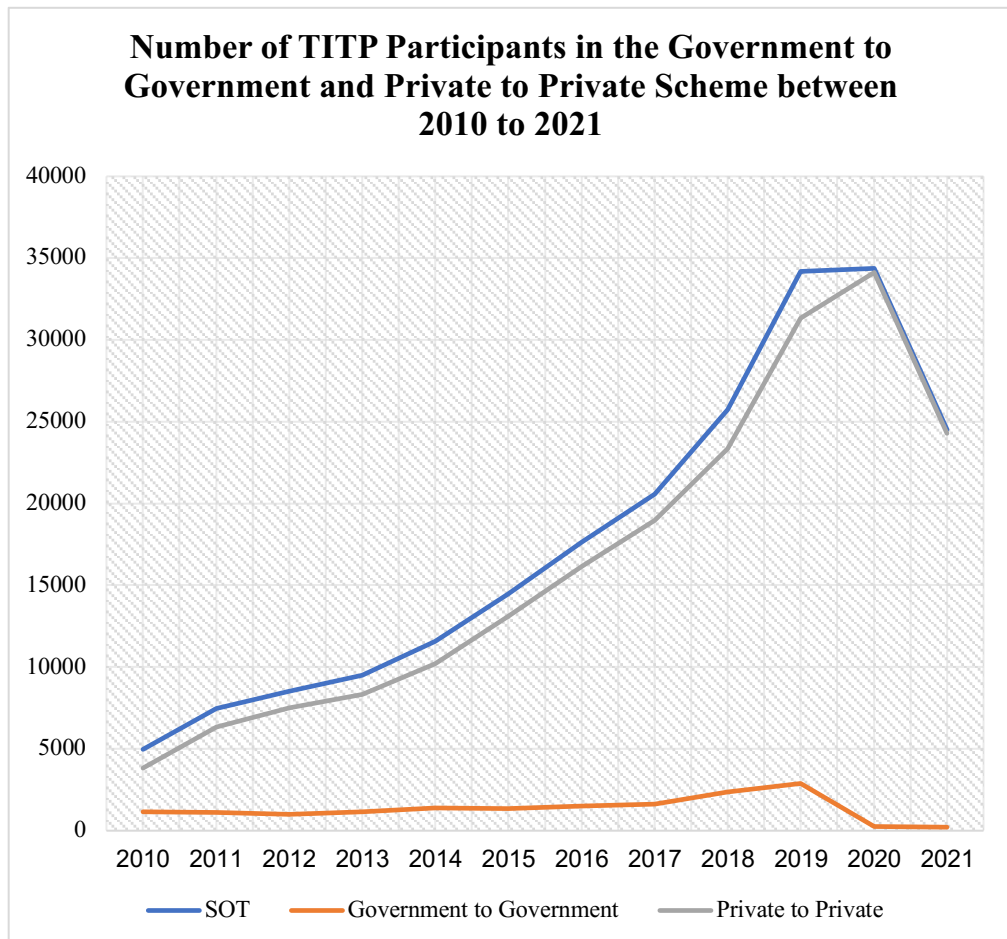


Source: Data processed by the Author based on Immigration Services Agency of Japan, n.d.

From the figure above, it is apparent that the number of IET Indonesian technical intern trainees has remained constant, while the number of SOT trainees has increased rapidly. It is also obvious that the number of Indonesian technical intern trainees sharply fell after the pandemic started in Japan in 2020.

The figure below shows the number of SOT Indonesian technical intern trainees under the different types of schemes:

Figure 14. Number of TITP Participants in the Government-to-Government and Private-to-Private Scheme between 2010 to 2021



Source: Data processed by the Author based on IM Japan (2022); Immigration Services Agency of Japan, n.d.

From the figure above, it is clear that most of the Indonesian SOT technical intern trainees are from the Private-to-Private scheme. The number of Indonesian technical intern trainees from the Government-to-Government scheme remained stable until a slight increase in 2019, which was followed by a drastic fall from 2020 to 2021.

Private-to-private scheme Indonesian technical intern trainees are sent through private Sending Organizations in Indonesia (Azis et al., 2020, pp. 44–45). The figure below shows the number of private Sending Organizations located in Indonesia in 2021:

Figure 15. Number of Sending Organizations in Indonesia (2021)

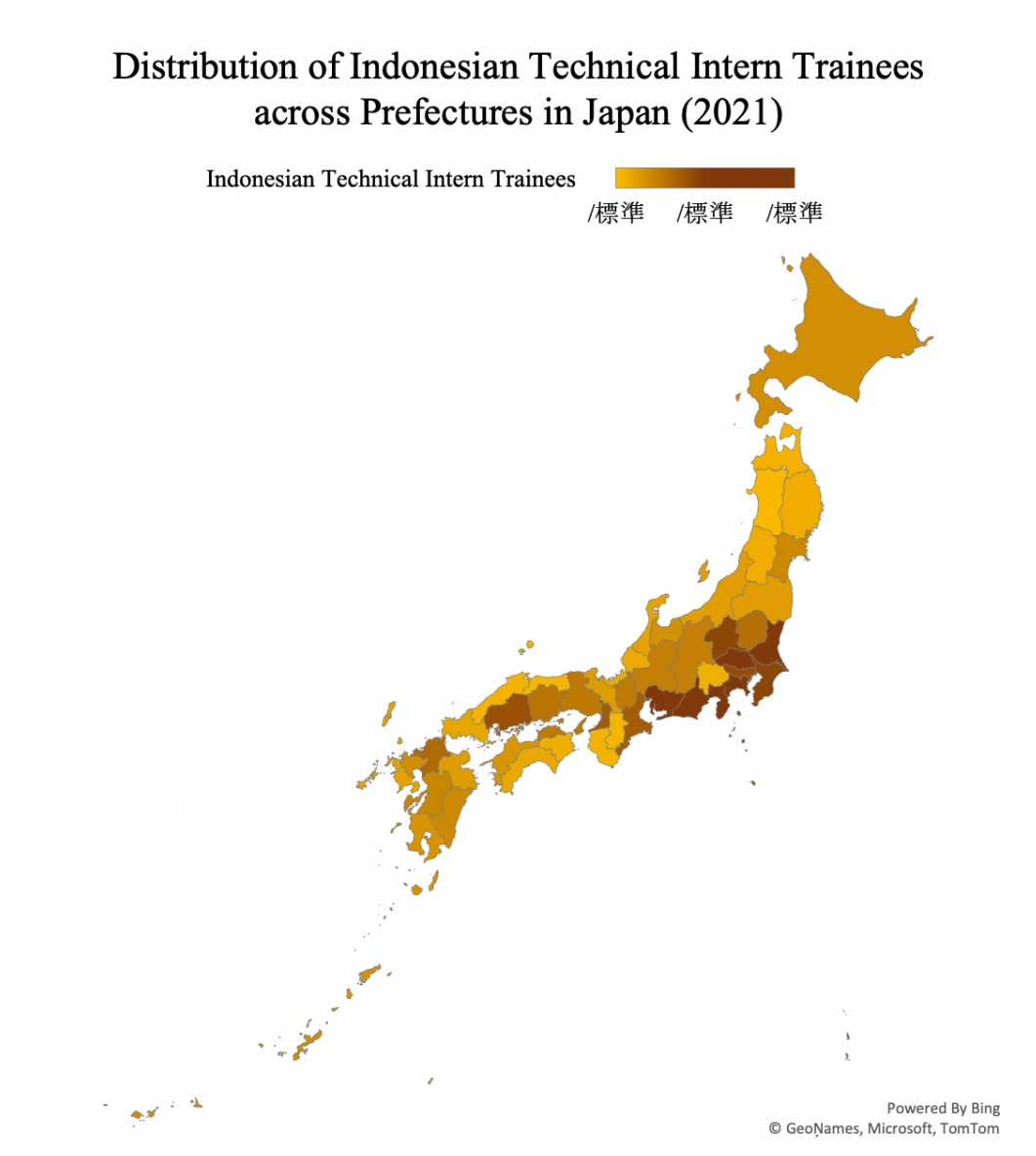


Source: Data processed by the Author based on OTIT (2021a).

From the figure above, it is visible that 76.95% of sending organizations are located in Java Island. Provinces with the most sending organizations are West Java, followed by Central Java, East Java, Bali and other provinces.

On the other hand, the number of Indonesian technical intern trainees in 2021 was 25,007 trainees (Immigration Services Agency of Japan, n.d.). The distribution of Indonesian technical intern trainees in prefectures in Japan are shown as below:

Figure 16. Distribution of Indonesian Technical Intern Trainees across Prefectures in Japan (2021)



Source: Data processed by the Author based on Immigration Services Agency of Japan, n.d.

From the map above, it is apparent that the prefectures with the highest number of Indonesian technical intern trainees are Aichi Prefecture, followed by Ibaragi Prefecture, Saitama Prefecture, Shizuoka Prefecture and so on.

Therefore, one may summarize that most Indonesian technical intern trainees are Supervising Organization types who went through the Private-to-Private scheme. Through the Private-to-Private scheme, private Sending Organizations have a vital role; these are mostly located in Java Island. Finally, most Indonesian Technical Intern Trainees are deployed to Implementing Organizations located in Aichi Prefecture, Ibaraki Prefecture, Saitama Prefecture, Shizuoka Prefecture, and so on (Azis et al., 2020, pp. 44–45; IM Japan, 2022; Immigration Services Agency of Japan, n.d.; OTIT, 2021a).

3.2 Deployment of Indonesian Technical Intern Trainees in the Private-to-Private Scheme

Several studies have researched the pre-departure processes of Indonesian technical intern trainees. With regards to departure costs, Human Rights Working Group (2020) found that Indonesian candidates of the TITP usually pay around IDR 30.000.000 to IDR 80.000.000 in extreme cases (USD 1,983 to USD 5,288⁸) to be deployed as technical intern trainees to Japan (Azis et al., 2020, p. 3).

With regards to the motivation of candidates of technical intern trainees and preliminary study of appropriate model of TITP, Mitate (2020) conducted a questionnaire survey of people studying in Sending Organizations in Indonesia with the aim of developing an “ideal model” of the TITP that contributes to career development, revitalization and acquisition of high-quality of human resources for the Implementing Organizations. The results show that the young people of Indonesia applying for the program do not always aim to make use of Japanese technology in their home country. Mitate (2020) also reveals that Indonesian finishing the program acquire Japanese language ability, manners based on Japanese culture, and know-how about working in Japan, which make them able to

⁸ Based on exchange rate on 26 September 2022.

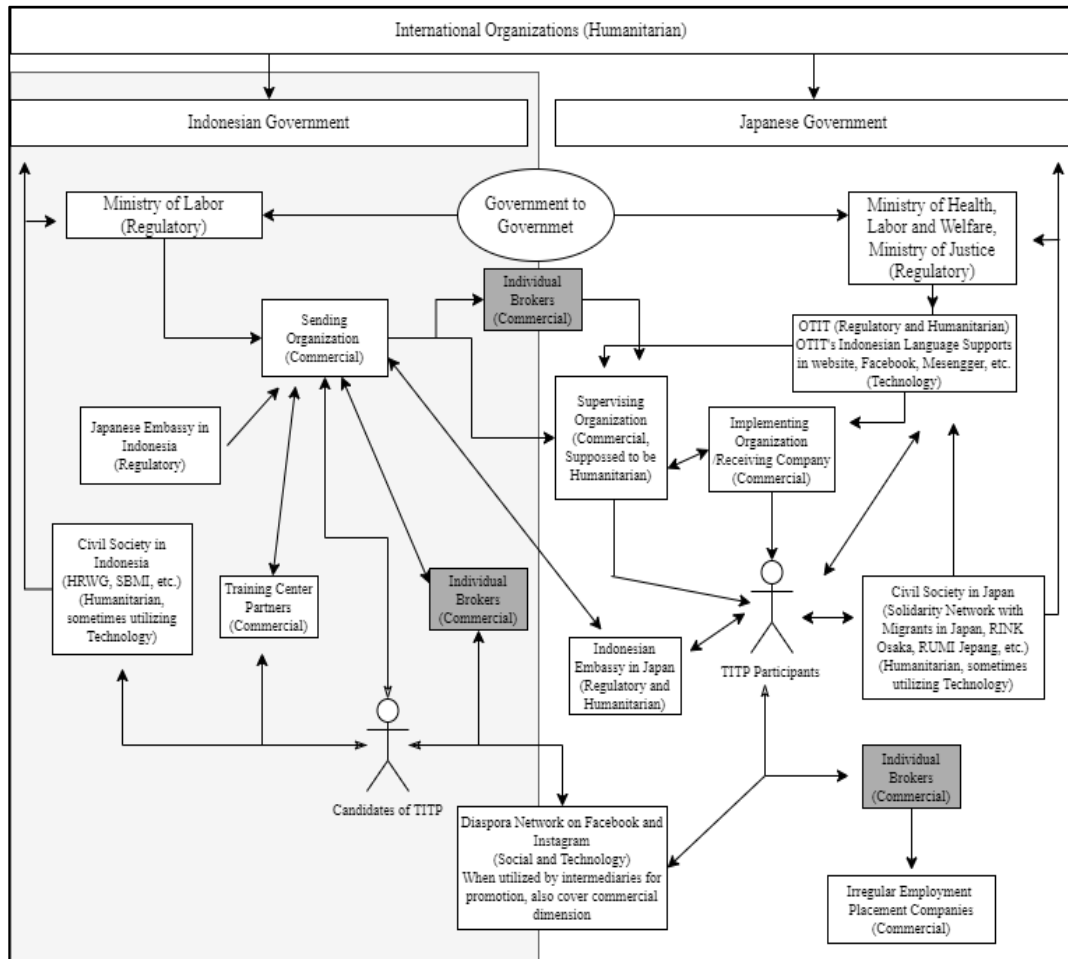
improve their career using their acquired Japanese language ability. In addition, this study also highlights the importance of Sending Organizations to discover Implementing Organizations that accept technical intern trainees for revitalization and acquisition of high-quality human resources rather than cheap and short-term labor (Mitate, 2020, pp. 4–10).

However, it is significant to point out that according to analyses of Migration Layers, Asymmetric Information, and Burdens of Migration in Hasyim (2022), Supervising Organizations that introduce the Implementing Organizations in Japan are the ones that have the upper hand in their relations with Sending Organizations in Indonesia (Hasyim, 2021, p. 11). This point was not taken into consideration by Mitate (2020), who implicitly encouraged the Sending Organizations to discover the ‘appropriate’ Implementing Organizations (Mitate, 2020, p. 10), despite the power unbalance.

The concept of migration infrastructure is developed by Xiang and Lindquist (2014), and it refers to the systemically interconnected technology, institutions, and actors that facilitate and condition mobility. This study lists five components of the infrastructure supporting migration: the commercial (recruitment intermediaries), the regulatory (state apparatus and procedures for documentation, licensing, training, and other things), the technological (communication and transport), the humanitarian (NGOs and international organizations), and the social (migrant networks) components (Xiang & Lindquist, 2014, p. S124).

Furthermore, Hasyim (2022) explains how the actors in the TITP between Indonesia and Japan are interconnected with each other and sketches their position in the different dimensions of the migration infrastructure, as follows:

Figure 17. Interconnectedness of Actors in the TITP and the Dimensions of Migration Infrastructure



Source: Figure 4 Interconnectedness of Actors of TITP and the Dimensions of Migration Infrastructure in Hasyim (2022, p. 7).

From the figure above, it is apparent that during the pre-departure process of Indonesian technical intern trainees, some of the candidates go through Training Centers Partner or Individual Brokers before they find the Sending Organizations with licenses, while some are lucky enough to directly enter the licensed Sending Organizations. After entering the Sending Organizations (some have to pay individual brokers to cooperate with Supervising Organizations in Japan), the technical intern trainees are deployed to the Implementing Organizations through the Supervising Organizations (Hasyim, 2022, p. 7).

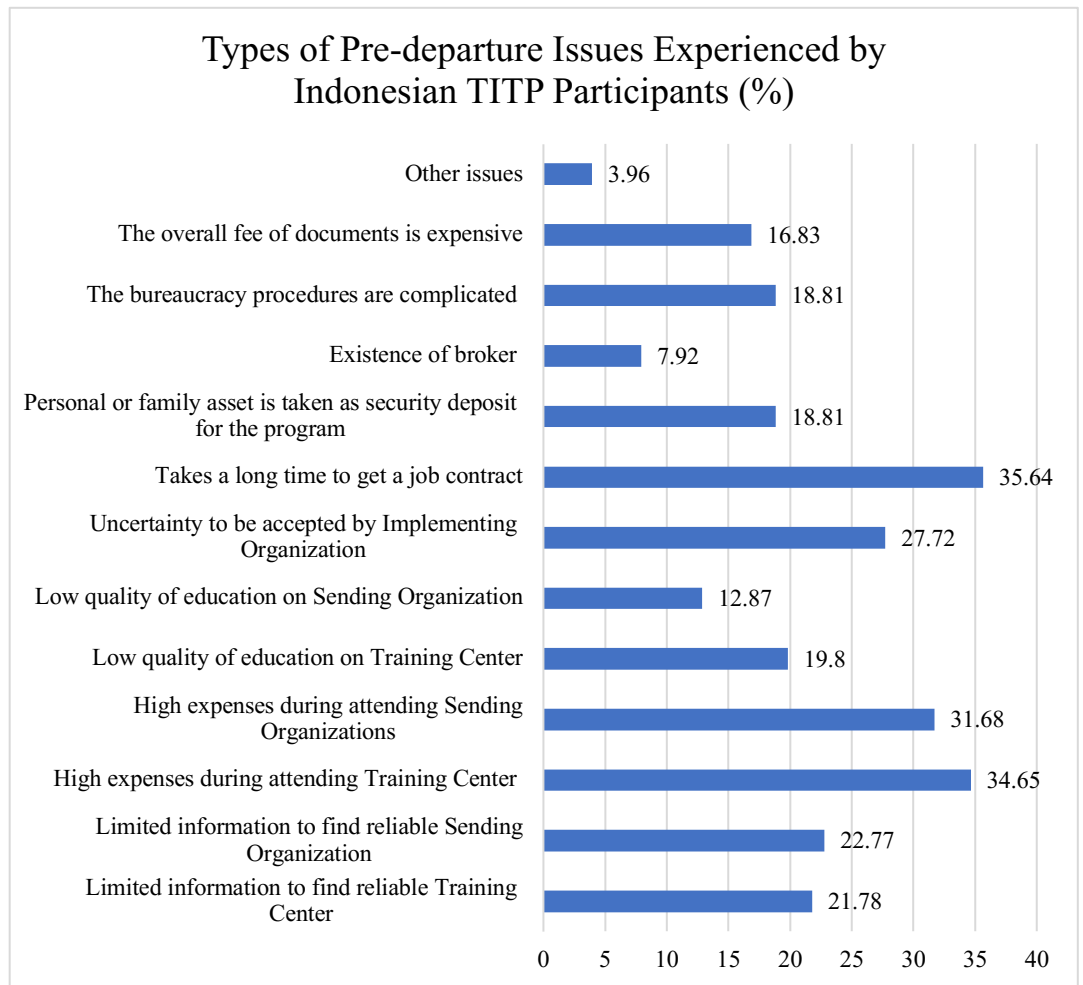
During the deployment process in Indonesia, Widarahesty (2022) finds that the pre-departure procedure that has been established by the government and followed by the private Sending Organizations has opened the door for unethical practices and systematic exploitation in which trainees encounter emotional, physical, and financial issues. Further evidence that the process these trainees endured made them especially vulnerable came from the circumstances before the technical intern trainees' departure until they arrived in the receiving country. It soon became obvious that the normalization of violence and intimidation that took place during the pre-departure training period had a significant impact on the structural chain violence that prevented these trainee workers from accessing their rights and information about health and protection in the workplace. Before their departure to Japan, some candidates are told that they are forbidden to become weak and sick, which discourages them from disclosing their health conditions or workplace conditions after arrival (Yusy, 2022, pp. 59–60).

In addition, a study on former Indonesian workers who had participated in the sea bream fishery in Indonesia between 2006 and 2011 was conducted by Rustam (2013). The survey in this study aimed to shed more light on the challenges and circumstances that Indonesian trainees and interns who worked in Japan actually faced, as well as how JITCO rules were explained to them. The results show some confusion because the rules related to the deployment of Indonesian trainees were not properly communicated, such as items related to the salary or employment contract. Japanese language proficiency may also cause issues between Japanese and Indonesian employees, as the trainees do not use the Japanese language they learnt before the departure process in their workplaces (Rustam, 2013, pp. 53–86).

One of the most comprehensive analyses regarding the deployment process of Indonesian Technical Intern Trainees is elaborated in Hasyim (2021). The study analyzed the burdens of migration, including the excessive departure costs, to draw attention to the burdens of migration on the TITP. This study utilizes questionnaires, in-depth interviews and literature review.

During the pre-departure process, the study finds the issue regarding the predeparture process as below:

Figure 18. Types of Pre-departure Issues Experienced by Indonesian TITP Participants (%)



Source: Based on (Hasyim, 2021, p. 102).

From the figure above, it is clear that the majority of respondents (35.64%) had problems getting an employment contract from the implementing organizations because of the lengthy process. Additionally, a sizable proportion of respondents (31.68% and 34.65% respectively) stated that they had problems with excessive migration costs associated with attending Training Centers and Sending

Organizations. Another problem that has to be addressed is the use of personal or family assets as security deposits for participating in the programs (18.81%) (Hasyim, 2021, p. 102).

