

BAB I

INTRODUCTION

1.1 Research Background

From 2010-2019, Qatar recorded 15,021 deaths of non-Qataris in the country, in categories as varied as agricultural and fishing workers, professionals, factory workers, odd-jobbers, artisans, and traders, as well as those with no specific job classification. The highest incidence of death, at 15.4%, was among non-Qatari men with no particular job classification. However, it is interesting that the percentage of deaths in the casual worker category, especially among men, reached 13.7%¹. This suggests health vulnerabilities that may be related to occupational status or specific socioeconomic conditions among the non-Qatari population in Qatar. Migrant labour mortality is a severe concern in Qatar, with non-Qatari residents dominating the population at 88%². Policymakers are encouraged to prioritize welfare and safety initiatives to prevent further loss of life.

Equality and the right to life as a human being are considered fundamental rights regulated in international law, including migrant rights. ILO Convention No. 143 of 1973 emphasizes the importance of ensuring that the treatment of migrants is at least equal to that of nationals³. Demonstrating international commitment to combat discrimination against migrants. However, the prevailing practice of the

¹ Matilde Gattoni, "The Deaths of Migrants in the Gulf," *Vital Signs*, no. March (2022): 1-76.

² François Crépeau, "Report of the Special Rapporteur on the Human Rights of Migrants, Addendum : Mission to Qatar," Refworld.Org (Qatar, 2014), https://www.ohchr.org/sites/default/files/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-35-Add1_en.doc.

³ "C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)," accessed May 7, 2024, https://normlex.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:SUP,en,C143,/Document.

kafala system in the Gulf Cooperation Council (GCC) countries, which restricts the freedom and independence of migrant workers by binding them to their employers, is considered inconsistent with international human rights principles. This activity contradicts human rights principles emphasizing equality and fair treatment for all individuals.

The kafala system plays a vital role in regulating the relationship between migrant workers by linking work permits to a single individual, the sponsor, often acting as the employer. Contemporary practices are not in line with the basic principles and objectives of Islam⁴. The payment of minimal wages and the prosecution of contract-breaking work are concrete examples of ongoing exploitative practices. Domestic workers, in particular, are vulnerable to detrimental treatment as they often live with their employers⁵. In this context, it is crucial to continue the system reform measures even though the steps taken may be seen as small alternatives. A phased approach with a focus on the root of the problem can progressively bring about substantial changes in improving the protection and rights of migrants.

Qatar came into the public spotlight after being appointed as the host of FIFA 2022 in 2010. As a result, construction workers, who were a crucial element in building facilities for the event, faced significant impacts⁶. There has been a

⁴ Ray Jureidini and Said Fares Hassan, "The Islamic Principle of Kafala as Applied to Migrant Workers: Traditional Continuity and Reform," *Migration and Islamic Ethics*, November 2020, 92–109, <https://doi.org/10.1163/9789004417342>.

⁵ IOM INDONESIA, "Migrasi Tenaga Kerja Dari Indonesia," *IOM International Organization for Migration OIM Organisasi Internasional Untuk Migrasi*, 2010, 1–96.

⁶ Owen Gibson, "UN Calls on Qatar to Abolish Kafala Migrant Worker System," *The Guardian*, 2014, <https://www.theguardian.com/global-development/2014/apr/25/un-qatar-abolish-kafala-migrant-worker-system>.

growing focus on the working conditions of Qatar's migrant workers, especially after revelations of abuses in the construction sector by Amnesty International⁷. This prompted immense pressure on the Qatari Government to make substantial changes in their work system to improve the living and working conditions of migrant workers. Growing international awareness of the issues became a strong impetus for Qatar to act.

The practice of kafala has been the subject of criticism for no longer being in line with Islamic principles and fundamental human rights values, sparking protests from international human rights activists as well as impacting the destination country, Qatar. The goal changed when the state of Qatar, affected by cooperation with some Western countries, had other interests that affected this system. Given this background, the author analyzes the phenomenon of this system transformation using the incremental model, an approach synonymous with gradual policy-making. The changes in Qatar in terms of the kafala system also followed stages influenced by different regimes and interests⁸. A regional strategy for the Gulf region is necessary, given the different backgrounds of each country. Therefore, the author wants to examine whether the incremental model in studying the Kafala system will have an impact on the Kafala reform system or the de-kafala system: "**An Analysis Of The Incremental Model In Changing The Qatar Kafala System At The 2022 World Cup Event In Qatar**".

⁷ "Qatar: 'They Think That We're Machines': Forced Labor and Other Abuse of Migrant Workers in Qatar's Private Security Sector" (Doha, 2022), <https://www.amnesty.org/en/documents/mde22/5388/2022/en/>.