Hasyim (2021) does not merely see the excessive migration costs as the only problem for debt coercion after arrival, but also the whole “Burdens of Migration” during the pre-departure. He classifies the burdens of migration into 1) visible costs such as the departure fees and other associated fees, and 2) invisible costs such as the opportunity costs and the regional disparity (Hasyim, 2021, pp. 11–18), as elaborated below:

1) Visible Costs

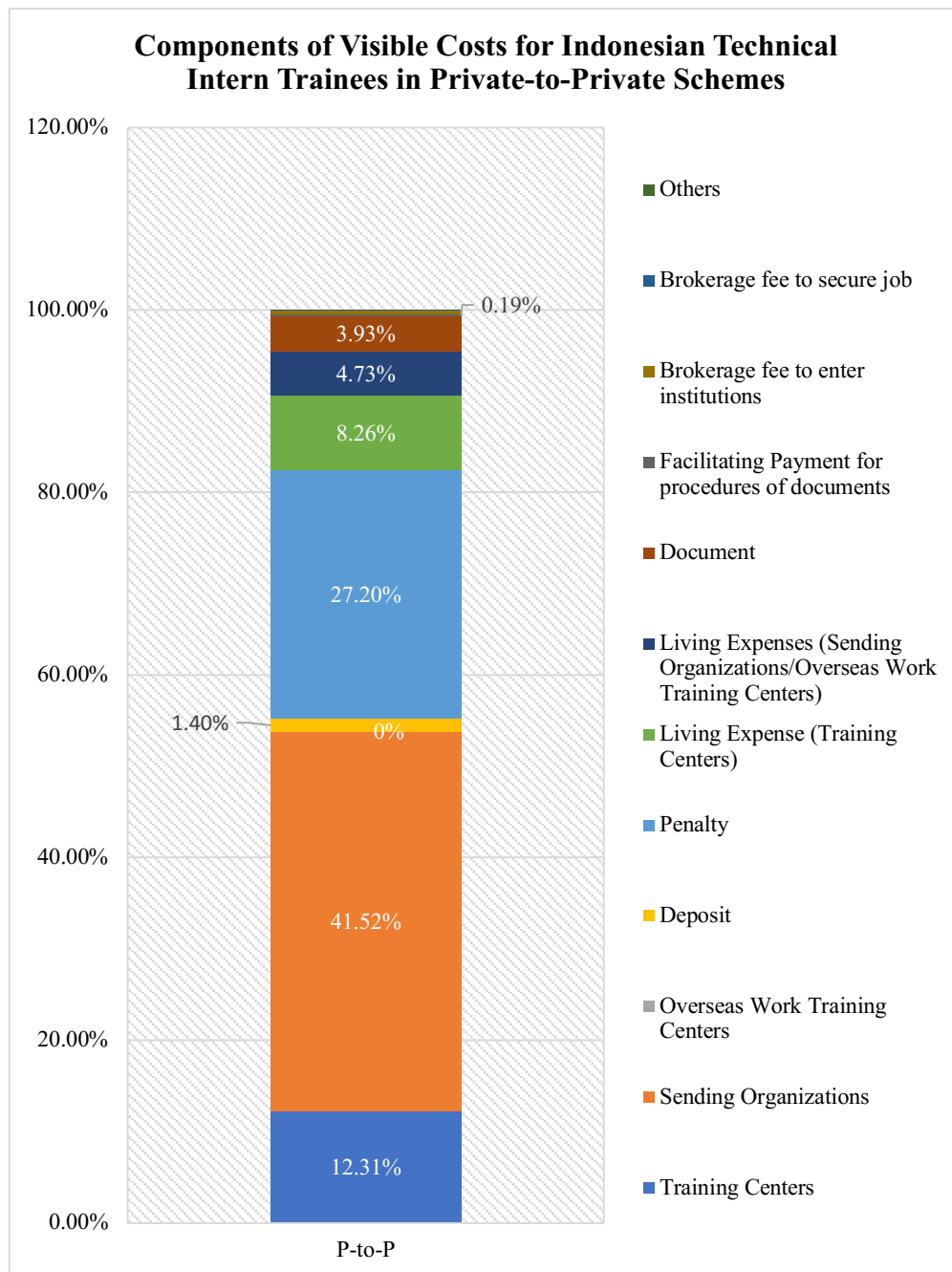
Hasyim (2021) reveals that based on the results of the questionnaire, 41.7% of respondents are estimated to have spent around IDR 20.000.000 to IDR 39.999.999 for total departure costs, while 14.85% of respondents are estimated to have spent between IDR 40.000.0000 to IDR 89.999.999 (USD 2,644 to USD, 5950⁹). The average total departure costs of Indonesian technical intern trainees in private-to-private schemes are higher than in government-to-government schemes by IDR 43.040.000 (USD 2,845¹⁰). Rather than merely showing the total departure costs, Hasyim (2021) categorizes the visible costs based on the component of costs such as (non-licensed) Training Centers Fee, Sending Organizations Fee, IM Japan/Overseas Work Training Centers Fee, Deposit, Amount of Fee in Penalty Contract, Living Expenses in (non-licensed) Training Centers, Living Expenses in Sending Organizations or Overseas Work Training Centers, Document Fee, Facilitating Payment (for the procedures of the documents), Brokerage Fee to enter institutions, Brokerage Fee to Secure Jobs, and others (Hasyim, 2021, pp. 76–97).

The figure below shows the component of visible costs during the pre-departure of Indonesian technical intern trainees based on Hasyim (2021)

⁹ Based on exchange rate on 26 September 2022.

¹⁰ Based on exchange rate on 26 September 2022.

Figure 19. Components of Visible Cost for Indonesian Technical Intern Trainees on Private-to-Private Scheme



Source: Based on data from (Hasyim, 2021, p. 96).

The figure above reveals that the highest of visible cost for the candidates of Indonesian technical intern trainees in the private-to-private scheme is the Sending Organization Fee, which is the fee paid by the candidates to the Sending Organizations after the candidates are accepted in the interview for the program. It is also significant to highlight the amount of penalty contract which comes second after the Sending Organization Fee (27.20%). The term “penalty” refers to a sum of money or other property that must be paid, typically but not always, to the Sending Organization in the event that the technical intern trainee runs away from the Implementing Organization. The penalty contract is the agreement related to the aforementioned contents to prevent the technical intern trainees from running away or stopping in the middle of the program. It is also apparent that the living costs during participation in the process of departure also costs the candidates around 12.31% of the total of component cost (Hasyim, 2021, p. 96).

How do Indonesian technical intern trainees finance their participation in the TITP? According to the results of the questionnaire in Hasyim (2021), 52.48% of respondents reported receiving money from family members, while 38.61% reported borrowing money from family members. In addition, 26.73% of respondents said they paid for their departure expenses with their own money, while 33.66% said they borrowed money from banks or other financial organizations (Hasyim, 2021, p. 104).

2) Invisible Cost: Opportunity Costs

Martin (2017) has pointed out the existence of opportunity costs during the pre-departure training as the candidates participate in training and preparation for migration at the expense of earning salaries. It refers to opportunity costs as wages not earned in the home country while attending training of preparation to go abroad (Martin, 2017, pp. 48–184). Hasyim (2021) formulated the opportunity costs as below:

$$\text{Opportunity Cost: } RMW \times (P_i + P_{ii})$$

RMW: Regional Minimum Wage of origin province in 2021

P: Period spent at the institutions during the pre-departure

P_i: First Sending Organization

P_{ii}: Second Sending Organization

The results show that the highest average of opportunity costs are in the private-to-private scheme, amounting to IDR 24.470.000 (USD 1.617¹¹) compared to IDR 18.530.000 (USD 1.225¹²) of candidates in the government-to-government scheme (Hasyim, 2021, p. 98).

3) Invisible Cost: Regional Disparity Costs

Hasyim (2021) also highlights the regional disparity costs—which add more burdens for candidates, particularly those originating from outside Java Island. The licensed Sending Organizations are heavily concentrated in Java Island, Indonesia. Regional disparity in the migration infrastructure manifests into higher Sending Organization Fees of institutions outside Java Island. Furthermore, male candidates from outside Java Island have a higher mobility range to move to new places and have to bear the domestic migration costs to attend institutions outside their origin areas. Meanwhile, female candidates of technical intern trainees tend to stay in the same provinces to attend Sending Organizations or Training Centers and tend to pay higher Sending Organization Fees (Hasyim, 2021, pp. 140–143).

Many discussions have been brought up regarding the issues on pre-departure process of TITP. Widarahesty (2022) points out the unethical practices and systematic exploitation that makes the trainees encounter emotional, physical, and financial issues. Widarahesty (2022) & Rustam (2013) highlights the

¹¹ Based on exchange rate on 26 September 2022.

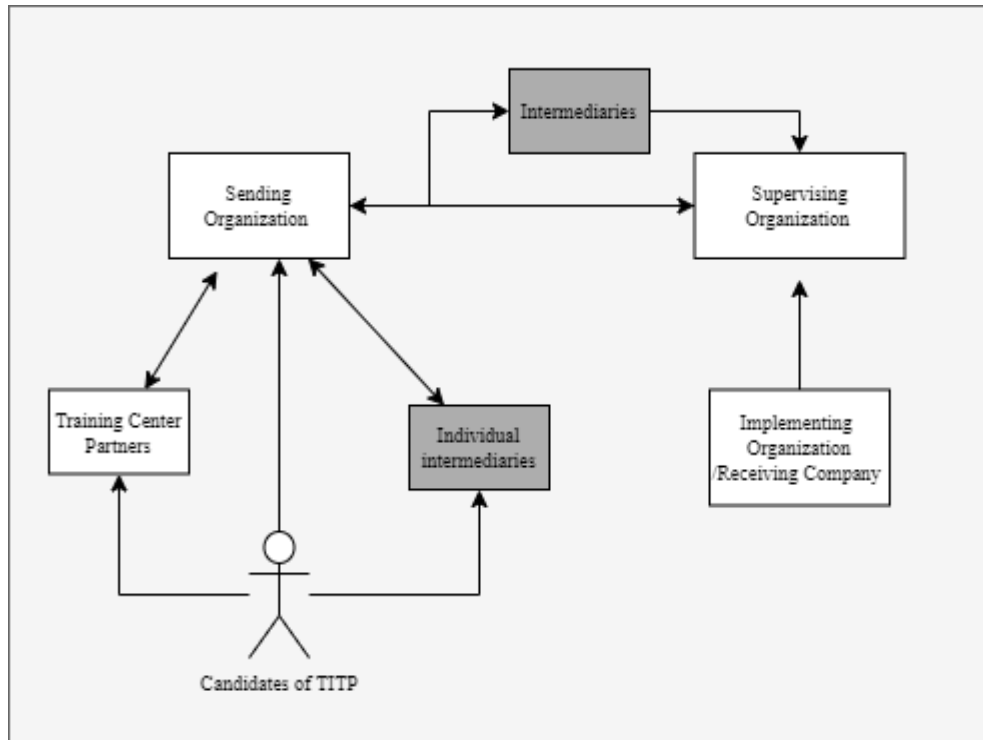
¹² Based on exchange rate on 26 September 2022.

misinformation during the pre-departure, especially related to rules and regulations for the trainees, Rustam (2013) and Hasyim (2021,2022) takes a comprehensive approach to the burdens of migration by also considering the opportunity costs and the regional disparity costs, and identifying the asymmetric information that causes more burdens of migration in the TITP Hasyim (2021,2022). Therefore, one may conclude that there are still numerous issues which have yet to be resolved during the pre-departure process of Indonesian technical intern trainees.

3.3 Cashflows in the Technical Intern Training Program Between Indonesia and Japan

Excessive burdens of migration, which have an impact on issues of debt coercion and desertion among participants after arrival, are not only significantly impacted by domestic policies and the protective framework on laws and regulations, but also by the opaque system of recruitment and disparate migration infrastructure, which leads to asymmetric information among participants and candidates of TITP (Hasyim, 2021, p. 16). Therefore, it is essential to identify which kind of asymmetric information causes the excessive burdens of migration by analyzing the cashflow of the component costs, as shown in the figure below:

Figure 20. Cashflow in the TITP Between Indonesia and Japan



Source: Made by the Author based on data from Hasyim (2021, 2022).

From the figure above, it is clear that some TITP candidates struggle to find appropriate Sending Organization with license, and therefore use intermediaries such as individual brokers or Training Center Partners before they reach the Sending Organizations that dispatch them to Japan, which cause additional costs. In some cases, the Sending Organizations also pay these intermediaries to find them appropriate candidates. Therefore, asymmetric information exists in the pre-recruitment process for both the candidate and Sending Organizations. On the other hand, information asymmetry also exists between Sending Organizations in Indonesia and Supervising Organizations in Japan, causing the Sending Organizations to require a lending hand from intermediaries or give kickbacks to the Supervising Organizations to acquire their cooperation. Implementing Organizations also sometimes pay some expenditures to the Supervising Organizations, who in turn, also pay money for some fees to the Sending Organizations (Hasyim, 2021, 2022).

Many studies have focused on the amount of departure costs of technical intern trainees, but only a few mention the costs for the Implementing Organizations in Japan, the component costs, and to whom they are paid to. The table below shows the type of component costs shouldered by the Implementing Organizations:

Table 3. Recruitment Costs Shouldered by the Implementing Organizations
(Japanese ¥)

No	Item	Hasyim (2021)	Ginoujisshuusei (2019)	Habatake (n.d.)	Willof (2022)
1	Initial Capital to be affiliated to the Supervising Organization	10,000	10,000-100,000	-	-
2	Admission Fee to the Supervising Organization	0-30,000	10,000-100,000	50,000-100,000	-
3	Documents	-	100,000		20,000-40,000
4	Annual Fee	0-24,000	-	60,000-120,000	-
5	Total Annual Fee after 3 years	0-72,000	-	180,000-360,000	-
	Management Fee				
6	Management Fee to Supervising Organization	30,000-35,000	20,000-50,000	30,000-50,000	30,000-40,000
7	Management Fee to Supervising	1,080,000-1,260,000	720,000-1,800,000	1,080,000-1,800,000	-

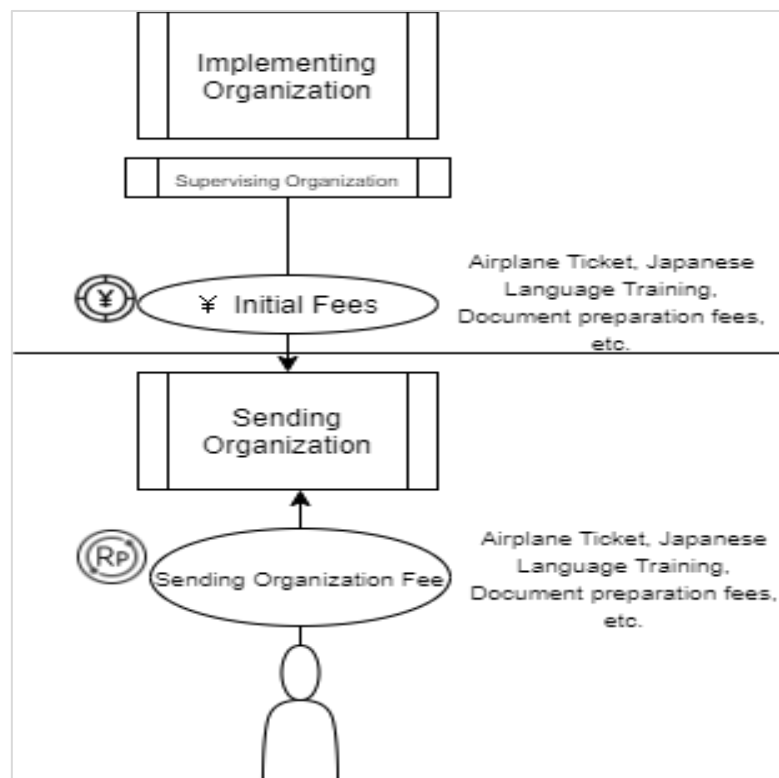
	Organization after 3 years				
8	Management Fee to Sending Organizations	5,000-10,000	5,000-10,000	10,000	-
9	Management Fee to Sending Organizations after 3 years	180,000-360,000	180,000-360,000	360,000	-
10	Initial Fees paid to Sending Organization	70,000-150,000	40,000-150,000	75,000	100,000
	Post Arrival				
11	Training Fee to Japanese Language Academy	70,000-100,000	50,000-100,000	60,000	100,000
12	Living Expenses	70,000-85,000	50,000-70,000	60,000	60,000
13	Technical Intern Training Examination	-	-	20,000	20,000
14	Residence Card Renewal	-	-	10,000	20,000-40,000
15	Others	-	-	35,000	10,000
	Return to home country				
16	Flight ticket to Return to Indonesia	40,000-50,000	-	70,000	20,000

Source: made by the Author based on Hasyim (Ginoujissuusei, 2019; Habatake, n.d.; Hasyim, 2021, p. 132; Willof, 2022).

From the table above, it is apparent that the Implementing Organizations spent a huge amount of recruitment costs to hire technical intern trainees. It is also worth pointing out that the Implementing Organizations pay management fees to both Supervising Organization and Sending Organizations every month. They also pay initial fees to Sending Organizations to cover the costs of Technical Intern Trainees' Japanese Language Training fee, the dormitory fee, document processing fees, etc. (Ginoujissuusei, 2019; Habatake, n.d.; Hasyim, 2021, p. 132; Willof, 2022).

From the initial fees paid by Implementing Organization and the visible costs, particularly the Sending Organization Fee paid by the candidates, Hasyim (2021) conceptualizes the asymmetric information as shown below:

Figure 21. Flowchart showing Asymmetric Information on Initial Fees and Sending Organization Fees



Source: Flowchart 4 Asymmetric Information on Initial Fees and Sending Organization Fees Hasyim (2021, pp. 153–154).

From the flowchart above, it is apparent that there is information asymmetry between the Implementing Organization and the TITP participants that causes some of items under the Sending Organization Fee paid by the candidate to overlap with Initial Fees paid by Implementing Organization to the Supervising Organization, which is eventually paid to the Sending Organizations. Thus, the asymmetric information causes the candidate and the Implementing Organizations to pay for the same items, such as airplane tickets, language training, etc. (Hasyim, 2021, p. 154).

Therefore, by analyzing the cashflow between the direct actors in the TITP such as the candidates/participants, Sending Organizations, Supervising Organizations and Implementing Organizations, it is clear that holes that allow overcharging practices still exist in the TITP between Indonesia and Japan.

3.4 Conclusion

Chapter 3 provided an overview of Indonesian technical intern trainees from the perspective of Indonesia as the sending country. As a sending country, the Indonesian government makes regulations that are used as the basis for carrying out activities for sending human resources to Japan. Such as making Law No. 13/2003, Law No. 39/2004, No. 8/2008, and Law No. 18/2017. But unfortunately, the Indonesian government does not recognize technical intern trainees as "workers." In Indonesia, law perspective technical intern trainees are "training" and hence have restricted access to these protections provided by Law No.18/2017.

Apart from that, it also provides licenses to sending organizations, which currently number 280 sending organizations, most of which are on Java Island and run for Private-to-Private scheme. Therefore, the human resources sent to Japan from Indonesia can be ensured more comes from the island of Java. However, it should be noted that more sending organizations do not have a license and collaborate with licensed sending organizations to send human resources to Japan. That is why the cost of departure expenses becomes expensive. Because sometimes, the technical inter trainees candidate prepares to go to Japan through unlicensed sending organizations first to the licensed sending organization. As was described,

the deployments from Indonesia are mainly through the Private-to-Private scheme. By analyzing the cashflow of the program, especially the Private-to-Private scheme, it is apparent that asymmetric information exists that makes the candidates of the program pay higher departure fees, despite Japanese companies also paying part of the recruitment fees to the supervising organization. High departure fees increase the vulnerability of Indonesian technical intern trainees after arriving in the receiving country, Japan, because they are under an obligation to pay back loans they took out for these fees. With the large burden of this departure causing Indonesian technical intern trainees to be unable to fight for their rights when subjected to violence and finally chose to remain silent.

CHAPTER 4

VIOLENCE FACED BY INDONESIAN TRAINEES AT THEIR WORKPLACES

In this chapter, the author tries to identify and analyze the forms of violence which are experienced by Indonesian migrant workers in Japan under the TITP (Technical Intern Training Program) system.¹³ Violence in the workplace is a serious social problem which attracts serious attention from time to time in the domestic media. According to several observations and research from various parties, there is a tendency for certain forms and types of violence to grow over time, both in terms of quality and quantity. Due to the limited understanding and differences in agreement, it is difficult to provide a firm definition of the concept of violence. Violence also has different meanings depending on different experts' opinions.

The word "violence" is derived etymologically from *vis* (force) and *latus*, the past participle of the word *fero* (to carry). When combined, the two words mean to exert force (toward something). Violence can be defined at this basic level as the movement of carrying power (toward something) (Degenaar, 1980, p. 14). Newton Garver in Betz (1977) argues violence is the violation of those rights essential to personality and also that violence is the violation of personal rights. Garver also offers these four kinds of violence (with examples): (1) overt personal violence - mugging, rape, murder; (2) overt institutional violence - war, riots, "police riots"; (3) covert personal violence - violations of dignity, threats, Freudian and Marxian rebuffs; and (4) covert institutional violence - slavery, colonial oppression, ghetto life (Betz, 1977, pp. 340–341).

Besides that, Galtung argues violence can be divided into two ways, direct violence and indirect violence. However, for indirect violence in this study, the author will divide it into two, namely structural violence and symbolic violence. For the purpose of the current study, the author referred to the concept of structural

¹³ Japanese translation is 技能実習生 (ginoujishusei).

violence as popularized by Johan Galtung, while the symbolic violence used to frame problems in the TITP system drew on the concept of symbolic violence as popularized by Pierre Bourdieu. These concepts will be explored in more depth below.

4.1 Direct Violence

Physical and verbal violence that is seen as visible violence is commonly associated with direct violence. This form of violence can harm the body, mind, and mental state. This violence starts from individuals, then groups, and ends in the masses or can be called a battle using mass power or people power (party). Meanwhile, verbal violence that also occurs directly is violence committed by someone in the form of utterances, which can indirectly affect the mental condition of others. Utterances such as swearing, cursing, insults, and threats which demean others can constitute verbal violence. Galtung divides verbal violence into psychic and physical violence. However, Galtung stated that direct violence is rooted in indirect violence, namely structural violence and cultural violence (Galtung, 1996, p. 2).

Confortini (2006) & Galtung (1969) state when human beings are being influenced, violence occurs so that their actual somatic and mental realizations are below their potential realizations (Confortini, 2006, p. 336; Galtung, 1969, p. 168). What Galtung meant by the somatic aspect was that the body and the thinking do not converge, leading to violent behavior. Everything that is conscious is controlled by the somatic nerve system, which then consciously directs bodily reactions like moving the arms, legs, and other body parts. The central nervous system receives sensory data from the skin, sense organs, or muscles thanks to this somatic nerve function. Additionally, somatic nerves transmit brain reactions to produce responses in the form of actions, some of which may turn out to be undesirable or harmful and hurt others. As was previously established, structural violence and cultural violence are the root causes of direct violence. In this chapter, the author will further explain the concept of Galtung's triangle of violence, a well-known

concept of violence, and apply it to the situation faced by the technical intern trainees.

4.2 Structural Violence

Galtung introduced the crucial differentiation between personal and structural violence when he first introduced the concept of violence in his book “Violence, Peace, and Peace Research” in 1969. Some years further, Galtung also introduced the concept of cultural violence in 1990. Whereas personal violence stands with a subject, structural violence stands without a subject, and cultural violence serves as a legitimization of both personal and structural violence. In structural violence, “violence is built into the structure, and shows up as unequal power and consequently as unequal life chances.” It is the unequal distribution of resources and the unequal distribution of the “power to decide over the distribution of resources” that give rise to structural violence. Resources are seen as not only material or economic but also nonmaterial in this interpretation, such as education, health care, etc. (Confortini, 2006, p. 336). This structural violence can't be seen, meaning it is intangible or invisible. Most of the time, this kind of violence happens and is done in the subconscious, so the actors who play a role and do violence aren't even aware of it. Actors who do structural violence already think this is normal; the damage to victims is slow, subtle, widespread, and harder to fix.

Furthermore, Galtung had said that violence is any physical, emotional, verbal, institutional, structural, or spiritual condition, as well as behavior, attitudes, policies, or conditions that weaken, dominate, or destroy ourselves and others (Dwi Eriyanti, 2017). Therefore, cases of violence that occur to trainees can be seen as acts of structural violence which are related to the policies used by Sending Organizations that send Indonesian migrant workers, Supervising Organizations and Implementing Organizations. According to Galtung's argument, structural violence can also refer to social injustice (Galtung, 1969, p. 171). In this case, social injustice can also be seen in the policy violations committed by the Sending Organizations, Supervising Organizations, and Implementing Organizations in the TITP system. Additionally, a conception of identity that divides migrant workers

and native workers—either consciously or unintentionally—can also contribute to social injustice.

Keenan in Mcleod explained that according to Identity Theory, developed by Henri Tajfel and John Turner in 1979, meaning formed by oneself (self-image/self-value) develops based on their role in the social space. Furthermore, this theory stated that the meanings created tend to divide their world into two groups: in-group and out-group. By the division of this group, it is very possible that in-groups will discriminate against out-groups to improve self-image and also maintain group norms that have been formed previously, which means that violence occurs because of the "other" in a certain social space (Keenan, 2020, p. 1). So, in this study of migrant workers in Japan, Indonesian migrant workers in the TITP program can be referred to as the out-group, while native workers can be referred to as the in-group.

4.3 Symbolic Violence

The French sociologist Pierre-Francois Bourdieu's idea of symbolic violence will also be utilized in this study. Symbolic violence refers to non-physical violence exhibited in power differences between social groups. Besides that, in symbolic violence, both sides often agree unconsciously, and it shows up when the norms of the more powerful group are imposed on the powerless group. Symbolic violence can emerge in various social areas, including nationality, gender, sexual orientation, masculine domination, and ethnic identity (Bourdieu, 1997, pp. 191–193, 2003, pp. 23–26).

Bourdieu argued that violence is a component of power or an imposition by a dominating group against a minority group. Moreover, violence is the product of power abuse. In the exercise of power, there is a controlling group and a subordinated group. When one group controls or dominates the other, violence will result from the process of control. The efforts of the ruling group or dominant class to maintain their position in the social system are the source of violence. Therefore, according to Bourdieu, violence, and power are closely related or inseparable ideas. The process of dominance or mastery by violence need not be carried out physically. The dominating side constantly endeavors to make its dominance difficult to detect

with the naked eye. The dominating party employs the mechanism of power in a steady, systematic, and continuous manner such that the dominated party is unaware that they are the targets of violence. Bourdieu refers to this domination as symbolic violence (Bourdieu, 2003, pp. 23–26; Martono, 2012, p. 39).

Furthermore, Bourdieu saw symbolic violence as the imposition of systems of symbolism and meaning (i.e., culture) upon groups or classes in such a way that they are experienced as legitimate. This legitimacy obscures the power relations which permit that imposition to be successful. Insofar as it is accepted as legitimate, culture adds its force to those power relations, contributing to their systematic reproduction. This is achieved through a process of misrecognition: the process whereby power relations are perceived not for what they objectively are but in a form which renders them legitimate in the eyes of the beholder (Jenkins, 1992, p. 66).

In addition, class also has a significant role in the performance of symbolic violence. Martono (2012), Bourdieu argue a class was a group of people who had the same positions and lived in the same environments. The group of people in similar conditions would share the same mental attitude and social practices. This occurred because their classes had similar interests, which meant that the people's mental attitudes and social behaviors would also be similar. The concept of class was closely related to the concept of capital. Society consisted of various classes because their capital was different. Each class had a different attitude, way of thinking, and behavior. This difference occurred because of the difference in the capital between them. The class position was determined by the amount of their cultural capital or symbolic capital. The relationship between classes became imbalanced as a result of this variation in capital ownership. The class that had the most capital would attempt to force its views on the class that had less capital or none at all. This wealthy class was referred to as the dominating class. Later, Bourdieu referred to this force of the viewpoints of one class on another as the “practice of power.” In order to control the social system, the ruling class will continually work to keep up their status (Martono, 2012, pp. 34–36).

However, how does symbolic violence work to exercise power domination? According to Bourdieu (1986), in his work *“The Forms of Capital,”* symbolic violence can be work if the subject has capital. Bourdieu (1986) argues that capital is common in economics, where it is understood as a method of material accumulation. But the term “capital” is interpreted more widely by Bourdieu, not only in the form of matter but also in various symbols. On the other hand, capital is a resource owned by an individual or group and may be used to accomplish objectives. Capital can be material or immaterial and can define a person’s or group’s position in the social hierarchy (Bourdieu, 1986, pp. 243–248). The status of a group or person is dependent on the quantity of capital held. Individuals with financial resources can control their futures. If his capital is substantial, it can also determine another person's future. Bourdieu distinguished between three types of capital: social capital, cultural capital, and symbolic capital (Bourdieu, 1986, p. 47; Siisiäinen, 2003, p. 183).

As explained above, the three types of capital. Firstly, social capital is the aggregate of actual or potential resources associated with ownership of a persistent network of more or less institutionalized connections of mutual acquaintance and recognition or group membership. Thus, a given agent's social capital depends on the size of the network of connections he can effectively deploy and on each of his connections' economic, cultural, or symbolic capital. As a result, social capital can be understood as capital made up of interpersonal relationships. (Bourdieu, 1986, pp. 248–252; Martono, 2012, p. 33; Siisiäinen, 2003, pp. 183–184).

Secondly, cultural capital is made up of social things about people, like how they act, look, and speak. Bourdieu says there are three ways to look at cultural capital. The first way is through thoughts or a point of view. These ideas or thoughts are valued in a certain context and become part of an individual through a process called “internalization.” In the next form, cultural capital has become an object, such as a book or musical instrument. The third kind of cultural capital is an object or condition that has become part of an institution. In this type of cultural capital, a person’s level of education is shown by a degree or diploma from a recognized institution (Bourdieu, 1986, pp. 243–248; Martono, 2012, p. 33).

Thirdly, symbolic capital, that is, capital in any form insofar as it is represented. That is, understood symbolically, in a relationship of knowledge or misrecognition, and recognition requires the intervention of the habitus, which is a socially constituted cognitive capacity (Bourdieu, 1986, p. 255). In addition, According to Jenkins (1992) & Martono (2012), Symbolic capital is a capital that often cannot be recognized as capital but is recognized as something reasonable or legitimate and natural. This capital can be in the form of prestige and social honor possessed by the individual. Bourdieu maintains that symbolic capital provides the resources for the dominating power to use to establish authority (Jenkins, 1992, p. 53; Martono, 2012, p. 33).

However, there is still one approach that the author will use in analyzing this research, namely habitus. Bourdieu describes habitus as a system of dispositions that serves as an objectively structured and integrated practice's universally accepted guide or basis (Mahar et al., 1990). The disposition system in question can be in the form of lifestyle, values, character, or expectations of a particular social group. Habitus creates individual actions collectively and according to the patterns engendered by history (Martono, 2012, p. 36).

Belvedere (2013), we can find at least three different characterizations of habitus in Bourdieu's work: a capacity, a set of dispositions, and a scheme for practice. First, Bourdieu claimed that habitus was an unlimited capacity that produced the products of perception, expression, action, and thought. Second, Bourdieu stated that habitus is a set of dispositions capable of being transferred or imparted, which act as principles that generate and regulate perceptions, practices, and representations. As a system of dispositions, the habitus is a set of virtualities, potentialities, and eventualities. In brief, it can be said that habitus is a set of dispositions. Thirdly, Bourdieu alleges that the habitus is an enduring transferable system of perception, appreciation, and action schemes. These schemes, which are of a practical kind, are the result of the incarnation of social structures (Belvedere, 2013, p. 1095).

4.4 Violence in the workplace of technical intern trainees: Interview and analysis

4.4.1 Electronic Technical Intern Trainee (Air Conditioner) in Yokohama

The electronic technical intern trainee in Yokohama arrived in Japan in December 2019. Nowadays, he is working in an Air Conditioner installation, repair, and service company along with his two friends from Indonesia. In the company where he works, the owner has married to an Indonesian woman and has a child who works in the same company. Due to his Indonesian blood, the owner's child is able to communicate fluently with Javanese, so the communication is sometimes with Javanese. However, the electronic technical intern trainee always gets discrimination by the IO, especially by the owner's child who can speak Javanese since he works there. The discrimination he experienced are:

1. Illegal Fees

Making a payment to the Sending Organization much as JPY 25,000/month. Payment has been conducted from February 2020 until now (per April 2022, the total payment to the Sending Organization is 26 months x JPY 25,000 = JPY 650,000). The JPY 25,000 paid was collected by the receiving company to be transferred to the sending organization in Indonesia. Because there are 3 Indonesian workers in the IO, the Sending Organization will receive JPY 75,000/month.

2. Working time and unpaid salary

The day off is only on Sunday, although sometimes they still have to work when there are works on Sunday. However, in the first and second years, the company asked them to work on Saturday and did not give a salary but paid with a lunch box (*bento*).

3. Prohibition of receiving guests in his apartment

4. Prohibition to go out unless going to the office, the worker is being threatened to be fired from the company, even for going out for other activities except for works and daily needs. According to the worker, he was threatened to be fired from the company when he joined the Futsal match which was being sponsored by KBRI Tokyo in Saitama. Despite this threat,

he gathered his courage and went to Saitama. After returning, he was suspended for a week and received no income during this week.

5. He had only seen the contract for working in Japan once. He had no copies of it and was not given a copy by the IO and sending organization.¹⁴

The problems experienced by the AC technical intern trainee above can be seen as structural violence and symbolic violence that became one unit. Requiring money to be paid every month to the Sending Organization is illegal and represents a structural violation, which means the Sending Organization performs structural violence to the technical intern trainee. The technical intern trainee stated “I made a contract agreement with Sending Organization to pay JPY 25,000/month, actually I don't understand about the monthly payment, what it's intended for. But because I really wanted to go to Japan, so I was forced to follow Sending Organization wishes”. In this case of structural violence, the interesting part is that the IO where the technical intern trainee works helps collect money from the technical intern trainee who is paid each month and also helps send the money to the Sending Organization in Indonesia.

Also, in this case, the practice carried out by Sending Organization can be seen as an act of symbolic violence. The Sending Organization uses its power symbolically, or in Bourdieu's approach, it is said to be symbolic capital where the Sending Organization uses its power to exert pressure on the technical intern trainee to agree to the conditions for going to Japan by signing a contract even though it is an “illegal fee”. Besides, illegal fee carried out by the Sending Organization, and the Implementing Organization violates the labor rules regulated in article 6 regarding the prohibition of taking advantage by third parties. The Article 61 Law contains:

(Elimination of Intermediate Exploitation)

Article 6 Unless permitted by act, no person shall obtain profit by intervening, as a business, in the employment of others.¹⁵

¹⁴ Consultation with Rumi Japan and interviewed by the author on April 18, 2022.

¹⁵ The Article 61 Law in Japanese: (中間搾取の排除) 第六条 何人も、法律に基づいて許される場合の外、業として他人の就業に介入して利益を得てはならない。

(Ministry Health Labour and Welfare, 2012, p. 2)

The next problem is an unpaid salary that is replaced with a lunch box (*bento*). In this case, it is very clear that the IO carried out structural violence against technical intern trainee for violating labor regulations regarding the remuneration system (OTIT, n.d.-b, pp. 50–53).

The procedure of remuneration is regulated in the work contract before the technical intern trainee leaves for Japan. However, based on the confession during the interview, the technical intern trainee stated that he “never got a copy of the employment contract, only saw it when signing it”. The technical intern trainee not knowing about the work contract is also a violation committed by the company. The violation is regulated by the Japanese labor law concerning employment contracts, article 15, which regulates that companies are required to provide a copy of a work contract containing rules regarding the period of the work contract, salary, type of work, renewal of employment contracts and other matters related to the employment contract regarding the joint decision to hire trainees to Japan. The article 15 law contains:

(Clear Indication of Working Conditions)

Article 15 In concluding a labor contract, the employer shall clearly indicate the wages, working hours and other working conditions to the worker. In this case, matters concerning wages and working hours and other matters stipulated by Ordinance of the Ministry of Health, Labour and Welfare shall be clearly indicated in the manner prescribed by Ordinance of the Ministry of Health, Labour and Welfare.¹⁶

(Ministry Health Labour and Welfare, 2012, p. 6)

¹⁶ The Article 15 Law in Japanese: (労働条件の明示) 第十五条 使用者は、労働契約の締結に際し、労働者に対して賃金、労働時間その他の労働条件を明示しなければならない。この場合において、賃金及び労働時間に関する事項その他の厚生労働省令で定める事項については、厚生労働省令で定める方法により明示しなければならない。

The next problem is the prohibition of receiving guests and carrying out activities other than work. According to the author, the violation committed by this company is included in structural violence and symbolic violence. Structural violence is perpetrated by the company by its violation of article 96 of the labor law concerning trainees' residences. The the law states that companies are not allowed or prohibited to impose restrictions when trainees want to get around (Ministry of Health Labour and Welfare, n.d., p. 5). The article 96 Law contains:

(Dormitory Facilities and Safety and Health)

Article 96: With respect to a dormitory attached to the enterprise, an employer shall take necessary measures for ventilation, lighting, illumination, heating, damp-proofing, cleanliness, evacuation, maximum accommodation, and sleeping facilities, and such other measures as are necessary for preservation of the health, morals and life of the workers. ¹⁷

(Ministry Health Labour and Welfare, 2012, p. 48)

4.4.2 A construction Technical Intern Trainee in Itabashi, Tokyo

A male Indonesian technical intern trainee in Itabashi, Tokyo arrived in Japan in August 2019. Before he arrived in Japan, the last graduation certificate was kept by the Sending Organization as a guarantee to prevent him from running away or becoming an illegal worker in the program. However, during the program, he was forced to run and chose to be an illegal worker due to the strictness, symbolic violence, and abuse of power by the implementing organization. Their actions included:

1. The job should be the same as the job description written in the contract, which was installation (*katawaku sekou*). However, the actual work experienced involved dismantling (dismantling mold or *katawaku kaitai*).

¹⁷ The article 96 Law in Japanese: (寄宿舎の設備及び安全衛生) 第九十六条 使用者は、事業の附属寄宿舎について、換気、採光、照明、保温、防湿、清潔、避難、定員の収容、就寝に必要な措置その他労働者の健康、風紀及び生命の保持に必要な措置を講じなければならない。

2. Some jobs are required to be done by someone who has a license, but it is practically conducted by a non-licensed worker, for example, he was asked to conduct ‘*wire tamakake*’ and operate an aerial work platform even though the person had no license to operate heavy equipment.
3. However, after around 1 month in Japan, he and his Indonesian colleague were directly given a license to be used by the implementing organization, even though they did not get training (theoretically and practically) before. There are 4 types of licenses in 1 card only given to the technical intern trainees, which are: 1. Aerial or high-level work (高所作業); 2. Scaffolding (足場); 3. Fall or crash (墜落); and 4. oxygen deficiency and hydrogen sulphide (酸素欠乏硫化水素) (See figure 22. Illegal License).
4. He also sometimes works in underground. If the ‘*anzen patorooru*’ (security patrol) was around, it was dangerous to work under the ground. The work was usually stopped temporarily until the patrol was gone, then the work would be continued.
5. The other purpose that becomes a strong reason to run is the high verbal and physical abuse that happened on the field and is heard by worker. In the company, he is the 3rd person who ran away. The worker heard about physical abuses such as kicks and hits that were experienced by his friends. He also experienced verbal abuse for something that was not related to the work. Because he do not want to join the company’s summer travel program, he received verbal abuses such as: *iranai* (you are not needed), *inakutemo ii* (you don’t have to be here), and *Indonesia kaette kudasai* (go back to Indonesia).
6. Besides, the work culture in the company is unhealthy. For example, the worker was asked to work faster, subjected to verbal abuse, and, one day, is forced to work on Sunday where the previous days all workers are working full-time and feeling tired, but his owner (*shacho*) threatens to erase his allowance (*teate*) if there is no one who skips the work. In the end, they are forced to work even though the allowance is not given.

7. He experienced an accident at work, when he fell from an elevator on the 8th floor, but he was lucky enough to successfully hang on and had been wounded on his lips. He first planned to report the accident to the owner (*Shacho*), but due to fear of being scolded and blamed, he decided not to report the accident.
8. He tried to report the incidents and violations that happened on the field to the Supervising Organization and even to the Sending Organization in Indonesia, but there was never going to be any solution so he thought it would be useless to report it to them. For example, based on the previous experience of other Indonesian colleagues who were also being abused, after reporting to their Sending Organization and Supervising Organization, the solution was only for them to make a deal with the worker in question. His friend had been wounded by being hit by the foreman and hospitalized, but out of fear of being sent home, his friend decided to accept the deal and was given JPY 30,000. Learning from that experience, he finally did not report the problem to the Supervising Organization and Sending Organization and decided to run away on 1st of September 2021. Besides, when he decided to run, most of his friends supported him in the hope of teaching the implementing organization a lesson so that it does not do something more haphazardly.¹⁸

According to the results of interviews conducted by the author with construction technical intern trainee in the Itabashi-Tokyo area, there are 8 points which need to be discussed. The first case is the employment contracts abuse case. This case is also included in the structural violence carried out by the implementing organization against technical intern trainees. The employment contract received by the technical intern trainee when he was accepted to work in Japan is installation (*katawaku sekou*). However, during work, the type of work carried out is different, namely the mold disassembly (unload mold of *katawaku kaitai*). This issue violates

¹⁸ Consultation with Rumi Japan and interviewed by RUMI Team and author on 1 June 2022.

the rules Issued by the Ministry of Labor and Welfare in article 15 and point 2, which states that if the work contract that has been stated by the company or employer is different, the worker can immediately cancel the work contract. The article 15 and point 2 Law contains:

(2) In the event that the working conditions as clearly indicated under the provisions of the preceding paragraph differ from actual fact, the worker may immediately cancel the labor contract.¹⁹

(Ministry Health Labour and Welfare, 2012, p. 6)

However, at the beginning of work, the technical inter trainee only accepted what happened at work because the technical intern trainee had no other choice but to work in order to pay off the debt he had before coming to Japan. According to the explanation given to the author, the trainee said “I have no other choice, I'm just looking for money to pay off debt.” In addition, the trainee also said, “At first I protested about the work contract because it didn't fit, but the implementing organization didn't care so I just kept silent until I ran away.”