⁸ I. A. Antipin and N. Yu. Vlasova, "Incremental Approach to Regional Strategising: Theory, Methodology, Practices," *Journal of New Economy* 21, no. 3 (2020): 73–90, <https://doi.org/10.29141/2658-5081-2020-21-3-4>.

1.2 Research Question

Various related data have felt and proven the anomaly of the kafala system in the contemporary era. System change through policymaking is expected to be an alternative to existing problems and can restore Qatar's image in the future. The background described by the author above raises a question that then underlies the research conducted by the author: "**How does the incremental model in changing the Qatar kafala system at the 2022 world cup event in Qatar?**"

1.3 Research Objective

The purpose of the research that the author will write is to analyze the transformation of the kafala system into a de-kafala system through the incremental policy-making theory model.

1.4 Research Benefits

1.4.1 Academic Benefits

The results of this paper are expected to be useful for academics as an additional reference source in further research about the study of the kafala system in the Gulf countries and the process of making alternative policies with the incremental model of policy-making theory.

1.4.2 Practice Benefits

The results of this paper are expected to be considered in implementing alternative measures to reform the kafala system policy, especially in the Gulf States region.

1.5 Literature Review

1.5.1 Previous Research

The author chose four related literatures after conducting the data search process.

<p>"Incremental approach to regional strategizing: Theory, methodology, practices" by I. A. Antipin and N. Yu. Vlasova. The study highlights the importance of strategic approaches in governance, the lack of stakeholder involvement in regional development, and the need for a uniform methodology in formulating socio-economic development strategies. The paper focuses on the incremental approach to socio-economic development strategy-making in the Russian Federation and its theoretical and practical significance in the context of regional strategy-making.</p>	
<p>Similarities: This research is similar because the analytical knife used is the incremental model in regional policy making.</p>	<p>Differences: The difference is in the subject of research, namely the de-kafala system in Qatar.</p>
<p>"Reforming the Kafala: Challenges and Opportunities in Moving Forward" by Azfar Khan and Hélène Harroff-Tavel outlines the challenges and opportunities for reforming the kafala system in the GCC countries. The objectives of the reforms presented are also apparent.</p>	
<p>Similarities: This paper shares similarities with the reform efforts undertaken by several countries in the</p>	<p>Differences: The difference from this research is that the focus of the discussion of this research is the reform</p>

<p>GCC. The explicit description of opportunities and threats faced by governments in the GCC is a very fitting reference for assessing reform efforts.</p>	<p>of the kafala system in terms of development in Qatar.</p>
<p>"The Islamic Principle of <i>Kafala</i> as Applied to Migrant Workers: Traditional Continuity and Reform" by Ray Jureidini and Said Fares Hassan discusses the history of kafala and its contemporary forms. It highlights the similarities and differences between the traditional Islamic concept of kafala and its current application.</p>	
<p>Similarities: This paper provides a critical look at the application of kafala in the Gulf States today, which is the result of the modern kafala system.</p>	<p>Differences: This paper highlights the reform measures the state of Qatar took to reform the kafala system.</p>
<p>"The Kafala System and Its Implications for Nepali Domestic Workers" by Rooja Bajracharya discusses exploitation, including violation of rights, issues of contractual agreements, underpayment of wages, and sexual harassment of Nepali domestic workers in the Gulf States mainly due to the Kafala system. The paper also emphasizes the importance of better legal protection, awareness among migrants, and improvements in the migration process.</p>	

<p>Similarities: This paper shares similarities with the exploitation of migrants in the Gulf countries and the efforts to improve the kafala system.</p>	<p>Differences: This research focuses on Qatari migrants and the Qatari government's efforts to reform the system.</p>
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1.6 Conceptual Framework

The problems in this study will be analyzed and answered through an analytical framework. To answer the main issue in this study, the researcher uses the incremental model as the basic theory. This theory will guide the thesis research process and help structure the analysis in accordance with the focus of the study.

1.6.1 Incremental Model

In this paper, the author examines the phenomenon using policy-making theory. Policymaking theory is a system that transforms needs in society into universally binding public norms to determine policies and as problem solvers⁹. The success of policymaking depends on integrating society and political development policies. Policy analysis is a practical social science discipline that uses investigative methods and arguments to modify relevant policy information, which is later applied in a political context to overcome policy challenges. In policy-making theory, various conceptual models, including the incremental model, describe the research focus.

⁹ Charles E Lindblom, "The Science of Muddling Through," *Public Administration Review* 19, no. 2 (1959): 79–88, <http://www.jstor.org/stable/973677?origin=JSTOR-pdf>.