The second problem is violation related to working in restricted jobs. In this case, the company also carried out structural violence against trainees by asking them to do work that requires a license, although the trainees do not have a license. The job done is such as ‘wire *tamakake*’ and operating *高所作業車* even though the person concerned does not have a license to operate the tool. The violation committed by the company is related to the Restricted Work Article 61 Law which contains:

(Restrictions on Work)

Article 61

(1) An employer must not assign a person to the operation of a crane or any other operations specified by Cabinet Order unless the person has obtained a license for those operations from the Director of the Prefectural Labour Bureau, has completed a skill

¹⁹ The article 15 and point 2 Law in Japanese: 2 前項の規定によつて明示された労働条件が事実と相違する場合においては、労働者は、即時に労働契約を解除することができる。

training course for those operations conducted by a person registered by the Director of the Prefectural Labour Bureau, or has other qualifications specified by Order of the Ministry of Health, Labour and Welfare.²⁰

(MOJ, 2018, pp. 79–80)

The third problem of structural violation is document forgery carried out by the implementing organization to make licenses that technical intern trainees will use to work. In the talks between the author and trainee, the trainee stated, “I never took the test to get a license. Even the photos used by the company were taken from my registration document file via Sending Organization.” Then the trainee said, “Other technical intern trainees at the company and I received licenses with four types of permits, namely 1. 高所作業 (work at high-level operation), 2. 足場 (Scaffolding), 3. 墜落 (Crashing) dan 4. 酸素欠乏硫化水素 (oxygen deficiency and hydrogen sulfide)”.

The fourth problem is there is no guarantee of work safety. This violation can also be viewed as a form of structural violence, as the implementing organization used trainees to work in danger without thinking about the safety of the technical intern trainees and even deliberately avoiding work safety patrols. In this case, the company violated article 20 on occupational safety and health of employees. The article 20 Law contains:

(Measures to Be Taken by Employers)

Article 20 An employer must take the necessary measures to prevent the following dangers:

- (i) dangers due to machinery, tools, or any other such equipment (hereinafter referred to as "machinery or other such equipment");

²⁰ Article 61 Law in Japanese: (就業制限) 第六十一条 事業者は、クレーンの運転その他の業務で、政令で定めるものについては、都道府県労働局長の当該業務に係る免許を受けた者又は都道府県労働局長の登録を受けた者が行う当該業務に係る技能講習を修了した者その他厚生労働省令で定める資格を有する者でなければ、当該業務に就かせてはならない。

- (ii) dangers due to substances of an explosive nature, substances of a combustible nature, and substances of an inflammable nature;
- (iii) dangers due to electricity, heat, and other energy.²¹

(MOJ, 2018, p. 20)

Figure 22. Illegal License



Source: Document file from technical intern trainee in Itabashi-Tokyo.

4.4.3 Pregnant technical intern trainee in Tochigi

A female Indonesian technical intern trainee in Tochigi arrived in Japan in 2021 and works at a food processing industrial company. After some years of working, she decided to get married with another Indonesian worker who also had a technical intern trainee visa. When she decided to get married, she reported to the

²¹ The article 20 Law in Japanese: (事業者の講ずべき措置等) 第二十条 事業者は、次の危険を防止するため必要な措置を講じなければならない。
 一 機械、器具その他の設備（以下「機械等」という）による危険。
 二 爆発性の物、発火性の物、引火性の物等による危険。
 三 電気、熱その他のエネルギーによる危険。

company and got permission for the marriage. After some days, she felt pregnancy signs, and testing herself. She found that she was pregnant. She therefore consulted the implementing organization by asking, “May I work during my pregnancy?”

However, the implementing organization gave her two choices to solve the problem. First, she could go home in order to give birth in Indonesia, which meant a dismissal from the implementing organization. The second choice was to abort the pregnancy if she wanted to continue working. When the consultation had ended, the implementing organization contacted the Supervising Organization which gave her a warning, advice, and reminder. The next day, she met the Supervising Organization which decided to take her to the Hospital/Clinic to confirm the pregnancy and asked her to have an abortion so she could continue to work. Due to fear of losing her job or being sent home to Indonesia if she worked during the pregnancy, she at first thought she would choose to have an abortion. But in her confused state, she tried to get information about being pregnant while working and communicated with one of the NGO members (now RUMI Jepang) who can speak Indonesian and helped her report the case to OTIT. She changed her mind to keep the baby, even though she would be dismissed, and tried to find law protection and help from an NGO while still under contract.

After consulting the NGO, she got help from the law and reported the dismissal and abortion threat to OTIT. Then, OTIT conducted an investigation of the implementing organization, and the pregnant technical intern trainee got the rights and won the case. The decisions were that she should be given maternity allowance from the Japanese government until delivery (give birth). Moreover, the company had to pay the technical intern trainee salary during maternity leave (as much as 67% per month of the income she had received) and after giving birth, the company would be obliged to re-employ her.²²

The problem about Indonesian technical intern trainee in Japan and getting pregnant is a problem that is rarely heard in the Indonesian community in Japan. However, according to the author, the case in Tochigi is one of the rare cases where

²² Interviews live on Instagram Rumi Jepang in program “end of the slavery”. See in this link below: <https://www.instagram.com/p/CeYvFfBIsLL/>.

trainees who are pregnant dared to fight for their rights when they were pregnant at work. And it is very possible that other pregnant trainees do not dare to report or choose to remain silent when treated unfairly by the company for fear of being sent back to their origin country (in other words, fired). Besides, it is very possible that the trainee does not know about the rules issued by the Japanese government which says that technical intern trainees can get protection when they are pregnant in Japan.

According to the Mainichi Newspaper and liputan6 (Indonesian online newspaper), in MHLW Japan's report, 637 technical intern trainees stopped working during 2017-2020 because they were pregnant or gave birth. As many as 47 of them hope to continue the TITP, but only 11 technical intern trainees can return to work after giving birth. According to Masako Tanaka, a professor from Sophia University in liputan6, "Technically, technical intern trainees in Japan are protected by Japanese law, which prohibits harassment or discrimination against pregnancy." But "maternity abuse" also become a problem for Japanese women who are pregnant, and trainees are part of a group that is vulnerable to pressure from the company during pregnancy (Mutiah, 2022; The Mainichi, 2022). Another tragic incident which occurred in November 2020, when a Vietnamese technical intern trainee in Higashi Hiroshima gave birth but then abandoned her child, which then died. Then the technical intern trainee was sentenced by the law. In the case of the death of the technical intern trainee child, one of the causes was that the technical intern trainee did not have the right information to solve her problem (Yahoo Japan News, 2022).

In the case of the technical intern trainee in Tochigi, it is clear that the technical intern trainee received structural violence and symbolic violence from the implementing organization and Supervising Organization. Structural violence received by technical intern trainee before receiving legal assistance from NGOs took the form of threats of unilateral dismissal by the Implementing Organization. The threat of dismissal made by this company unilaterally against trainees violated the Restrictions on Dismissal of Workers regulated in the Labor Standards Act (Act No. 49 of April 7, 1947) in article 19. The unilateral dismissal by the company involved the use of power possessed by the structure to violate the rules set out in

the Labor Standards Act and is clearly a form of structural violence. The article 19 Law contains:

(Restrictions on Dismissal of Workers)

Article 19 An employer shall not dismiss a worker during a period of absence from work for medical treatment with respect to injuries or illnesses suffered in the course of employment nor within 30 days thereafter, and shall not dismiss a woman during a period of absence from work before and after childbirth in accordance with the provisions of Article 65 nor within 30 days thereafter; provided, however, that this shall not apply in the event that the employer pays compensation for discontinuance in accordance with Article 81 nor when the continuance of the enterprise has been made impossible by a natural disaster or other unavoidable reason.²³

(Ministry Health Labour and Welfare, 2012, p. 8)

However, the actions taken by the implementing organization and the Supervising Organization is also an example of how they used their power symbolically, namely capital and fields according to Bourdieu's approach. Bourdieu refers to the field as the social space where actors are divided into certain classes. Thus in this case, the implementing organization behavior represents that of investors or capital owners who put pressure on the technical intern trainee. However, the technical intern trainee is at the lowest class level and has no power. On the other hand, the owner of the capital or the representation of the owner of the capital has the power to dominate.

Besides that, threatening pressure and dominance, namely that technical intern trainee are advised by the company and Supervising Organization to carry out an abortion, can also be dangerous to health and also has the potential to threaten

²³ The article 19 Law in Japanese: (解雇制限) 第十九条 使用者は、労働者が業務上負傷し、又は疾病にかかり療養のために休業する 期間及びその後三十日間並びに産前産後の女性が第六十五条の規定によつて休業する 期間及びその後三十日間は、解雇してはならない。ただし、使用者が、第八十一条の規定によつて打切補償を支払う場合又は天災事変その他やむを得ない事由のために事業の継続が不可能となつた場合においては、この限りでない。

the technical intern trainee life if there is a procedural error in the abortion. The technical intern trainee said “when I was delivered to the clinic by the Supervising Organization, the Supervising Organization advised me to have an abortion. However, the doctor who examined me said that if you take action to abort the womb, it is likely that you will not get pregnant again.” Additional information added by the technical intern trainee also relates to the symbolic violence experienced by the technical intern trainee’s friend: “My friend who is also a technical intern trainee at Tochigi, before going to Japan had to sign a contract not to get married while working in Japan and also a contract that said she would not get pregnant while working even though the woman was not married.” According to the author, additional information provided by technical intern trainees often occurs in Indonesia and is carried out by the Sending Organizations on female technical intern trainees. But due to the great desire to work in Japan, prospective technical intern trainees who are going to Japan will sign a contract made by the Sending Organizations.

4.4.4 Garbage separation in Chiba

Six male Indonesian technical intern trainees arrived in Japan in December 2020 and started working in Chiba in January 2021. They had to pay IDR 48.000.000 before going to Japan to get the working contract in Japan. They passed the screening and were accepted to work in a company in Chiba to do manual welding. They were dispatched by LPK²⁴ in Bekasi, West Java, on December 2020 and started working on January 2021. Three of the six technical intern trainees were high school graduates, and the rest were university graduates.

The technical intern trainees had to work at the garbage separation company. During the time he worked there, he was placed in a 2 LDK²⁵ apartment, which was lived in by 4 persons, and the implementing organization cut their salary by JPY 30,000 per person to pay for the apartment (i.e., the rent for the 2 LDK came to JPY 120,000). In addition to not being given work based on a contract, one of

²⁴ LPK (Lembaga Pelatihan Kerja) refers to Sending Organization.

²⁵ 2LDK refers to an apartment with two bedrooms and a living room and dining room.

the six Indonesian technical intern trainees was physically abused (direct violence) by the heir of the company owner, who hit the back of his head very hard.

Due to this physical abuse, he reported the matter to the supervising organization and intended to change job. However, the supervising organization charged him JPY 300,000 for moving to the other implementing organization or the welding company which was in the contract. Also, LPK threatened to dismiss him when he wanted to change implementing organization. Because of fears of dismissal, they had to be patient and accept the pressure of working for five months. After the fifth month, they tried to contact an IZA Migrant Rights (now RUMI Jepang) that handles cases of Indonesian workers, then got support to report to the OTIT. After reporting to the OTIT, they were moved to the welding company because it was in the original contract which had brought them to Japan. Because the violation was conducted by the company, OTIT gave the penalty to the company by not allowing to receive technical intern trainees for 5 years.²⁶

In this case, the initial problem they received when working in Japan was the misuse of an employment contract or different contract from what was previously promised. Similar to the case that the author discussed previously, this company in the Tokyo area has violated the Labor Standards Act (Act No. 49 of April 7, 1947) issued by the Ministry of Labor and Welfare article 15 and point 2, which states that if the work given to the worker is different from that listed in the employment contract, the worker can immediately cancel the employment contract. The article 15 (2) Law contains:

(2) In the event that the working conditions as clearly indicated under the provisions of the preceding paragraph differ from actual fact, the worker may immediately cancel the labor contract.²⁷

(Ministry Health Labour and Welfare, 2012, p. 6)

²⁶ Consultation with IZA Migrant Rights (now Rumi Jepang). This case also published on Tokyo Newspaper. See on 「国際貢献」掲げる技能実習制度の実態...溶接学ぶはずがごみ分別法令違反相次ぐ in <https://www.tokyo-np.co.jp/article/141439>.

²⁷ The article 15 (2) Law in Japanese: 2 前項の規定によつて明示された労働条件が事実と相違する場合においては、労働者は、即時に労働契約を解除することができる。

This violation is included in the structural violence committed by Sending Organizations, Supervising Organizations, and the Implementing Organization in Japan. As the author explained earlier, this structural violence is related to violations of rules or policies carried out by implementing organization and Supervising Organizations in Japan in hiring technical intern trainees. In addition, the interview conversation between the author and the member of IZA Migrant Rights that helped report the technical intern trainees to OTIT also said “Sending Organizations, Supervising Organizations, and the Implementing Organization from the beginning have indeed worked together from Indonesia to place technical intern trainees in garbage separation companies not in welding companies according to the contracts received.” In the case of technical intern trainees in Chubu, one of these had also experienced direct (physical) violence from a co-worker, who was also the implementing organization owner's son. This physical violence violated the Labor Standards Act (Act No. 49 of April 7, 1947) issued by the Ministry of Labor and Welfare in article 5 law contains:

(Prohibition of Forced Labor)

Article 5 An employer shall not force workers to work against their will by means of physical violence, intimidation, confinement, or any other unfair restraint on the mental or physical freedom of the workers.²⁸

(Ministry Health Labour and Welfare, 2012, p. 2).

Besides, the direct violence received by the technical intern trainee can also be seen from the perspective of symbolic violence, namely habitus. As Belvedere notes, Bourdieu suggests that Habitus can be transferred and inherited and can also represent something (Belvedere, 2013, p. 1095). In this case, according to symbolic violence on Bourdieu, the owner's child was a representation of power

²⁸ The article 5 Law in Japanese: (強制労働の禁止) 第五条 使用者は、暴行、脅迫、監禁その他精神又は身体の自由を不当に拘束する手段によつて、労働者の意思に反して労働を強制してはならない。

or the capital owner and had a different social class from the technical intern trainees so that they could easily get social space to dominate the technical intern trainees.

Meanwhile, the six technical intern trainees received symbolic violence when they asked to consult with the Supervising Organization to be transferred to other work because they thought “garbage separation work was not useful for me when I returned to Indonesia.” However, the Supervising Organization asked them to pay JPY 300,000 to be transferred to another implementing organization, but because they had to pay, the technical intern trainees finally gave up and accepted the job. In addition, the pressure received by technical intern trainees when they want to change companies is the threat of dismissal. Then the choices that can be made were only to follow the Supervising Organization will not to change jobs, even though it violates the labor rules. Symbolically, the behavior carried out by the Supervising Organization shows that the owner is the dominating power; its social class is attached to the capital owner. As a representative of the employer, the Supervising Organization has power over technical intern trainees and can exert domination or pressure because of the social capital that it has.

Apart from that, in this problem, structural violence, and symbolic violence are received by technical intern trainees. The violation is the amount of apartment costs borne by technical intern trainees. Which is JPY 120,000 for 2 LDK sizes. The apartment fee paid by the technical intern trainee is taken from the salaries. Since 4 persons occupy the apartment, the cost is 120,000 yen, which is more than it usually costs for a 2LDK apartment. However, because the technical intern trainees have no other choice but to do what the Supervising Organization says, they can only follow the Supervising Organization's rules.

4.4.5 Prohibited to fast during Ramadhan

One oyster technical intern trainee in Kure, Hiroshima Prefecture, was put under pressure and was not allowed to fast during Ramadhan²⁹. He arrived in Japan in 2017 and worked in an oyster farming company in Kure. According to him, on normal working days (Monday-Friday), he was prohibited from fasting during Ramadhan by the Implementing Organization, so he tried to fast secretly. However, when the implementing organization found out he was fasting, then, during lunchtime, the implementing organization owner forced him to eat lunch. This problem happened since the first year he came to Japan, and fasting was not allowed again in 2018 during Ramadhan time.

In the case faced by oyster technical intern trainee in Kure regarding the prohibition of carrying out religious activities, namely fasting in the Ramadhan time, the author did not find structural violence. However, it is more directed to the symbolic violence experienced by technical intern trainee. The symbolic violence he received was in the form of domination and pressure from the owner of the oyster company. Symbolically, business owners have representations of capital owners, and of course have full power when compared to other Japanese workers, especially technical intern trainee who do not have power. In addition to their symbolic capital, class and social space are absolutely owned by business owners so they can exert absolute dominance over technical intern trainee.

However what needs to be considered, and is very possible, is that the owner of the oyster company does not know about the practices of Indonesian people, who are also the largest national group of followers of the Islamic religion in the world. Fasting in the month of Ramadhan for Muslim communities around the world, including Indonesian Muslims, is important and must be done. Fasting in the Islamic perspective means not eating, not drinking, not engaging in sexual activity, not doing bad things that violate universal norms as stated in Al Quran and Hadits, etc.

²⁹ The ninth month of the Muslim calendar and the holiest month for fasting is known as Ramadhan.

Another important thing regarding fasting is that if a Muslim does not fast during the month of Ramadhan, it must be replaced at another time after the month of Ramadhan is over. Fasting in this month of Ramadhan, is carried out for 30 days or a full month according to the Hijiri calendar used by the Muslim community. Muslim communities in the world do fasting, which starts at sunrise until sunset. Ramadhan itself is the name of the month that follows the *Muslim hijri* calendar. It is different from the Gregorian calendar that is used in Japan. One of the important and quite interesting things in the case of the prohibition of fasting by these trainees is that in 2017 and 2018, Ramadhan fell during the summer, which made it especially challenging because the fasting time will be very long, about 17 hours. Fasting will start at 03:00 until 20:00 (Rustam, 2021, pp. 140–141).

Fasting in the summer is very likely to lead to dehydration, so according to the author's thinking, it could have been this fear which drove the business owner to force the technical intern trainee to eat and drink. But it should also be noted that the summer is not a busy time for oyster workers. At that time, workers will do light work which does not require a lot of energy, which is different from the oyster harvest season. The oyster harvest season usually starts from the end of October to the middle of May each year.

4.4.6 Oyster worker in Hiroshima

One of the technical intern trainee workers in Hiroshima arrived in Japan in 2017 at the cost of IDR 48.000.000 (JPY 420,658³⁰). He set out with the purpose of helping his parents and raising the dignity of his family. He departed by borrowing from the bank. But he felt things were not normal even during the preparation for departure. For example, the Sending Organization detained his high school certificate, and he had to pay an additional departure payment of as much as IDR 10.000.000 (JPY 87,637³¹), which was not in agreement. He had been through some processes, such as learning Japanese for four months. But unfortunately, as

³⁰ Based on exchange rate on 10 December 2022.

³¹ Based on exchange rate on 10 December 2022.

long as he worked at the Akitsu Oyster Company, he was discriminated against by the heir of the owner. The abuses were:

1. The first day he worked in Japan, he already received harsh treatment such as getting verbal abuse such as stupid or idiot (*baka, aho*), not needed (*iranai*) and go home to Indonesia (*Indonesia kaette*).
2. Beside verbal abuse, he also experienced physical abuse and was repeatedly beaten by the implementing organization owner's heir and was also strangled until it was difficult to breathe.
3. He reported the abuse to Supervising Organization, who took care of it while working in Japan but didn't get a good response from them. Finally, he reported to the wife of the business owner who was also the mother of the man who always conducted the abuse, but even after receiving a warning from his mother, the incident kept happening. This continued until he finally got help from an NGO (now RUMI Jepang), which gave access to legal protection to the technical intern trainee and helped to report the whole incident to the OTIT.

In the case faced by the technical intern trainee in Kure, Hiroshima, the initial violence he received was verbal violence which was included in the direct violence mentioned by Galtung. Interestingly, the violence that the technical intern trainee received was right from the first day he worked in Japan, which meant the first impression the trainee received in Japan.

The next direct violence experienced by the trainee was to be strangled by the implementing organization owner's son. Like the previous problem discussed above, in this case violence was perpetrated by the implementing organization owner's own child, who had inherited power and was symbolically attached to him. Symbolically too, the implementing organization owner's child was in a different social space and class compared to the technical intern trainee.

Another issue is the symbolic violence experienced by this oyster technical intern trainee before leaving for Japan. The Sending Organization withheld the technical intern trainee final high school diploma and took an additional fee of IDR

10.000.000 (JPY 87,637yen³²), both of which were not included in the initial agreement between the candidate technical intern trainee and Sending Organization. In this case, the Sending Organization owner is a representative of the capital owner and has access to information to send trainees to Japan. The owner utilizes this symbolic power when he puts pressure on the technical intern trainee.

Apart from that, one thing that is also interesting about the results of the interview with the oyster technical intern trainee in Kure is that he only got 4 months of learning the Japanese language. Even after the technical intern trainee arrive in Japan before entering work at the implementing organization that has been determined by Supervising Organization, technical intern trainees still get one month of Japanese language training at the training center. However, according to the author, Japanese language learning time is a very short time in which to learn the level of Japanese which is needed for working in Japan. Moreover, it should be noted that the Japanese language they learned from Indonesia until they entered the training center is general Japanese, not Japanese which uses elements of local dialects. Not knowing the local dialect of the Japanese language can trigger or cause problems at work. So according to the author, the verbal violence received by the oyster technical intern trainees on the first day is possibly due to a lack of knowledge of the Japanese language when they start working.

4.5 Difference between Indonesian and other Countries' Technical Intern Trainees through the lens of Violence

As previously explained by the author, one of the problems with the Technical Intern Trainee Program system is that violence is sometimes occurs in the workplace. Violence includes two categories: direct violence and indirect violence (structural and symbolic violence). However, what about the violence experienced by technical intern trainees other than those from Indonesia?

Various issues have been arising since the start of TITP. At the first phase of the program, the first-year trainees were not acknowledged as workers, and thus

³² Based on exchange rate on 10 December 2022.

were unable to access their rights as workers (Ministry of Internal Affairs and Communications, 2012, pp. 3–4). Although they are currently protected under Japan’s labor-related laws and regulations, technical intern trainees still face many challenges: the debt incurred during the pre-departure process, restrictions on personal lives (restriction on pregnancy, etc.), low wages, unpaid salaries, restricted mobility to change jobs, companies charging dormitory, electricity bills, etc. higher than the price, forced deportation by the companies or supervising organizations in Japan, the practice of penalty contracts, confiscation of passport/ residence card, violence, sexual assault, power harassment, and sexual harassment (Hatate, 2022, p. 6).

According to a report from Scrum Union in Hiroshima published in the Hiroshima Coexistence Forum, technical intern trainees from Vietnam are forced to survive until their debt is repaid due to the high cost of departure burden. A Vietnamese Technical Intern Trainee said, “even though I was hit, kicked, and it hurt, I will survive to pay off the debt” (Tsuchiya, 2022, p. 2). Furthermore, the report also added the following:

(1) Sexual harassment and illegal overtime in the garment industry

Ten years ago, a technical intern trainee experienced sexual harassment in Gifu prefecture. When she resisted the harassment to protect her body, the business owner would not give the technical intern trainee overtime. When she does not get overtime, she can not collect more money to pay off her predeparture debts. On the other hand, illegal over time is also experienced by Chinese workers in Iwakuni. As a result, some workers were forced to work 200 hours per month over time. However, their overtime is only paid at 300-400 yen/hour. Besides that, installing buttons salaries are paid 5 yen per button, and installing zippers is paid at 10 yen (Tsuchiya, 2022, pp. 2–3).

(2) Violence against construction workers

Filipino workers in the construction sector also received direct violence. One worker said that he received violence almost every day, and even when he tried to fight and protect himself, he was threatened with being sent back to his country. This incident received advocacy from the Scrum Union, but the collection of evidence could not be done because all those interviewed did not want to talk about the incident (Tsuchiya, 2022, pp. 3–4).

(3) Housing facilities not sufficient and expensive

Housing facilities are expensive for technical intern trainees to rent. Six technical intern trainees living together must get JPY 150,000 per month, deducted from their salaries at a rate of JPY 20,000–25,000 per person per month. Moreover, in another case, 45 Filipino workers in Kyushu who work in the agricultural industry were given housing in the company's former factory. Inside the former factory, only two toilets and two bathrooms are used by 45 people (Tsuchiya, 2022, pp. 4–5).

Another case also comes from Higashi Hiroshima. The Asahi Shimbun reported a 27-year-old technical intern trainee working on harvested vegetables and performing other tasks at a farm in a mountainous area of Higashi-Hiroshima. In November 2020, in Higashi Hiroshima, she gave birth to a girl in the corridor of a house used as a company dorm. Because she was afraid the baby's cries would wake up company officials, she taped the baby's mouth shut and let the baby die. Then, she buried the body on the dorm grounds. She was charged with leaving a dead body behind and not doing her job as a guardian, which led to the death of a person (Niiya & Kuroda, 2022). Tsuchiya (2022) also responded in his report on Hiroshima Coexistence Forum that in this incident, the woman should not be treated as a criminal who murdered her baby; rather, he believes that this mother was powerless to defend herself, and therefore the main problem is the technical internal training program itself (Tsuchiya, 2022, pp. 6–7).

As mentioned by Tsuchiya (2022) above, research conducted by Iwashita (2021) also finds the same cases. For example, an oyster technical intern Chinese trainee at Kure, Hiroshima, received sexual harassment. Her colleagues in her workplace touched her breasts and buttocks, but when she resisted, she was threatened with not getting overtime work. No overtime means no income (Iwashita, 2021, pp. 37–39). In another case, NHK reported in 2019 that a 30-year-old trainee from Vietnam faced sexual harassment from her boss and her coworkers, but when she reported her case to her company, she was fired Field (Momo, 2021) immediately.

Based on the experiences of technical intern trainees from several countries that the authors describe, it is clear that there are similarities in the problems experienced by all technical intern trainees in Japan. The common problems they receive are direct violence and indirect (structural and symbolic) violence. However, the differences between Indonesian technical intern trainees and those from other countries is violence in religious matters, such as the prohibition of fasting (oyster trainee) and wearing the hijab for women (see Chapter 6).

4.6 Conclusion

Chapter 4 has shown that the violence experienced by technical intern trainees in this research can be divided into two types: 1. direct violence and 2. indirect violence. Indirect violence is further divided into two categories: 1. structural violence and 2. symbolic violence. Direct violence is physical or verbal abuse (visible), while indirect violence is more subtle (invisible). In this study, violence resulting from systemic violations in the technical intern trainee system is described as structural violence, such as the actions of the implementing, supervising, and sending organizations that do not comply with labor laws under the technical intern trainee system. Example 1. Requiring money to be paid monthly to the Sending Organization collected by supervising organization, 2. Not given a copy of the employment contract, 3. Contract different from real jobs, 4. Someone with a license requires some jobs, but it is conducted practically by a non-licensed

worker, 5. No guarantee of work safety, 6. Unilateral dismissal by Implementing Organization, etc.

Meanwhile, In this study, violence resulting from power domination by the sending organization, the supervising organization, and the implementing organization in the technical intern trainee system is described as symbolic violence, which can also be considered a violation of human rights. Power domination can be seen in 1. Prohibition of receiving a guest in apartment, 2. Prohibition to go out unless going to the office, 3. Advised carry out on abortion, 4. Forced to work with a different contract, 5. Force to eat when fasting, etc.

Symbolic violence can occur due to differences in the capital (social capital, cultural capital, and symbolic capital) and class owned by technical inter trainees compared to sending organizations, supervising organizations, and implementing organizations so that power domination can be exercised. Also must be noted that sometimes structural and symbolic violence can be one unit together. For example, a connection between the two types of violence is that before carrying out structural violence, sending organization, supervising organization, or implementing organization must start from symbolic violence with power domination.

However, what is also interesting in this research is that the authors also found that violence, which is power domination, can be exercised by younger people who are in positions of power through family connections. This was seen in the violence experienced by an electronic worker in Yokohama and an oyster worker in Kure. They both received violent treatment from the son of the company owner. This situation can be understood as symbolic violence described by Bourdieu, namely habitus, which means power domination can be transferred.

The differences in violence experienced by technical intern trainees other than Indonesian technical intern trainees are also discussed in a subchapter. Basically, the violence experienced by all technical intern trainees in Japan involves direct, structural, and symbolic violence. The research found that technical intern trainees from Indonesia also experienced some unique forms of violence, especially

concerning matters of religious activity, such as being forced to eat during the holy fasting month of Ramadhan and being prohibited from wearing the hijab by women.

CHAPTER 5

SILENCE OF INDONESIAN TECHNICAL INTERN TRAINEES

5.1 Silence among technical intern trainees as a subaltern group

Silence is viewed as the absence of speech or as the refusal to speak (Ehrenhaus, 1988, p. 41). Furthermore, in Bourdieu's view, the relation between power and violence are inextricably linked concepts. Violence used to establish control or authority need not be physical. The side in charge continuously works to hide its supremacy from plain sight. The dominant party is unaware that they are the targets of violence because the dominating party consistently, methodically, and steadily uses the power mechanism against them. Bourdieu describes this dominance as symbolic violence (Martono, 2012, p. 39). In addition to symbolic violence and domination in Thapar-Björkert et al. (2016) states that symbolic violence is "imperceptible, insidious and invisible." Invisibility is an effective means of silent dominance and silencing the dominated. Dominant discourses frequently silence all other peripheral or subaltern discourses. However, allowing the subaltern and other peripheral discourses to speak up or express their worries will not end the silence; doing so will worsen it. Systemic/ structural change is needed to ensure that people are genuinely heard and given agency (Thapar-Björkert et al., 2016, pp. 8–9). Therefore, one may conclude that symbolic violence creates silence among the dominated subjects as it is construed and labeled as normal and natural, resulting in acceptance of the domination.

The form of 'silence' shown by Indonesian technical intern trainees against the structural or symbolic violence experienced indicates an inferior identity as a subordinate and an immigrant. The position of subordinates barely provides much space for technical intern trainees to express their thoughts and feelings. In addition, the superior feeling possessed by the employer (implementing organisation/receiving company), colleagues (Japanese colleagues), and the Accepting Organization also plays a role in the binary opposition relations. So, the pressure faced by technical intern trainees can only be expressed by silence.

Thoughts or feelings that created superiority and inferiority in the binary opposition relations between Indonesia and Japan, began during Japan's involvement in World Wars I and II. Various news about the Japanese army's strength against Western, European, and even Asian armies filled the pages of local newspapers in the Dutch East Indies (now Indonesia). Furthermore, when the Japanese occupied the Dutch East Indies after it became a Japanese colony in 1942-1945, the "native" Dutch East Indies people welcomed the Japanese army.

When it occupied Dutch East Indies, Japan used various propaganda tactics to gain sympathy and support from the "natives." Before entering Dutch East Indies, Japanese propaganda was that Japan waged the Greater East Asia War to liberate Asia from Western colonialism. Then there was another propaganda movement, known as the 3A Japanese Propaganda Movement, which was a propaganda campaign launched by the Japanese Empire during World War II and their occupation of the Dutch East Indies. The 3A movement is well-known for its slogan, which proclaims Japan as the light of Asia, Japan as the protector of Asia, and Japan as the leader of Asia.

However, the Japanese occupation of the Dutch East Indies also brought suffering to the natives. The dominance of the Japanese army in Indonesia was also seen in the practice of forced labor or *romusha*. According to Baird & Marzuki (2015), These *romusha* (a Japanese word for a coolie or unskilled laborer that was adopted into Indonesian as a term for a slave laborer) were gathered from thousands of villages across Java. These *romusha* were transported by train to railheads near Java's ports, where they were held in guarded camps before being transported by ship to distant work sites. According to almost all accounts, they were taken to mines, plantations, and military road, rail, bridge, and airfield construction sites throughout the Indonesian archipelago and beyond. They did, in fact, contribute to Imperial Japanese military dominance in the region. In reality, the *romusha* were being slaughtered one by one. They faced confinement and harsh physical treatment similar to that meted out to Allied prisoners of war—starvation, backbreaking labor, beatings, and summary executions—once effectively out of sight of the collaborating Indonesian political elites who mobilized them. Several million of the

estimated 4 to 10 million men taken into captivity in this manner went unaccounted for and were presumed dead (Baird & Marzuki, 2015).

The next stage, Thoughts or feelings that created superiority and inferiority in the binary opposition relations between Indonesia and Japan in after World War II, especially in the 1980s. One of the discourses which appeared, for example, in Malaysia and other Southeast Asian countries, was “learn from Japan” and “look east.” Looking to the “east” meant looking towards Japan by learning and building the country in the same way as Japan when it built its nation in technology, economy, and so on after the Second World War.

Kato (2021) added that this thinking also caused Japanese people to have superior thoughts toward Southeast Asian nations, including Indonesia. In other words, Japan is a “superior” advanced nation or an educated nation. At the same time, Southeast Asian countries, including Indonesia, are “inferior” nations or nations that require education from a superior nation such as Japan (Kato, 2021, pp. 14–15).

The rise of Japan after World War II and the formation of a collective mind to “learn from the Japanese” is, of course, not coincidental. Scholars in the 1970s paid attention, raised issues, gave legitimacy, and positioned Japan as a superior nation or a nation with a superior society. It can be found in “Japan as Number One”, written by Ezra Vogel (1979), or the earlier books of Inazo Nitobe’s “Bushido” (1900) and Ruth Benedict's “The Chrysanthemum and the Sword” (1946). The study of these scholars is one part of the formation of the superiority discourse possessed by the Japanese nation, which has been greatly appreciated in Southeast Asian society, including Indonesia. However, several studies refute the discourse, such as “Japan and National Anthropology: A Critique” (2004), written by Sonia Ryang. She refuted the book written by Ruth Benedict, which is a mandatory book used by almost all universities in Indonesia that have Japanese majors. However, the fact that Japan is indeed a technologically and economically advanced nation is something that cannot be denied. However, with superiority and inferiority discourses, increasingly technical intern trainees are positioned into the subaltern group category and are vulnerable to exploitation.

Exploitation issues, violence, and excessive work pressure on technical intern trainees can be motivated by cultural differences and a sense of history between Japan and Indonesia relations and can form different identities. The historical view positions Japan as a colonial and superior nation, while Indonesia is a colonized or inferior nation. In other words, the repetition of identity in the binary opposition of the two is still overshadowed by colonial traces, I (am)-the other, conqueror-be conquered, leader-subordinate, high-low, etc. In addition, it is also caused by ignorance about the support system for technical intern trainees, which can provide space for them to speak up or find solutions to their problems. Conditions like this position technical intern trainees in a subaltern group with a lack of access to mobility and generalized to become hegemonic logic (Morton, 2008, p. 168).

This lack of access to mobility can be understood as the placement of subalterns in positions in the social structure that do not allow for reciprocal interaction. Subaltern positions tend to be passive or accepting and unable to give back responses. In addition, there is a unique perspective as a subordinate who is always ready to receive orders and reprimands when they are making mistakes or being blamed for carrying out their work. Moments often occur, for example, when workers are given a warning, their explanations or reasons are often not heard, or even the opportunity to convey the reasons is never given. On the one hand, this perspective has hegemonic power over subalterns so that workers receive such treatment. On the other hand, this perspective positions subalterns as a general and homogeneous category, complete with stereotypes and stigmas against them. So, the existence of these two factors causes the technical intern trainee as a subaltern to be unable to speak, and even though the subaltern "technical intern trainee" can speak, the voice is ignored by the power owner as a form of symbolic power possessed by the ruler.

Spivak borrowed the subaltern term from Gramsci to refer to lower officers in the British military structure (Morris, 2010, pp. 37–38). Gramsci contextualizes the word subaltern with the concept of cultural hegemony, which identifies minority groups in a social structure experiencing marginalization or social exclusion. But

on the other hand, silence among technical intern trainees is also caused by the role of the Indonesian government which does not present itself in many of the problems faced by technical intern trainees; in other words, the government is barely involved (Indonesia) in providing a support system. Besides, under Law No. 18/2017 concerning the Protection of Indonesian Migrant Workers in article 4-2, (b) technical intern trainees are not included as workers, so technical intern trainees do not get legal protection as Indonesian migrant workers (Presiden Republik Indonesia, 2017).

5.2 "Nrimo" and "Sabar" as values and general thoughts of technical intern trainees

One of the valued philosophies in Indonesian society, specifically the Javanese, is *nrimo ing pandum*, which literally means “accept all kinds of gifts.” The *nrimo ing pandum*’s concept has a spiritual side or a spiritual concept because it is taken from the concept of “*dukkha*” from Buddhism and is synthesized with the concept of patience in Islam. This attitude of accepting, whatever happens, is synonymous with the concept of *legawa* or sincerity. Genealogically, the concept of *nrimo* in Javanese thought is influenced by royal cultural factors and colonialism (Rakhmawati, 2022, 10-11). Royal culture in Java was started during the era of Mataram (732-1017 M), Singasari (1222-1292 M), Majapahit (1293-1527 M), Demak (1475-1568 M), Keraton Surakarta (1744-present) and Keraton Yogyakarta (1755-present).

The influence of Javanese kingdoms is still deeply rooted in society, especially in the Javanese community, with high servitude to the descendants of the Javanese king. This conception of traditional value continues today; in Indonesia, especially Java, it is known as *Abdi dalem*. These *Abdi dalem* are people who have promised to be loyal and are determined to devote themselves to the Yogyakarta Palace all their lives, which a Sultan leads. Besides, *Abdi dalem* carry out their service based on devotion to the Palace and Sultan. Therefore, *Abdi dalem* devoted themselves to the palace even though they only received a small living allowance,

but it became a matter of pride. The general public in the Java region also respected and gave great appreciation for their services to the sultan.

In addition, the experience of colonialism for 350 years by the Dutch and 3.5 years by Japan involved a variety of exploitative practices, from the forced cultivation system to forced labor, crystallized the concept of *nrimo* which is still rooted today in the community system. The long period of Dutch colonialism was also due to the fact that the kingdom accepted defeat from the invaders so that the people followed almost without resistance. This is inseparable from the concept of *nrimo ing pandum* from the Javanese themselves, which is also interpreted as a form of self-acceptance and making peace with the situation (Rakhmawati, 2022, p. 14). With a positive understanding, this concept of *nrimo ing pandum* imbues human character with higher patience.

Rural communities on the island of Java, which Javanese and Sundanese predominantly inhabit, have a rural cultural system with strong collective social interactions. The characteristic of an agrarian society is a social group that fulfills the necessities of life from farming or cultivating fields; in other words, it is very dependent on stable natural conditions. The characteristics of an agrarian society are identical to this stability which then affects the form of high submission of farmers to landlords or what is commonly called “patron clients” (Soetarto & Sihalo, 2014, p. 8).

In the context of modern social structures, these rural communities tend to be at the bottom because of their lack of capital accumulation in Bourdieu’s sense. Farming classes have layers, i.e. farmers who own land and farmers who work the land. Farmers who work the land are structurally at the bottom and are vulnerable to exploitation. Many of them then seek for their children to attend education as a pathway to other jobs besides farming in the future. However, in many cases, the children of farmers with only basic education, in the end, cannot compete with people whose education is college level in the world of work in big cities. Ultimately, the most prospective option to improve their social status is to choose unskilled work abroad, such as becoming a technical intern trainee in Japan with the hope of getting a higher income after returning back to their home country. They

can raise the social status of their parents. On the other hand, the number of technical participants in Japan is also influenced by the number of Sending Organizations on the island of Java, so it makes sense that technical intern trainees in Japan are predominantly from rural communities on the island of Java (see Chapter 3).

The concept of “*sabar*” = patience, as discussed previously, comes from the Arabic language, namely *sabr*. Patience is a trait of holding back emotions and desires and surviving difficult situations without complaining. Patience is also the ability of self-control and is seen as an attitude that has high values and reflects the strength of the soul of the person who has it. The more patience a person has, the stronger the person will be in dealing with all kinds of life-related problems.

In addition to the “*nrimo*” described earlier, this patient attitude is also an important part of the Indonesian people and also a part of the concept of values that are protected. Moreover, the concept of knowledge about patience is also included in the content of early education-level lessons, as well as in Islamic religious education. As is well known, the majority of the Indonesian population embraces Islam. Therefore, the value of “*nrimo*” and the idea of “*sabar*” became technical intern trainees’ main basis for thinking when working. At the same time, the understanding of “*nrimo*” and “*sabar*” also contributed to their choice to remain silent when structural and symbolic abuse occurred during training in Japan.

5.3 The reason why technical intern trainees become silent workers

In the following sub-chapter, the author will discuss why technical intern trainees are discouraged or unable to speak out and even choose to remain silent while working in Japan when violence occurs. Of course, silence also places the technical intern trainee in a vulnerable position, and they are more easily exploited and deprived of their rights. Of course, the reasons that technical intern trainees have are very diverse, but here the author describes the reasons given during the interviews that the author conducted with the technical intern trainees. The reasons for the silence of the technical intern trainees in this sub-chapter will be discussed as follows: having departure debt (debt bondage), being forced to be silent, limited

ability to speak Japanese, lack of awareness of labor laws, and lack of knowledge about how to report abuse.

5.3.1 Having departure debt (debt bondage)

The amount of departure burden that technical intern trainees face before being dispatched to Japan continues to be a problem when working in Japan. The existence of a departure burden on the technical intern trainees makes most of them survive in silence when they are subject to symbolic or structural violence (see Chapter 4). The departure fees that technical intern trainees must pay to go to Japan vary greatly. Based on the research conducted by a previous author, prospective technical internal trainees must pay departure fees starting from IDR 18.000.000 rupiahs to IDR 35.000.000 (JPY 168,499 – JPY 327,638³³). However, these results do not account for the invisible costs that technical intern trainee candidates must pay. The fees can be twice as much, due to the technical internal trainee candidate choosing the wrong Sending Organization or registering to be hired in Japan by a broker. The error in choosing a Sending Organization means choosing a Sending Organization that does not have a license to carry out the business of sending workers under the P to P (Private to Private) scheme.