The incremental approach model of decision-making considers the current development of strategic planning objects and uses existing programs and policies as management tools and mechanisms. This model emphasizes the importance of responsiveness and adaptability to environmental changes by directing efforts at incremental changes to improve or degrade the situation by changing dynamics¹⁰. Although each region has distinctive features that affect its strategy structure, the goals, objectives, and analysis of socioeconomic development remain consistent. Therefore, this study uses the incremental model to analyze the reform of the kafala system in Qatar, which aims to make policies incrementally, in line with the changing demands and dynamics of the regime's interests. Qatar, which holds an essential position in the geopolitics of the Gulf, has a background of cooperation with the United States that has influenced the migration policy system.

1.7 Hypothesis

The author hypothesizes that the hypothesis that can be drawn from these two premises is that the reform of the kafala system in Qatar, which was driven by external pressure and international spotlight following Qatar's appointment as the host of the 2022 World Cup, did not fully bring the expected significant changes. Although the temporal era that necessitated change has ended, and the urgency to evaluate and correct past policies is pressing, reforms carried out through an incremental model approach have proven unable to address the fundamental problems in the labor system. When Qatar was caught up in the global spotlight and the need to keep the economic cycle going, the reforms were not substantive enough

¹⁰ Lindblom.

to address the existing injustices, but rather a rushed response that was not fully effective in eliminating the root causes.

1.8 Research Methods

1.8.1 Research Design

The author uses a qualitative research method in IR science to understand the phenomena and social processes that shape international relations. This process involves analyzing texts, documents, and other related data¹¹. Qualitative methods aim to identify the factors that caused the Gulf countries to change the kafala system to a de-kafala system. From the literature review, the author will collect research data related to the kafala system policy, its history, and relevant policy-making models in international relations. The author uses descriptive research to describe the phenomena that occur.

1.8.2 Research Object

The object of this paper is a phenomenon researched by the author, who analyzes how the kafala system policy works in Qatar and the factors causing the system change to de-kafala. This paper's analysis unit is the incremental model in the kafala system, a policy for migrant workers in the Gulf region. The unit of explanation in this research is the impact of the incremental model on the de-kafala system in Qatar.

¹¹ Umar Suryadi Bakry, *International Relations Research Methods* (Yogyakarta: Pustaka Pelajar, 2016). pp. 62 & 64

1.8.3 Data Collection Technique

The research method in this research uses secondary data collection techniques obtained from *library research*. The library study method involves data collection by understanding and studying theories from various literatures related to research. Data is also collected by finding sources and reconstructing them from multiple sources such as books, journals, and existing research. The analysis method uses content analysis and descriptive analysis. Literature from various references is analyzed critically and in-depth to support propositions and ideas¹². The secondary data obtained will help explain how the kafala system runs and the factors that cause the de-kafala system to occur.

1.8.4 Data Analysis Technique

Analysis and qualitative data are deductive, namely analyzing the theory that explains a phenomenon and then developing it into a hypothesis. Further in-depth data searches are carried out based on the hypothesis formulated from the data obtained, becoming a benchmark for accepting or rejecting a hypothesis based on data. If the hypothesis can be proven correct based on the data obtained, then the hypothesis can be developed into a theory. The author uses the stages of data reduction, data presentation, and conclusion in the analysis.

In this paper, the author tries to explain and understand the incremental model of policy-making theory in the kafala system, which then impacts the policy change factors of the de-kafala system. As a case study, this research aims to present a

¹² Muhammad Rijal Fadli, "Understanding the Design of Qualitative Research Methods," *Humanika* 21, no. 1 (2021): 33–54, <https://doi.org/10.21831/hum.v21i1.38075>.

detailed picture of the background, nature, and characteristics, which are then formed into an overview.

1.9 Systematic of Discussion

The research systematic of this research is divided into four chapters, each with several sub-chapters. The general description of this research is:

CHAPTER I: INTRODUCTION. The first chapter is an introduction, where the author describes the research background, research question, research objective, research benefits, literature review, conceptual framework, hypothesis, research methods, and systematics of discussion. In this chapter, the author explains the topic to be researched based on the formulation of the problem, which will then be analyzed using the concepts and theoretical framework initiated.

CHAPTER II: DISCUSSION (Transformation Of Kafala System To Dekafala System In Qatar). This chapter will explain the history of the kafala system the reasons for the existence of the dekafula system, the countries that implement the dekafula system, and the reasons for Qatar to host the 2022 FIFA World Cup.

CHAPTER III: RESEARCH RESULTS (Incremental Model Analysis In Kafala System Impact On Dekafala System In Qatar). This third chapter contains an analysis of the incremental model in the kafala system and the dekafula system in Qatar by position-holder actors and a review of interests.

CHAPTER IV: CONCLUSION AND SUGGESTIONS. In the last chapter, the author will describe the conclusions of the research results and suggestions from the author for further research.