Based on data from the Ministry of Manpower of the Republic of Indonesia, there are currently 289 Sending Organizations that have obtained a license to conduct the Sending Organization business (Direktorat Bina Pemagangan Ditjen Binalattas, 2022). However, the fact is that in Indonesia, the number of unlicensed Sending Organizations can be much larger than the number of licensed organizations. Hence, the departure cost will be even greater when a technical intern trainee candidate is hired in Japan through an unlicensed Sending Organization. Furthermore, the unlicensed Sending Organization must also pay the licensed Sending Organization. Why is it possible that this happens in Indonesia? Because the Government of the Republic of Indonesia, through the Ministry of Manpower

³³ Rate yen to rupiah base on 7 November 2022.

of the Republic of Indonesia, does not provide clear rules on restrictions of departure costs for technical intern trainee candidates.

Based on the author's interview results on the cost of departure as described above, this problem was faced by one of the oyster technical intern trainees in Hiroshima. He got a unilateral termination of contract from his Accepting Organization. Currently, this issue is undergoing trial in the Hiroshima court and getting advocacy by the Scrum Union, a Japanese NGO in Hiroshima. Before he left for Japan through the LPK Gunamandiri (Gunamandiri Sending Organization), he had previously joined an unlicensed Sending Organization. However, working in Japan needed a licensed Sending Organization, and he finally had to move to one with a license. So, he paid in total IDR 70.000.000 (JPY 655,276³⁴). His money came from pawning the rice field of his parents. The amount of the departure payment he paid until now has yet to be redeemed because he has not worked in Japan, and his case is still undergoing trial.

Furthermore, a construction technical intern trainee in Itabashi, Tokyo, who received structural and symbolic violence (see Chapter 4), also has similar problems: "Before I left for Japan, I entered through an unlicensed Sending Organization in my hometown. After the Japanese language training was completed at the Sending Organization in my hometown, I was transferred to a licensed Sending Organization to be dispatched and paid IDR 45.000.000 (JPY 421,248 yen³⁵)." He added, "The cost that I used to go [travel to Japan], the result of pawning my parent's fields to the bank." He continued, "Due to this debt, when I experienced violence at the implementing organization in the first year and the second year, I did not dare to fight back and chose silence, but when in the third year, when my debt was paid off, I dared to fight back and ran away from the implementing organization."

In addition to technical intern trainee in the construction sector in Itabashi, Tokyo, the problem of the departure burden is also faced by another oyster worker in Kure, Hiroshima. The large departure burden that must be paid before leaving

³⁴ Rate yen to rupiah base on 7 November 2022.

³⁵ Rate yen to rupiah base on 7 November 2022.

forced him to remain silent for almost two years. However, after the debt was paid off, he was brave enough to fight against the violence he experienced. Therefore, according to him, he went to Japan by preparing a fee of IDR 120.000.000 (JPY 1,123,330³⁶). However, IDR 90.000.000 (JPY 842,497³⁷) were used. He also entered Japan through two Sending Organizations, licensed and unlicensed. In addition, when preparing himself to go to Japan, he had to attend training in the capital city of Jakarta for four months. The cost of living in the capital city of Jakarta compared to the city of residence in Lampung is great, so the departure fees become even greater. He says, "My debt before leaving was very high. Even though the owner's son abused me in the first week of work, I did not dare to fight back."

This debt burden traps technical intern trainees in debt bondage because they must pay off their loans while working in Japan. These debt burden problems also make the technical intern trainee position vulnerable to exploitation or domination, structurally and symbolically. In addition, the debt burden makes technical intern trainees choose to be silent and not fight, without even trying to make a report to OTIT until the debt is finally paid off.

5.3.2 Forced to be silent and silencing

In addition to the silence that technical intern trainees in Japan endure despite the violence they experience while working, they do not dare to defend their rights. Supervising Organization and Sending Organization also have a role in forcing silence and silencing the technical intern trainees. The method used by Supervising Organization and Sending Organization is forcing technical intern trainees to sign a statement and terminate membership as union members. In the interview conducted by the author on a technical intern trainee planned to work in Kure, Hiroshima Prefecture, it was reported that in early 2018, he was accepted to work as a technical intern trainee at an oyster cultivation company in Hiroshima. After arriving in Japan, he received Japanese language training, but on the journey of learning Japanese, which was still less than two months away, Supervising

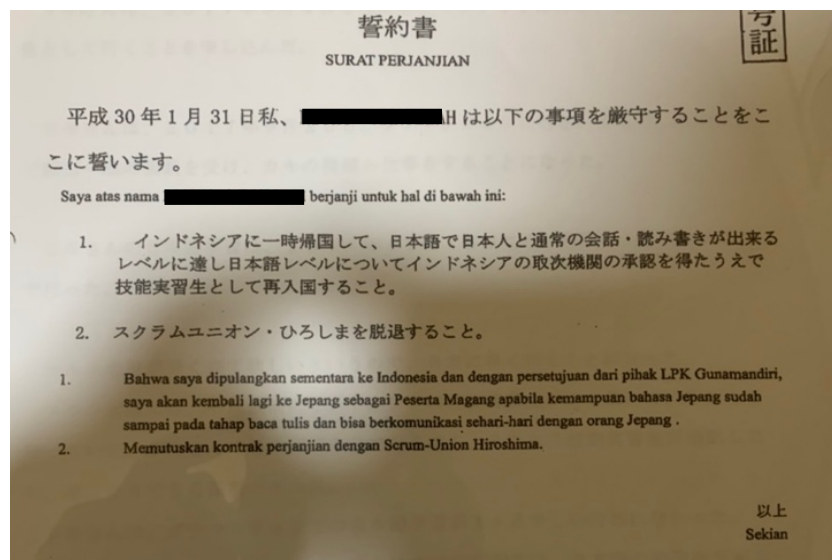
³⁶ Based on exchange rate on 7 November 2022.

³⁷ Based on exchange rate on 7 November 2022.

Organisation suddenly fired him unilaterally, on the grounds that the technical intern trainee was not able to speak Japanese, so he has to be sent back to Indonesia. Before leaving for Japan, he studied Japanese in Indonesia for 160 hours per the regulations issued by the technical intern trainee system (JITCO, 2016; Public Interest Incorporated Association SAKURA Training Center, n.d.). Because he fears being sent home and still has a debt burden in Indonesia, he plans to run away and to become an irregular worker. However, when he ran away, he met the chairman of the Scrum Union in Hiroshima and decided to become a union member.

After becoming a member of the Scrum Union, he also received advocacy assistance from the union to Supervising Organization so that he would not be sent back to Indonesia. But unfortunately, after getting the opportunity to be advocated by a union, the technical intern trainee was forcibly sent home by Supervising Organization the day after the meeting between the Supervising Organization and the Scrum Union. Nevertheless, before being forcibly discharged, he had to give a statement about stopping to be a Scrum Union member. The statement can be seen below.

Figure 23. Statement letter



Source: Scrum Union Hiroshima.

In addition, as stated in the agreement letter above, the employer, through Supervising Organization, also gave a verbal promise to the technical intern trainee “if you sign this letter and terminate the contract agreement with the Scrum Union, you will be working again in Japan.” However, after he was back in Indonesia, he was never called to return to work in Japan. In addition, Supervising Organization forced him to write a statement letter, which is also done by Sending Organization. In this statement letter, the technical intern trainee is also asked to provide a written statement to say he is leaving the membership of the Scrum Union.³⁸

The author understands this exploitation as a structural silence and symbolic violence on capital in Bourdieu's concept. Structural silence is an attempt to be silenced structurally by using the power possessed by the power owner and is detrimental to the technical intern trainee. Symbolic violence refers to Bourdieu's concept, namely capital owned by Supervising Organization and Sending Organization. Both organizations use social hierarchy as a capital owner (social capital and symbolic capital) to use power domination and force the technical intern trainee to sign the statement letter.

In addition to the problems experienced by technical intern trainee at Kure as above, the settlement effort carried out by the Sending Organization can also take other forms, such as withholding the interns' proof of school graduation (diploma). Problems like this often occur in Indonesia and are carried out by the Sending Organization. In addition to receiving a departure fee, which is already a great amount, the Sending Organization also asks for their school diploma as a guarantee. The Sending Organization expects that while working in Japan, technical intern trainees whose diplomas are being kept will not run away or choose to become irregular workers. The detention of this diploma makes those technical intern trainees who experience violence in the workplace to choose to be “silent.”

Two construction workers in the Hikari-Yamaguchi area experienced the problem of Sending Organizations holding their diplomas. When the author

³⁸ Professor Yasuko Iwashita introduced the story about this problem and allowed the author to become an interpreter for technical intern trainees before going to court in Hiroshima on 5 September 2022. This problem also has done to write by (Iwashita, 2021, pp. 55–100).

interviewed them, they had run away from their company and settled in sedentary places. They came to Japan in May 2022 before they ran away from the company, where their co-workers inflicted violent behavior to them. One said that he was hit on his head with a hammer, had an iron thrown at him, and had his left hand hit with a hammer. They decided to run away from the implementing organization in October 2022. However, when they were interviewed by the author, they chose not to report the problem to the OTIT reporting agency because they had an agreement with the Sending Organization, and their diplomas were withheld. The diplomas are a kindergarten diploma, elementary diploma, middle school diploma, high school diploma, and also the original birth certificate.³⁹

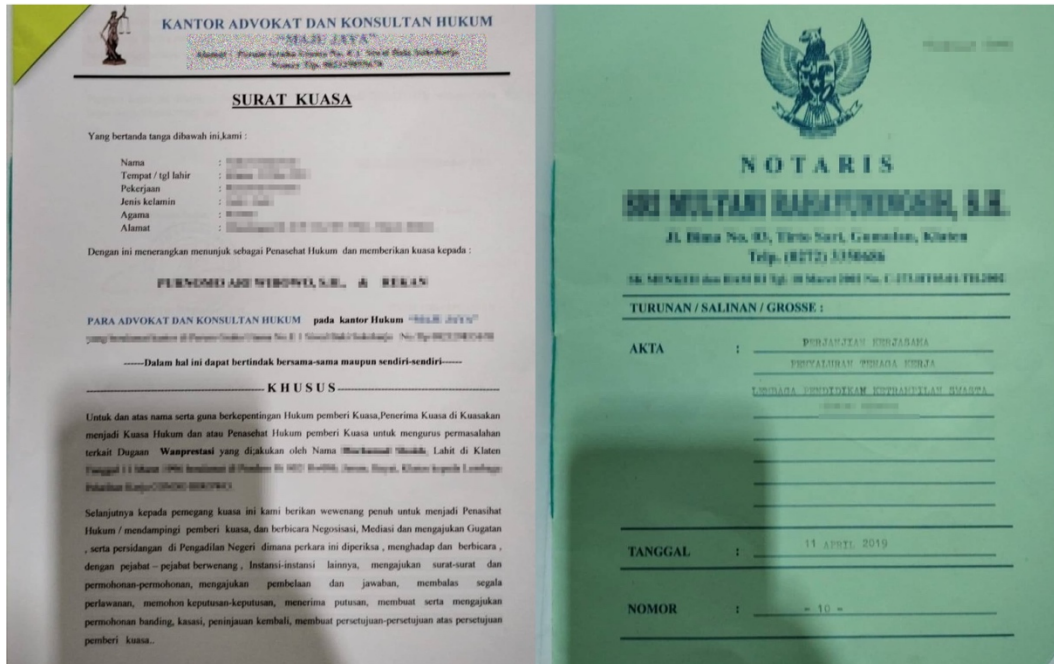
Construction technical intern trainees experienced similar problems in Itabashi, Tokyo. This technical intern trainee experienced structural and symbolic violence (see Chapter 4). However, the difference with the previous case is that this construction technical intern trainee in Itabashi dared to report the violence that had happened to him to the OTIT reporting agency through the assistance of RUMI Jepang. Unfortunately, he chose to remain silent before attempting to report violations committed by the company where he worked in Japan. As a result, he ran away from his company, and for several months he had to move to work in several cities in Japan. One of the companies that took him to work was a company in the night entertainment industry.

His efforts to carry out the report resulted in him getting help from the OTIT to move to a better construction company with a higher wage than the previous implementing organization. In addition, the Supervising Organization that had carried out the previous supervision was also replaced with a new Supervising Organization, according to the advice given by the OTIT. However, after he managed to get help, a new problem befell him. The Sending Organization that sent him to Japan in 2019 demanded IDR 100.000.000 (estimated JPY 963,224⁴⁰). This claim can be seen in the image below.

³⁹ Consultation with Rumi Jepang, Interviewed by the author in October 2022.

⁴⁰ Based on exchange rate on 20 October 2022.

Figure 24. Sending Organization claim letter



Source: Document file from technical intern trainee in Itabashi-Tokyo.

In this claim, the technical intern trainee received a demand from the Sending Organization lawyer and was obliged to pay a fine because it was considered a breach of contract (*wanprestasi*).⁴¹ He received this demand letter after he defended his rights as a technical intern trainee.

5.3.3 Choosing silence due to a limited ability to speak Japanese

Language is the most effective communication tool to convey ideas, thoughts, intentions, and goals to the interlocutor. Apart from being a communication tool, language can also function as a medium to convey feelings in communication. Language as a communication tool allows for cooperation in working with the interlocutor— it positions language as having an important influence on human life. However, communication will only be perfect if the

⁴¹ *Wanprestasi* comes from Dutch, meaning non-fulfillment of achievements or obligations in an agreement.

language expressed is accepted and understood by the other person, especially when the language used is a foreign language.

One of the problems experienced by Indonesian technical intern trainees in Japan is the lack of Japanese language skills. This lack of Japanese language skills causes technical intern trainees to be “silent” when getting pressure or experiencing structural or symbolic violence in the company where they work. Under the Technical Intern Trainee System, candidates are required to learn the Japanese language for 160 hours before departing (JITCO, 2016; Public Interest Incorporated Association SAKURA Training Center, n.d.). In other words, the Sending Organization should conduct Japanese language learning training every day for two months before sending interns to Japan.

Priyanti (2010), in her research that analyzed Indonesian technical intern trainees in Miyagi Prefecture, explained that the lack of the interns’ Japanese language skills resulted in them getting symbolic pressure from their co-workers. As a result, they are often blamed at work. Even though the work error that occurred was the fault of the Japanese workers, they were blamed for not being able to explain it in Japanese (Priyanti, 2010, pp. 119–120).

In the author’s interview, a technical intern trainee working for an oyster cultivation company said, “Before I left for Japan, I studied Japanese for two months. During the two months of learning Japanese, I lived in a dormitory that the Sending Organization had set up. I stayed in the dormitory until receiving working permission and a contract from the Oyster cultivation company in Hiroshima. During the lesson, the Sending Organization places all candidates who will leave for Japan in the dormitory. Then the six other candidates who will go to Japan and myself started learning Japanese from 07:00 am to 17:00. Japanese language learning is carried out intensively (Monday-Friday), lasting two months or up to 160 hours, the requirements for learning Japanese are enough.”

As previously stated in research Priyanti (2010), the lack of Japanese language skills possessed by technical intern trainees discouraged the technical intern trainees from defending their rights. It can also be an entry point to cause symbolic and structural violence. For example, the company’s forced dismissal

through a Supervising Organization forced technical intern trainees to sign a statement saying that they were “willing to be sent back to Indonesia.”

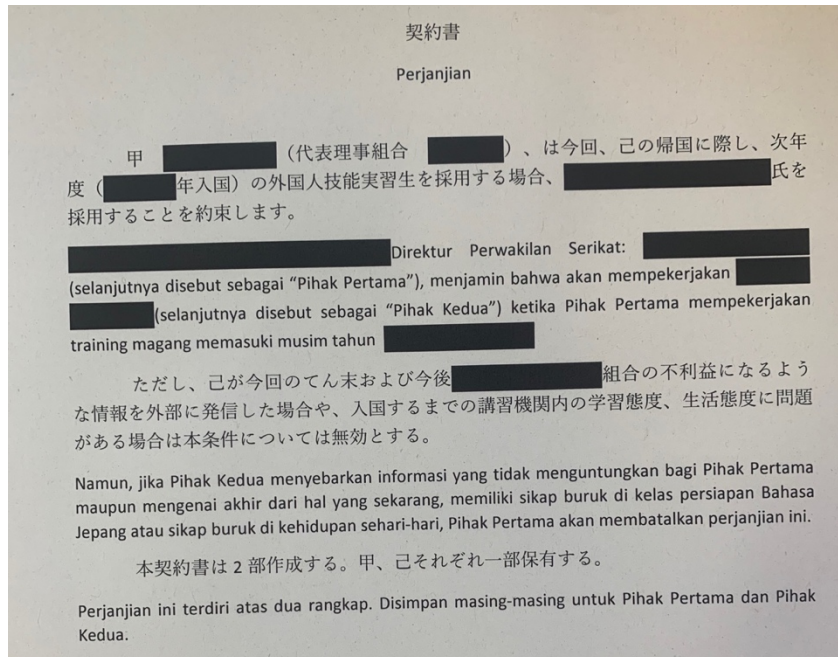
The lack of Japanese language skills was also experienced by four technical intern trainees who planned to be employed in Shikoku for the fishing industry. The four technical intern trainees have been in Shikoku and supervised by the Supervising Organization to learn the Japanese language in a training center for two months. However, because the company that received the job went bankrupt, the company finally terminated the contract unilaterally. It forced the trainee to sign a statement that he was willing to quit the job he would receive after completing language training in Japan. The contents of the statement were made in Indonesian and Japanese, but there was an Indonesian translation error.

Translation errors are found into *“If the First Party employs apprentice trainees, it guarantees that it will employ Mr/Ms xx⁴² (from now on referred to as the “Second Party”).”* In Indonesian translation, not translating words *“jika”* / “if”⁴³ in this agreement. So the intern believed that if he agrees to be sent home and signs the agreement, he can return to work as a technical intern trainee in Japan. Nevertheless, the real meaning is “if” the fishing company returns to normal operations and is released from bankruptcy, then he will be rehired by the implementing organization. Furthermore, when examined further in the agreement letter, there is no guarantee that they will be able to employ them because it is not certain that the company that accepts them will return to normal work. The contract agreement signed by the four technical internal trainees can be seen in the image below:

⁴² Japanese translation refers to “外国人技能実習生を採用する場合,○○氏を採用することを約束します”.

⁴³ Japanese translation refers to “場合”.

Figure 25. Agreement between four Technical Intern Trainees and the implementing organization/company



Source: Document file from technical intern trainee in Shikoku.

Other problems in this agreement can also be seen in the next point, which contains about: which is translated to “However, if the Second Party spreads information that is neither beneficial to the First Party nor about the end of the current situation, has a bad attitude in Japanese language preparation class or a bad attitude in daily life, the First Party will cancel this agreement.”⁴⁴ The main point of this agreement is to refrain from learning Japanese language skills, which they will do again after choosing and deciding to return to Indonesia. However, the company is also trying to dominate the four technical intern trainees. The domination is done by pressing the four technical intern trainees to silence.

⁴⁴ Japanese translation refers to : “ただし、己が今回のてん末および今後○○○○○○○組合の不利益になるような情報を外部に発信した場合や、入国するまでの講習機関内の学習態度、生活態度に問題がある場合は本条件については無効とする”。

5.3.4 Lack of awareness of labor laws and knowledge about how to report problems

Understanding regulations or laws that serve as a tool to protect our rights as human beings is very important, as well as understanding labor regulations that protect our rights as workers. Moreover, understanding labor regulations or laws is critical when working as a migrant worker in a migration destination. Unfortunately, however, Indonesian migrant workers in Japan are mostly technical intern trainees who do not understand the regulations, particularly the Act on Proper Technical Intern Training and Protection of Technical Intern trainees. They need to understand these regulations or laws to defend their working rights. Besides that, better understanding of the Technical Intern Trainees regulations is needed (Rustam, 2013, pp. 71–72). However, in addition to not understanding and lack of socialization, the authors found that they were reluctant to find out. When they entered Japan and attended the training center (usually for two months), they received a handbook from OTIT. The Handbook for Technical Intern Trainees in Bahasa Indonesia can be seen in the image below.

Figure 26. Handbook for Technical Intern Training – Indonesian Language Version



Source: (OTIT, n.d.-a).

In addition, they also received a special class explaining the technical intern trainee regulations for one day (around 8 hours). However, as the author stated above, socialization still needs to be improved and requires cooperation from several parties, especially Sending Organizations that send technical intern trainees. Because, in fact, in Indonesia, Sending Organization only gives basic knowledge to prospective technical intern trainees, like how to live in Japan. In particular, knowledge of the rules for protecting technical Intern Trainee working in Japan. As a result, even though they received the book shared above and a brief socialization on labor law, they needed help understanding it in depth.

Furthermore, six technical intern trainees in Saitama currently working in the construction sector were interviewed and said, “We do not know where to report if we have problems. Therefore, we prefer to be silent and patient.” They also said, “Our seniors are like that too. When there was a problem, they could only be silent because once they reported the problem to the Supervising Organization and the Sending Organization, they did not receive a response. Therefore, where should we report it?” The results of the interviews by the author showed that the technical intern trainees often face problems like this. They need to figure out where and how to report. Even though the technical intern trainees reported the problem, they did not necessarily get the required attention.

Moreover, even when they did report, they were often ignored by the Implementing Organization and the Supervising Organization organization. In the end, they could only stay silent with such a response. Furthermore, as mentioned earlier, when a similar incident was experienced by a senior and repeated, the senior would say, “It is better not to report; just be quiet and patient because we also tried to report but were ignored.” The case means that the experience by seniors regarding the neglect they received is also a justification for not defending their rights. Seniors may have never attempted to report to a reporting organization for technical intern trainees called the Organization for Technical Intern Trainees (OTIT) or NGOs concerned about migrant workers.

5.4 RUMI Jepang is an organization that encourages Technical Intern Trainee to speak up

As previously explained in Chapter 3, RUMI Jepang is an organization founded by Indonesian students studying the migration of Indonesians to Japan, especially technical intern trainee research. RUMI Jepang tried to provide information on labor laws to Indonesian technical internal trainees through SNS (Social Networking Service). At the beginning of its establishment, RUMI's activity was to invite speakers who had experienced symbolic and structural violence by the company where they worked. These include technical intern trainees who are pregnant, have experience with physical or verbal abuse, or who had run away.

This discussion activity was broadcast live using the instagram live platform, zoom meeting and youtube. In addition to the benefits obtained from this activity for the technical intern trainees who attended, this activity also received a positive response from various groups, including NGOs active with migrant workers' issues. Migrant workers and social activists also said that the RUMI Jepang fulfilled the advocacy for Indonesian migrant workers, especially technical intern trainees.

After the Instagram live activity, other positive responses were obtained by establishing a collaboration between RUMI Jepang and the Japan Foundation Indonesia in Jakarta. The cooperation program between the two organizations is the MIGRACARA (Indonesian Migrant worker voice). The first program was carried out in September 2022, with the theme of an overview of the conditions of the pre-departure of Indonesian migrant workers to Japan. In this meeting, participants gained general knowledge about migration routes and types of visas held by Indonesian migrant workers in Japan, and common problems they had when working in Japan.

The second migracara program focused on the theme of violence in the world of work and guidance for workers. RUMI Japan invited Mitsugu Muto, Chairman of the labor union Fukuyama Union Tampopo. Fukuyama Union Tampopo is a union that advocates for technical intern trainees from Vietnam who

were physically abused in construction companies in Okayama and have become hot news in the Japanese media. In the final part of this second program, the organizers do a workshop and invite all participants, especially technical intern trainees working in Japan and prospective technical intern trainees who will go to Japan, to gain knowledge of the steps to make OTIT reports when they get inappropriate treatment from the company or violence from Japanese colleagues and Supervising Organization.

Figure 27. Migracara (Migrant Voice)

The image shows two promotional posters for the 'MIGRA CARA' event. The left poster is for a pre-departure workshop on September 3, 2022, featuring speakers Yury Widarabesty (Diponegoro University), Muhammad Reza Rustam (Sriwijaya University), and Wafde Hanifah Istiqomah (Pillay's Institute of Management Studies). The right poster is for a workshop on September 10, 2022, featuring speakers Mitsuaki Matsuda (Fukuoka University) and Muhammad Reza Rustam (Sriwijaya University). Both posters include the title 'MIGRA CARA', the theme 'Kekerasan dalam Dunia Kerja dan Panduan untuk Pekerja', and registration information: 'SABTU, 3 SEPTEMBER 2022' (15:00 - 17:00 WIB / 17:00 - 19:00 JST) and 'SABTU, 10 SEPTEMBER 2022' (13:00 - 15:00 WIB / 15:00 - 17:00 JST). The registration link is 'bit.ly/MigraCara1' and 'bit.ly/MigraCara2'. The event is organized by The Japan Foundation, Jakarta.

Source: RUMI Jepang

The next program in November 2022 discussed health and work accident insurance for migrant workers in Japan. This program also invited experts on work insurance, health, and work accident insurance. In addition, in this program, one of the Indonesian migrant speakers was a worker who had experienced a serious work accident. The work accident he experienced was a broken leg due to the elevator used to work falling and hitting him, so the worker's back and legs were broken (leg fracture). After the accident occurred, first aid was carried out directly by the Japanese government by picking up the accident worker, who was unconscious, by helicopter.

These programs aim to encourage technical intern trainees to have the courage to discuss their problems and experience at work and to understand legal regulations, insurance, and others.

Besides the Migracara program conducted by RUMI Japan, it provides direct advocacy to technical intern trainees through the SNS platform. Advocacy is carried out by providing information and encouraging technical intern trainees to report the violations experienced while working in Japan to OTIT by themselves. They are reporting to OTIT means directly contacting OTIT by phone or directly reporting to the OTIT office. However, before they reported the problem to OTIT, the RUMI team did an inventory of problems with interviews. Problems are based on facts and evidence of violations held by the company or accepting organization. The fact that Rumi Jepang translated the problem into Japanese gives the interns the courage and strength to carry out the struggle and defend their rights that have been taken away.

5.5 Conclusion

Chapter 5 argues that the violence experienced by Indonesian technical intern trainees caused them to take the position of silent workers. The form of ‘silence’ shown by Indonesian technical intern trainees against the structural or symbolic violence experienced indicates an inferior identity as a subordinate and an immigrant. The position of subordinates barely provides much space for technical intern trainees to express their thoughts and feelings. In addition, the superior feeling possessed by the employer (implementing organisation/receiving company), colleagues (Japanese colleagues), and the Accepting Organization also plays a role in the binary opposition relations. So, the pressure faced by technical intern trainees can only be expressed by silence.

In some cases, they were forced into silence by Implementing Organizations, Supervising Organizations, and Sending Organizations. Forced silence can be seen in the case of the oyster technical intern trainee who planned work in Kure-Hiroshima, the construction technical intern trainee in Tokyo, and four technical intern trainees in Shikoku. The oyster technical intern trainee was

forced to sign a letter saying he was no longer a union member and was forced back to Indonesia after that. A construction technical intern trainee in Tokyo received a demand letter from the lawyer of a Sending Organization in Indonesia after reporting the violence he experienced to the Organization Technical Intern Trainee (OTIT). Furthermore, four technical intern trainees in Shikoku were also prohibited from reporting their problems in their statement letters.

Why are they silent? Their silence is a manifestation of the structural and symbolic violence they experience. However, it should also be underlined that apart from their silence or being forced to remain silent, they have one big fear. The fear is the fear of being unable to pay off the debt he used for departure fees to Japan. Therefore, they must endure and keep working until the debt can be paid off, so that debt also has a close relationship with the attitude of silence possessed by technical intern trainees.

In addition, the values of “*nrimo*” and “*sabar*”⁴⁵ are the basic characteristics of Indonesian society, which are internalized into action, and the lack of Japanese language skills and understanding of Technical Intern Trainee Program rules causes Indonesian technical intern trainees to become silent workers. This chapter also shared information about the work of “Rumah Masyarakat Indonesia di Jepang”, or RUMI Jepang, which was founded by Indonesian international students researching Indonesian migrant issues in Japan. It is starting to play a larger role in providing information to Indonesian technical intern trainees regarding their rights and sources of migrant support in Japan.

⁴⁵ Nrimo means “accept all kinds of gifts”, and sabar is patience, a religious concept of Muslims.

CHAPTER 6

VULNERABILITIES OF INDONESIAN TECHNICAL INTERN TRAINEES

6.1 Relationship between violence and the vulnerability of Indonesian technical intern trainees

In Chapter 4, theories on violence and the analyses of violence experienced by Indonesian technical intern trainees have been explained. How are those experiences of violence related to the vulnerabilities of Indonesian technical intern trainees?

The relationship between violence and vulnerability, according to Kirby (2006), is that violence is both a cause of vulnerability (increasing threats) and also a reaction to vulnerability (a response to threats) (Kirby, 2006, p. 11). According to the IOM, vulnerability is the idea that certain people are more likely than others to suffer harm as a result of being exposed to risk. They may be more vulnerable to psychological, physical, environmental, or other types of harm (International Organization for Migration, 2019, p. 4).

One of the theories regarding vulnerability is proposed by Fineman. Fineman (2008) states that there are four elements in vulnerability, which are universality, constancy, complexity, and particularity. The theory implies that the condition of vulnerability is universal and rejects the identity of subjects (Fineman, 2008). However, Cooper (2015) proposed to incorporate the analysis of privilege into vulnerability theory, as the approach from the privileged perspective shows that identity is crucial to maintain hierarchy (Cooper, 2015, pp. 1355–1375). To conclude, vulnerability shall be associated the identity of the subjects, who are the Indonesian technical intern trainees as migrant workers in this study.

It is crucial to have a perspective of vulnerabilities, rather than merely focusing on the phenomenon facing the Indonesian technical intern trainees. According to Sugita (2022), the institutional theory of the receiving country in the form of TITP or specified skill system or another system does not focus on the

vulnerability of migrant workers. Furthermore, Sugita (2022) elaborates that the vulnerability of migrant workers includes (1) vulnerabilities unique to migrant workers and (2) vulnerabilities common to Japanese people (Sugita, 2022, pp. 5–17).

Based on the determinants of migrant vulnerability (DoMV) Model by IOM (International Organization for Migration, 2019, p. 6), this study found that the vulnerabilities of Indonesian technical intern trainees are manifested from various factors, such as individual, family/household, structural and community factors, as described in more detail below.

1) Vulnerabilities due to Individual Factors

First is the case of the electronic worker in Yokohama. He was prone to discrimination as he could not speak Japanese as fluently as the child of the company's owner. The owner married an Indonesian woman, and his child also worked at the company. Although they hold the same nationality, the Indonesian technical intern trainee was discriminated against in his workplace. From the perspective of symbolic violence, this was caused by his 'class' as an Indonesian technical intern trainee. Second is the case of the female technical internal trainee who got pregnant during her training period. Her identity as a female technical intern trainee has made her prone to gender-based violence during the training period. She was forced to choose between dismissal from the company or to conduct an abortion against her unborn child. Third is the case of the oyster worker in Kure who is a Moslem. He was forced to eat lunch by the company during the fasting month of Ramadhan. Therefore, we can conclude that not only those who belong to the class of "Indonesian" and "technical intern trainees" are vulnerable, but those with the identities of "female" and "Moslem" are also susceptible to existing symbolic violence.

2) Vulnerabilities from Household and Family Factors

According to the World Bank (2017), nearly two-thirds of the sending districts for Indonesian migrant workers are located in relatively impoverished areas with average poverty rates that are greater than the national average. Average per-capita spending is 15% lower in households with migrant workers than it is in households without migrant workers. Due to the difficult economic circumstances in these sending regions, migrant workers from these households look for employment overseas to provide for their families back home (The World Bank, 2017, pp. 22–24). In relation to the migration of Indonesians through the TITP, Nawawi (2010) concludes that sending migrant workers from Indonesia to Japan is a crucial policy because the nation still has a high unemployment rate, poverty, underemployment, and low salaries. Since the majority of Indonesian workers in Japan are bright, young people in their mid-twenties, working in Japan is a deliberate strategy to raise one's standard of living and expand one's knowledge and experiences (Nawawi, 2010, pp. 48–49). In the case of the oyster technical intern trainee in Hiroshima, he explained that he departed to Japan with the purpose of helping his parents and raising the dignity of his family. Therefore, it is apparent that the household and family conditions of technical intern trainees also affect their vulnerabilities during the migration.

3) Vulnerabilities from Structural Factors

a. Structural Factors in the Sending Country

The technical intern trainees are not covered by Law No. 18/2017 or the earlier Law No. 39/2004 concerning the Placement and Protection of Indonesian Overseas Workers because the sending country, Indonesia, does not recognize them as migrant workers (Azis et al., 2020, pp. 45–46). Therefore, the Indonesian technical intern trainees face various forms of structural violence during the pre-departure process. This was seen, for example, in the case of the

electronic worker in Yokohama who was obliged to pay JPY 25,000/month to the Sending Organization; the construction workers in Tokyo whose graduation certificates were confiscated by the Sending Organization, and the six technical intern trainees who were deceived to work in a garbage separation company in Chubu by the Sending Organization. The technical intern trainees are vulnerable against structural violence due to limited protection during the pre-departure process.

b. Structural Factors in the Receiving Country

According to Saito (2020b), the source of the problems on the TITP can be found in the structural problems that produce a compounding effect on one another. The limitations on one's freedom of mobility, change of jobs, or to leave a job, as well as the prohibition on side jobs and part-time jobs, are notable structural issues of the program. In addition, the high costs to find a job in Japan restricts the freedom to resign in the current program. Despite the fact that the technical intern trainees are not prohibited from quitting by Japanese law, the existence of numerous private human resources businesses in the program (particularly on the Supervising Organization Type) has increased the departure fees, coercing them into debt (Saito, 2020b, pp. 35–37). These structural issues make Indonesian technical intern trainees prone to vulnerabilities as explained in (Figure 11), *Challengers of the TITP and the Results*: 1) Debt Bondage and 2) Irregular Migration. The structural issues that manifested themselves as violations against their rights, such as unpaid salaries, limited mobilization, contract breaches, harassment, etc., made them become silent workers who have to keep working to pay their debt from the migration costs, or to run away and become irregular migrants. Both of these cause Indonesian technical intern trainees to become more vulnerable.

c. Vulnerability from Community Factors

Although Indonesians have their own community in Japan, the crucial information such as protection for pregnant technical intern trainees does not reach the community, as mentioned in the case of the pregnant technical intern trainee in Tochigi. To tackle the issue of asymmetric information among the Indonesian community, including in Japan, RUMI Jepang—perhaps the first ever civil organization established by Indonesian migrants for the purpose of promoting the rights of Indonesian migrant workers, is one attempt to reduce the vulnerability caused by the lack of information in the community.

6.2 Vulnerabilities of Indonesian Intern Trainees during the COVID-19 Pandemic

WHO officially declared COVID-19 as a global pandemic in early 2020. Unlike the previous SARS outbreak, COVID-19 has hit most countries in the world. Not only has this pandemic caused a high number of deaths around the world, but it also has changed society's attitude toward hygiene practices. Strict health prevention protocols such as wearing masks, handwashing with soap, and crowd avoidance are considered the new normal in a lot of places. This pandemic disrupted almost every aspect of life for most citizens in the world, and since the world operates on the basis of interconnectivity, it is almost impossible for a country to separate itself from the reality of this pandemic. In research written by Zizek, this is the time when we're all in the same boat (Zizek, 2020, p. 15).

Japan confirmed its first case of COVID-19 infection on January 16th, 2020. A resident of Kanagawa Prefecture on the central coast of Japan's largest island, Honshu, had returned from Wuhan, China. More cases were recorded among the passengers of the Diamond Princess cruise ship that harbored in Yokohama in early February 2020. Supposedly, a passenger who disembarked in Hong Kong was confirmed positive and more passengers were infected. By the end of February 2020,

cases had been detected and in order to curb more infections, the Japanese government decided to temporarily close schools around the country.

In research from Amengual and Atsumi, in order to lower the spread of the COVID-19 infection, the Japanese government decided to temporarily close all schools starting in March 2020. On April 7th, 2020, Tokyo, Saitama, Chiba, Kanagawa, Osaka Prefecture, Hyogo, and Fukuoka were put under a state emergency. By April 16th, 2020, all 47 prefectures in Japan were under a state of emergency (Amengual & Atsumi, 2021, p. 1).

More preventive action by the Japanese government was seen in its strict border closure since the early COVID-19 outbreak in 2020. Foreign tourists were not allowed to enter Japan and thus its tourism sector was hit greatly throughout the year. According to the data from the Statistics Bureau of Japan, the number of international tourists in Japan fell 87.1% from the previous year. There were only 4.12 million visitors in 2020 as opposed to 31.88 million tourists in 2019 (Statistics Bureau of Japan, 2021, pp. 100–102). This border closure also impacted people who wanted to enter Japan to study and work. Nevertheless, tight border closures and strict government preventive actions have impacted Japan's economy. Similar to many countries, Japan has been struggling to maintain its economic footing during the COVID-19 pandemic. During the fiscal year of 2020, more than 100,000 people lost their jobs (The Asahi Shimbun, 2021).

The Human Rights Working Group (2020) stated that migrant workers in destination countries are one of the most vulnerable groups during COVID-19. First, COVID-19 has earned a prominent place in our generation's history and the spread of the virus has already changed the lives of many people. Second, building solidarity has become one of the major obstacles during this public health crisis, unlike past crises where it is simpler to ask for support to stand up and address the issue collectively at the global, regional, national, local, or even personal level. States have had to impose lockdown policies, travel bans or restrictions, and other public health measures, such as physical distance, mask wearing, working and schooling from home, etc. In addition, there have been many instances of stigmatization, discrimination, blaming, and even persecution of others as a result

of the disease's identification with particular racial, ethnic, national, or other groups of people based on appearance, origin, lineage, line of work, etc. Third, in response to the COVID-19, there have been several political experiments carried out in a short period of time to safeguard the populations' lives, for better or worse. All these three things heavily affect migrant workers (Azis et al., 2020, pp. xi–xii).

Contrary to the Government of Japan's strategy of actively embracing professional and technical workers, the bulk of foreign workers in Japan are more likely to be referred to as "unskilled laborers," whose rights are readily abused, marginal, and insecure. Many people are forced to accept hard jobs because they have no other option. The Ministry of Health, Labor, and Welfare's report on the employment status of foreigners as of the end of October 2019 states that 20.4% of newly arrived foreigners are dispatched, with supply being adjusted in response to labor demand. When compared to the 2.5% of indirect employment in Japan as a whole, they work in severely unstable jobs through outsourcing or dispatchment companies. When compared to the distribution of Japanese workers by industry, immigrants and foreigners have a higher proportion in "manufacturing" and "accommodation, food, and beverage services," which have experienced a significant decline in worker numbers as a result of the COVID-19 crisis.

Additionally, sometimes foreigners and immigrants make up a bigger proportion of employees at smaller companies than Japanese do, and they typically occupy the lowest positions in the multi-layered subcontracting structure. Immigrants and other foreigners frequently work in organizations with unstable management foundations as a result, making it challenging to develop independent business strategies and employment plans. In other words, their employers are the "weak" ones in the industrial chain, and there are plenty of businesses that already have their hands full just trying to survive a crisis. Immigrants and foreigners are consequently frequently cut off by employers acting in self-defense (Suzuki, 2021, p. 56).

Migrant workers in Japan faced entry restrictions and limitations to access to crucial information during the pandemic. Furthermore, they are vulnerable in terms of protections of labor rights. Although the Japanese government clearly

stated that foreign workers are not allowed to be treated less because of their citizenship, this does not mean that their labor rights are being fully protected, even during the COVID-19 pandemic. The financial fallout from COVID-19 has had a significant impact on Japan's economy, and many firms have reduced production. According to an estimate from the Japan Center for Economic Research published in March, 2 million people would lose their jobs if Japan's GDP shrank by 25% in 2020. At that point, the unemployment rate would rise to 5%. Because they frequently take the first pay cut, migrant workers are thus particularly vulnerable. All around Japan, this has already been on display. Particularly in the Mie prefecture, a manufacturing hub 300 kilometers west of Tokyo, it is stated that 400 consultations have been received from workers affected by job losses in March and April 2020, 330 of whom were foreign workers (Azis et al., 2020, pp. 46–54).

Furthermore, limitations on freedom and ability to change workplace and employer imposed on the trainees have put them into further vulnerable situations. Some technical intern trainees reportedly had their job terminated after asking to switch workplaces or employers, forcing them to return to their home countries. Many technical intern trainees lost their jobs during the COVID-19 epidemic as a result of the companies' declining business performance. In April 2020, the Japanese government implemented a new policy that enables technical intern trainees who lost their jobs to find new employment in Japan and continue working there for up to a year. However, as of August 2020, there were only 635 migrant workers who were able to start new employment from this arrangement, as there are restrictions on the employment insurance. In addition, approximately 20,000 migrants in Japan were said to have finished their TITP periods as of early August 2020, but were unable to travel back to their home countries because of travel restrictions. Many former technical intern trainees were left stuck in Japan for several months without any income, leaving them without access to information or government assistance and leading to poverty and homelessness (Azis et al., 2020, pp. 56–59).

With such problematic conditions, this pandemic has created even more difficulties among foreign workers in Japan. As one of the biggest migrant exporters in Japan, Indonesian trainees are also facing similar difficulties in facing this pandemic. This sub-chapter aims to capture some of the vulnerabilities of Indonesian intern trainees during the COVID-19 pandemic in Japan and the response of the TITP program towards the challenges faced by these trainees.

6.2.1 Jobs and Working Hours

For the technical intern trainees who work under the TITP scheme, one of the most devastating impacts of the pandemic was the drop in working hours from low production flow of the manufacturing industries in Japan. In other cases, the drastic loss of profits for many companies forced them to lay off intern workers without notice. According to the report from the Ministry of Health, Labor, and Welfare, until November 2020, 4,000 intern workers who have lost their jobs from their bankrupt companies (Piyada, 2021). Also, Piyada states that this ‘official’ number does not count for those workers who didn’t report their situation to the local government institution. The accounts of the trainees interviewed for this paper will provide important information on how Indonesian trainees faced the hardships of dealing with COVID-19 while staying in Japan as trainees (Piyada, 2021, p. 46).

6.2.2 Two Female Care Workers in Fukuyama and Fuchu

Ms. U is a care worker under TITP system in a nursing home who started working six months before the COVID-19 outbreak. During the pandemic, she had a lower workflow compared to when she was working before the pandemic. Before the pandemic, she was able to get more working hours from overtime work. Besides taking care of the patients, she could add more working hours when the patient’s family came to visit. By working overtime, she was able to get from 30,000 to 40,000 yen more than her fixed salary. However, under the current condition,

families are not allowed to visit the patients at the nursing home facility, which makes it hard for her to get additional working hours.⁴⁶

Another care worker from Indonesia, Ms. I, is working in the Fuchu region in Hiroshima. She finished her nursing education at one of the state universities in Indonesia. Similar to Ms. U, Ms. I arrived in Japan six months before the government announced the state of emergency in Japan. Both Ms. U and Ms. I were 'sent' by the same Sending/Accepting Organization. Although working under the same company, they were placed in different regions. Ms. I is living and working in a more remote region. Unlike Ms. U, Ms. I doesn't feel a significant change in terms of the salary she has received so far (150,000 yen per month). Since she's working in the outskirts of Fuchu, her workload is not as big as Ms. U, so she feels there's no difference in working before/after the pandemic.⁴⁷

6.2.3 Two Electrical Technical intern Trainees in Hachihonmatsu

Different stories come from two Indonesian technical intern trainees, Mrs. S and Ms. D. Both of them are working at a famous mobile phone assembly company in Hachihonmatsu. Before working at their implementing organization, Mrs. S and Ms. D had worked in different cities. Before coming to Japan, they followed an internship preparation program for two years in Indonesia. Mrs. S is a single parent herself, and her biggest motivation for working in Japan is to pay for her children's education expenses. Meanwhile, Ms. D decided to work in Japan after seeing her brother's success from working in Japan. Both Mrs. S and Ms. D were assigned fewer hours of work during the pandemic, but adequate responses from their Sending Organization allowed them to manage their crisis.

Mrs. S previously worked in Saijo city in Ehime prefecture. During the State of Emergency, Mrs. S had to endure living on only 90,000 yen per month for a three-month period during the beginning of the pandemic. She filed a complaint

⁴⁶ Personal interview with Ms. U, 9 November 2021.

⁴⁷ Personal interview with Ms. I, 20 November 2021.

to her Sending Organization, and to her surprise, the Sending Organization managed to move her to Hachihonmatsu where she got 130,000 yen per month.

Meanwhile, Ms. D, who worked in a different factory in the same city, endured working only for ten days a month for four months. At that time, her salary was around 60,000-80,000 yen per month, depends on her working hours. With her six other trainees, she initiated a negotiation with her Sending Organization, and later she and her friends were moved to Hachihonmatsu and managed to get the same salary as Mrs. S, 130,000 yen per month.^x In addition, she is able to work overtime up to 40 hours in a month.⁴⁸

6.2.4 An Oyster Technical Intern Trainee in Kure

A story from Mr. C, an oyster worker in Kure, shows the domino effect of the pandemic. The oyster industry is one of the most important industries in Hiroshima. In 2018, for example, the gross production of oysters reached 1,621 tons and contributed to 60% of the national oyster market. In Hiroshima, Kure is known to be one of several cities with oyster industries, such as Etajima, Hatsukaichi, Hiroshima, Otake, and Akitsu (Iwashita, 2021, p. 28).

The oyster industry is seasonal, meaning the workers will work intensively during the peak harvesting time, usually in the beginning of the year. During the pandemic, Mr. C didn't experience a drastic change in his salary. He usually receives 160,000 up to 200,000 yen per month during the peak oyster season. Meanwhile, for the low season, he would get less than half of what he usually makes, around 50,000 yen up to 60,000 yen. Although he is not affected by the pandemic, one of his friends from a different company had a different story. Because of the strict business hours in the restaurants around Japan, the demand for oysters was also cut off, leading to low hours for Mr. C's friend. During some months in 2020, he only got 30,000 yen.⁴⁹

⁴⁸ Personal interview with Mrs. S and Ms. D at Hiroshima University, 13 November 2021.

⁴⁹ Personal Interview with Mr. C, 14 November 2021.

6.2.5 Food Industry Workers in Onomichi and Yano

Two technical intern trainees, Mr. S and Mr. X, work in the food industry. Mr. S works at a Japanese lunch box factory in the city of Onomichi; the lunch boxes he produces can be purchased at supermarkets or convenience stores in the Hiroshima Prefecture area. When asked about the income earned during the pandemic, he said that the production of lunch boxes (*bento*) at his company in the Onomichi area experienced a decrease in orders, so his working hours decreased, and his income was reduced. According to Mr. S, his net income usually ranges from 130,000 yen – 140,000 yen per month, which is received after deducting employment taxes, city taxes, insurance, and others. In addition, according to Mr. S, the reduction in work wages was caused by the loss of overtime such as coming to work on Saturdays. The difference in wages received when receiving overtime can be as much as an additional wage of about 20,000 yen - 30,000 yen.⁵⁰

Meanwhile, Mr. X is one of the workers who decided to go back home to Indonesia during the pandemic. Before returning back to his hometown in a small village in the island of South Sulawesi, Mr. X worked at a mochi factory in the Yano area. He initially was going to finish his one-year contract with his company, however, during the pandemic, he only made 60,000 yen per month, and overtime only helped him with an additional 8,000 yen per month. By the time he decided to return to Indonesia in November 2020, he had managed to secure 110,000 – 120,000 yen but once he realized how unreliable working in Japan was during the pandemic, he flew back to his hometown and set up a street food stall.⁵¹

⁵⁰ Personal Interview with Mr. S, 23 October 2021.

⁵¹ Personal Interview with Mr. X, 5 December 2021.

Figure 28. Mr. X's Street Food Stall



Source: Document file from technical intern trainee in Yano-Hiroshima

6.3 Protection by the Japanese Government

Although this is not the first time Japan had to endure an economic crisis, the COVID-19 pandemic, according to the Minister of Internal Affairs and Communications of Japan, was not like the previous financial crisis of 2008 and 2009 (Hirano, 2020). According to the Human Rights Working Group, in May 2020, nine percent of the whole workforce in Japan was on furlough, including the foreign workers in Japan. As a part of the pandemic relief program, the Japanese government gave 100,000 yen to all citizens, including foreign nationals who reside in Japan (Human Rights Working Group, 2020, p. 49). The Ministry of Health, Labour, and Welfare stated that foreign workers should not be treated less than that of the Japanese workers solely because of their nationalities. Companies should give paid leave for the trainees; these workers' contracts should not be terminated without proper conduct; and they have to be treated as local workers. In reality, a survey conducted by the Hiroshima Labour Bureau unveiled that there were 326 cases of violation by a number of Accepting Organizations. These violations

include failure to comply with the minimum wage system, unpaid overtime pay, safety work, and overwork(Hiroshima Labour Bureau, 2021). According to an interview with Mr. R, a Person in Charge (PIC) for the Accepting Organization in Hiroshima, these violations are unfortunately not uncommon, and he and his team worked in their best capacity to ensure that the trainees receive their rights, including the right of 60% of salary when they are in furlough or are temporarily dismissed from their work. This, however, doesn't stop the technical intern trainees from illegally terminating their contract with their Supervising Organization. For example, there were five technical intern trainees who 'ran away' during the pandemic and cut their contracts with their Supervising Organization without notice.⁵²

According to Tran (2020), this has become a classic problem between the Japanese government and its official policy in hiring foreign workers. These foreign workers have little agency over their livelihood in Japan, mainly because Supervising Organization and Implementing Organization hold the responsibility for their work. With little supervision and care by the government and discriminative sentiment towards technical intern trainees, it is no surprise that these workers are treated as if they are dispensable. As a result, in times of crisis such as this pandemic, these workers have to struggle on their own (Quyen Tran, 2020).

6.3.1 COVID-19 Response Measures (Movement Control)

Japan's strategies to lower the risk of infection were not so different from those of many countries in the world. The "work from home policy" was implemented by many companies. This, however, doesn't apply to the technical intern trainees who work under the TITP system. Their work requires physical labor and it is impossible for them to work remotely at their apartments. To prevent the spread of COVID-19, they heavily implemented procedures such as washing their hands as often as possible, wearing masks and keeping the six-foot distance. What's surprising is, other than the aforementioned procedures, these trainees experienced

⁵² Personal Interview, 9 October 2021.

what is called ‘movement control’ by their implementing organization and their supervising organization.

This movement control policy aimed to minimize the movement of TITP technical intern trainees and was done by the careful supervision of their movement in the area where they live. A few technical intern trainees expressed their concerns towards this policy as they felt that their lives were being controlled by the Implementing Organization. For example, Fukuyama, a region in the south of Japan, once had a high number of COVID-19 cases in the early pandemic. Ms. U, a care worker who works there, claimed that during this time, it felt like her life was controlled by her implementing organization. She was not allowed to leave her apartment compound to go to the downtown area. She was only allowed to leave her apartment to shop for groceries, and if she needed some halal food, she would order it online. Ms. U felt that this policy is discriminatory towards her, but she managed to tolerate this regulation. In her interview, Ms. U compared her experience with her friend who had to leave Japan during the COVID-19 pandemic in 2020 to go back to Indonesia due to the unfair treatment from her workplace. Her friend, who also worked as a care worker, suffered from acute stress caused by one of her patients.

According to Ms. U, “Her patient refused to be treated by an Indonesian because she thinks Indonesian people are stupid.” Unfortunately, Ms. U’s friend was sent back to Indonesia with no clear explanation. Another friend of Ms. U, who is a devoted Moslem woman, was forced to take off her *hijab* in her workplace because some patients have negative views on women wearing them. The movement control didn’t only happen in Ms. U’s case. Ms. I, another Indonesian trainee in Fuchu, had to experience strict movement control by her implementing organization. Until September 2021, her company would only allow her to leave the apartment with the company car and she didn’t have any permission to leave her area. If the implementing organization discovered that she left Hiroshima Prefecture, her company would not allow her to work for two weeks, and this meant that she wouldn’t get paid for that period of time.

Mr. S, a food factory worker in Onomichi, experienced similar surveillance by his company. In addition to not being able to leave his city, he would be questioned by his company about his activities during the weekend. Fortunately for Mr. S, this policy stopped when the government ended the State of Emergency in September 2021.

This heavy movement control, however, is varied between technical intern trainees. According to Mrs. S and Ms. D in Hachihonmatsu, both their company and their Supervising Organization didn't prohibit them from leaving their area. Instead, they needed to take careful precautions on their own health, because if one person tested positive for COVID-19, then the rest of the team is not allowed to work. Mr. C, a worker in the Kure area, said that there was no heavy control from his Implementing Organization. Similar to Mrs. S and Ms. D's experience, the form of control was exercised through the policy of self-disciplinary action, that is to take care of their own health themselves for the sake of others.

6.3.2 Assistance for Indonesian Trainees During the Pandemic

The first Indonesian citizen who was tested positive for COVID-19 in Japan was a student in Hiroshima. The next cases happened in November 2020, where 17 Indonesian trainees under the TITP scheme tested positive in Osaka Airport (CNN Indonesia). Because of this, there was quite a chaotic misinformation that caused tensions between Japanese authorities and the Accepting Organization in Hiroshima. From an interview, Mr. R argued that these 17 trainees were not stationed in Hiroshima, although the headquarter of their Accepting Organization was in Hiroshima, and the Japanese immigration office relied only on the paperwork sent to them. Fortunately, this miscommunication, ended shortly afterwards and the necessary assistance was given to these trainees.⁵³

Another case of Indonesian workers who were tested positive for COVID-19 happened in one of the cities in Hiroshima Prefecture. According to Mr. I, one of the Accepting Organization employees interviewed for this paper, there was a

⁵³ Personal Interview, 19 October 2021.

case of 25 female trainees who got infected by COVID-19 in a food factory in the city 'S' in Hiroshima. This outbreak started after some of these trainees came back from their summer vacation (*obon*) in August 2021. Once the company was informed of this outbreak, the factory was closed for a few days and the Accepting Organization helped those trainees to be treated in hospitals and/or to quarantine (for those who didn't show any symptoms). Those who were hospitalized weren't allowed to work until they recovered fully. Although they missed a lot of working hours, the company was willing to pay their base salary. Mr. I claimed that despite his organization's great effort to fight for the workers' rights, the company was very adamant about not letting this case be known to the public and/or the media. Knowing that the factory produces food products, there was a possibility that people in the city would panic.⁵⁴

The assistance provided by this Accepting Organization shows what TITP scheme can do to help the trainees in mitigating such crises in Japan. From the interviews and observations in this paper, it is clear that the coordination between stakeholders in TITP plays an important role to maintain both the rights of the Indonesian trainees and the continuity of the program. It is also important for the trainees to be willing to communicate with their Accepting/Sending Organization regarding their well-being in Japan.

6.4 Conclusion

Chapter 6 has shown how those experiences of violence related to the vulnerabilities of Indonesian technical intern trainees. The relationship between violence and vulnerability is that violence is both a cause of vulnerability (increasing threats) and a reaction to vulnerability (a response to threats). According to the IOM, vulnerability is the idea that certain people are more likely than others to suffer harm due to exposure to risk. They may be more vulnerable to psychological, physical, environmental, or other types of harm.

⁵⁴ Mr. I, Personal Interview, 13 November 2021.

Nevertheless, the author applies the determinants of migrant vulnerability (DoMV) Model by IOM and found that the vulnerabilities of Indonesian technical intern trainees manifested from various factors, such as individual, family/household, structural, and community factors.

Vulnerabilities due to Individual Factors are the first in the case of the electronic worker in Yokohama. He was prone to discrimination as he could not speak Japanese. Second is the case of the female technical internal trainee who got pregnant during her training period. The third is the case of the oyster worker in Kure, who is a Moslem. He was forced to eat lunch by the company during the fasting month of Ramadhan.

Next, vulnerabilities from household and family factors. This vulnerability can be seen in case of the oyster technical intern trainee in Hiroshima. He explained that he departed to Japan to help his parents and raise the dignity of his family. Therefore, it is apparent that technical intern trainees' household and family conditions also affect their vulnerabilities during the migration. Another that, Vulnerabilities of Indonesian technical intern trainee can be seen in Structural Factors, which is divided into 3 categories: 1. Structural factors in the sending country, 2. Structural factors in the receiving country, and 3. Vulnerability from community factors.

The pandemic showed up some of the vulnerabilities of the technical interns under the TITP during the pandemic. Not only did the companies and the Supervising Organization fail to provide adequate protection for their workers during this pandemic, the hourly-paid system didn't leave any options for these workers to stop their job without losing any money. That being said, through the interviews for this paper, it can also be seen that the trainees also lacked awareness of their rights as foreign laborers in Japan. For example, OTIT provides consultation service twice a week in the Indonesian language, but although this kind of service could help them greatly, this facility is not used by the technical intern trainees. For others, there's little effort to find important information regarding their rights during a recession, such as during this pandemic.

CONCLUSION

The scheme for accepting foreign workers in Japan from Indonesia through the technical intern trainee program began in 1993 and has run for 28 years until now. Unfortunately, however, there has been a shift in meaning from the original goals of knowledge transfer from Japan to Indonesia. As a result, Indonesian technical intern trainees in Japan have become inferior workers, and Japan has been portrayed as a superior society. This research demonstrates that the government's official program goals for technical intern trainees are not the real program goals, but in reality, a kind of initiative to address social issues in Japan, especially labor shortages in primary and secondary industries.

One way of interpreting the technical intern trainee system is in Japanese cultural terms, namely *tatemae* and *honne*.⁵⁵ One could argue that the *tatemae* of the Technical Intern Training Program promotes international cooperation by training human resources who can contribute to the economic growth while also transferring knowledge, technology, and skills gained in Japan to their own countries. Meanwhile, the *honne* is recruiting technical intern trainees from outside of Japan, especially from Indonesia, who are willing to accept low salaries, to cover the human resources gap caused by the declining birth rate and the trend among young Japanese people to avoid the 3D (Dirty, Demanding and Dangerous) industries.⁵⁶

However, apart from their low salary, this study also found that Indonesian technical intern trainees experienced violence while working in Japan. As noted in Chapter 4, the violence experienced by technical intern trainees in this research can

⁵⁵ *Tatemae* (建前) is the tendency to exhibit a proper look, for example, to avoid offending another person or to conduct following social norms. *Tatemae* has negative connotations, which may include rationalization, hidden reasons, or putting on a "face" to conceal one's true emotions and intentions. Obviously, in its negative connotation, it is not a virtue. *Tatemae* and *Honne* go hand in hand. *Honne* (本音) is a tendency to express one's true emotions, intentions, or motives. *Honne* refers to actual feelings (Yamamoto, 1990, p. 459).

⁵⁶ In the Japanese expression called 3K:汚い *Kitanai*, キツイ *kitsui* and 危険 *Kiken*.

be divided into two types: 1. direct violence and 2. indirect violence. Indirect violence is further divided into two categories: 1. structural violence and 2. symbolic violence. Direct violence is physical or verbal abuse (visible), while indirect violence is more subtle (invisible). In this study, violence resulting from systemic violations in the technical intern trainee system is described as structural violence, such as the actions of the implementing, supervising, and sending organizations that do not comply with labor laws under the technical intern trainee system. Example 1. Requiring money to be paid monthly to the Sending Organization collected by supervising organization, 2. Not given a copy of the employment contract, 3. Contract different from real jobs, 4. Someone with a license requires some jobs, but it is conducted practically by a non-licensed worker, 5. No guarantee of work safety, 6. Unilateral dismissal by Implementing Organization, etc.

Meanwhile, in this study, violence resulting from power domination by the sending organization, the supervising organization, and the implementing organization in the technical intern trainee system is described as symbolic violence, which can also be considered a violation of human rights. Power domination can be seen in 1. Prohibition of receiving a guest in the apartment, 2. Prohibition to go out unless going to the office, 3. Advised carry out on abortion, 4. Forced to work with a different contract, 5. Force to eat when fasting, etc.

Symbolic violence can occur due to differences in the capital (social capital, cultural capital, and symbolic capital) and class owned by technical inter trainees compared to sending organizations, supervising organizations, and implementing organizations so that power domination can be exercised. Also, it must be noted that sometimes structural and symbolic violence can be one unit together. For example, a connection between the two types of violence is that before carrying out structural violence, sending organization, supervising organization, or implementing organization start from symbolic violence with power domination.

On the other hand, the violence experienced by Indonesian technical intern trainees caused them to take positions as silent workers. In some cases, this was voluntary, but in others, they were forced into silence by other stakeholders,

including Implementing Organizations, Supervising Organizations, and Sending Organizations.

In some cases, they were forced into silence by Implementing Organizations, Supervising Organizations, and Sending Organizations. Forced silence can be seen in the case of the oyster technical intern trainee who planned work in Kure-Hiroshima, the construction technical intern trainee in Tokyo, and four technical intern trainees in Shikoku. The oyster technical intern trainee was forced to sign a letter saying he was no longer a union member and was forced back to Indonesia after that. A construction technical intern trainee in Tokyo received a demand letter from the lawyer of a Sending Organization in Indonesia after reporting the violence he experienced to the Organization Technical Intern Trainee (OTIT). Furthermore, four technical intern trainees in Shikoku were also prohibited from reporting their problems in their statement letters.

Why are they silent? Their silence is a manifestation of the structural and symbolic violence they experience. However, it should also be underlined that apart from their silence or being forced to remain silent, they have one big fear. The fear is the fear of being unable to pay off the debt he used for departure fees to Japan. Therefore, they must endure and keep working until the debt can be paid off, so that debt also has a close relationship with the attitude of silence possessed by technical intern trainees. While the values of “*nrimo*” and “patience” are the basic characteristics of Indonesian society, in the case of the technical trainees, it encourages them to internalize their troubles instead of taking action to resolve problems. In addition, the lack of Japanese language skills and understanding of technical intern trainee program rules also cause Indonesian technical intern trainees to become silent workers.

As mentioned above, these factors make Indonesian technical intern trainees vulnerable to individuals and institutions which exercise their power domination. The first problem which contributes to their vulnerability is the debt burden from the fees they pay before they leave Indonesia. This debt is the initial trigger for vulnerability, thus positioning them in a subaltern position with no power. Even when they try to defend themselves, they are often ignored and rejected by

Sending Organizations, Supervising Organizations, and Implementing Organizations. The vulnerabilities of technical intern trainees are exacerbated because the status of technical intern trainees does not fall under the Indonesian migrant workers protection law. This law states that technical intern trainees are not Indonesian migrant workers, but trainees. So, Indonesian technical intern trainees do not get protection when they prepare to leave, work, and return to Indonesia. The vulnerability of Indonesian technical intern trainees was also increasingly visible during the COVID-19 pandemic, such as the decline in wages caused by reduced working hours and strict controls on mobility imposed by some Supervising Organizations and Implementing Organizations.

One of the aims of this study is to identify areas of weakness, and therefore areas of improvement, for the technical intern trainee program in Japan. However, if neither the Japanese government nor the Indonesian government can improve this program, it would be better to abolish it altogether and redesign a new one. In its current form, it is characterized by three major problems: modern slavery, human trafficking, and neo-colonialism. These three issues need to be further researched by the author and other scholars. In addition, Indonesian researchers in the field of Japanese studies must take on the responsibility of gathering more evidence and analysis about problems by conducting more research on the Technical Intern Trainee Program. The results of the research conducted by these researchers can become an input to discussions on how the technical intern trainee program can be run well, which will be beneficial for both Japan and Indonesia.

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