
The Kafala System: Perspective of Middle Eastern Culture and Its Impact on Migrant Workers

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Abstract

This study analyzes the kafala system in the Middle East, which is often regarded as a form of modern slavery against migrant workers. While the system has been examined from various perspectives, this research focuses on the relationship between the kafala system and Middle Eastern culture, as well as the influence of cultural factors on its persistence and implementation in the contemporary era. The study employs a qualitative method with an ethnographic approach based on secondary data, including books, journal articles, and international reports. The theoretical framework used is the Cultural Lag Theory developed by William Ogburn (1922). The analysis reveals that the current kafala system is a combination of traditional Middle Eastern cultural practices and the legacy of British colonialism during the 1970s, which has since evolved over time. Despite widespread international criticism, the system persists due to cultural values in the Middle East that support social hierarchy and control over foreign workers. Various reforms have been implemented to improve the welfare of migrant workers. This study affirms that understanding cultural factors is crucial in formulating a policy analysis basis and diplomatic strategies to strengthen the protection of Indonesian migrant workers.

Keywords: Kafala System; Middle Eastern Culture; Migrant Workers.

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INTRODUCTION

The *kafala* system (الكفالة نظام) has become a controversial topic in labor policy in the Middle East, particularly in Gulf countries such as Saudi Arabia, the United Arab Emirates, Qatar, Oman, Bahrain, and Kuwait. This system requires every migrant worker to have a sponsor from the native population and is often criticized as a form of exploitation and modern slavery. Various problems often experienced by migrant workers, such as low wages, long working hours, and physical, verbal, sexual, and psychological abuse, are common phenomena caused by the abuse of the *kafala* system. Although studies on the *kafala* system are often administrative in nature and focus on legal inequalities, this system can actually be seen as a representation of the roots of socio-political life in the Middle East (Kalush S Saraswathi, 2024). Emilia Truluck, in her article in the UCLA Journal of Islamic and Near Eastern Law (2023), states that there are two main narratives in the literature regarding the origins of this system. The first links it to Bedouin and Islamic culture, which emphasizes the protection of foreigners, while the second narrative connects it to British imperialism and the oil industry bloom (Truluck, 2023).

The 2022 Qatar World Cup was the most recent and well-known example of the *kafala* system; The Guardian (2021) reported around 6,750 deaths of migrant workers from five South Asian countries since 2010, many of whom were involved in World Cup-related projects. In Saudi Arabia, 505 examples of forced labor that may have resulted in trafficking victims and 616 instances of slavery-like activities were discovered in 2021. Under the *kafala* system, migrant workers—who comprise three-quarters of Saudi Arabia's working population—are particularly vulnerable to forced labor (walkfree.org, 2023).

These alarming figures underline the urgency of understanding not only the legal dimensions of *kafala* but also its cultural underpinnings. Although some researchers dispute its cultural origins (Khalaf et al., 2015), its current existence is still strongly supported by its connection to local culture, where sponsors (*kafil*) are responsible for their workers, reflecting the traditions of the Arab Bedouin tribe. This study aims to provide a comprehensive understanding of the cultural roots of the *kafala* system, examine the cultural factors that influence it, and offer new insights into migrant labor policies in the region.

RESEARCH METHOD

This study uses qualitative methods with an ethnographic approach to understand the cultural patterns and social meanings that sustain the *kafala* system in the Middle East. According to Ghony (2016), the ethnographic approach aims to comprehensively examine culture, where generally describes the patterns of life, ways of thinking, customs, and social interactions within a community. The data collection technique used is a literature study, which involves the process of collecting, reading, recording, and processing research materials from secondary sources such as books, scientific journals, and articles (Zed, 2008).

Data analysis followed Miles and Huberman's (1994) interactive model, which consists of three stages: data reduction, data display in narrative form, and conclusion drawing to identify key cultural themes that explain the persistence of the *kafala* system.

The analysis is guided by three theoretical frameworks to strengthen interpretation:

1. Cultural Lag Theory (Ogburn, 1922), which explains how rapid global changes in technology and human rights norms (material culture) outpace the slower transformation of Middle Eastern social structures (non-material culture), allowing *kafala* to persist despite modern pressures.
2. Segmented Labor Market Theory, which explains that the inequality experienced by migrant workers is not solely due to high labor demand, but rather the result of inherent social and cultural structures, such as patriarchal values and tribal traditions that perpetuate worker class segregation.
3. Human Rights Theory from the 1948 Universal Declaration of Human Rights (UDHR), which establishes basic rights such as the prohibition of slavery (article 4), freedom of movement (article 13), and the right to decent work (article 23). The phenomenon of



abuse of the *kafala* system is a clear example of the incompatibility between traditional labor practices and universal human rights standards.

This combination of qualitative ethnography, secondary data, and multi-theoretical analysis allows the study to reveal the cultural foundations of the *kafala* system and critically assess its tension with global labor and human rights norms.

RESULTS AND DISCUSSION

The results of the research and discussion are presented to answer the research questions regarding the origins of the *kafala* system, the influence of Middle Eastern culture on its existence, and its positive and negative impacts on migrant workers.

The Origins and Reality of Contemporary *Kafala*

The term *kafala* comes from the Arabic word (ك ف ل), which means to guarantee, so *kafala* refers to a guarantee of security or sponsorship. In practice, a guarantor (*kafil*) is responsible for the person being guaranteed (*makful*) and acts as an official intermediary for migrants to the government. This system has its roots in pre-Islamic Arab Bedouin traditions and concepts in Islamic law that regulate the protection of orphans and guarantees in business transactions. However, there is no historical evidence that *kafala* was ever used as a labor recruitment system in Islam (Truluck, 2023).

The modern form of the *kafala* system began to be recorded in the early 20th century under British colonial administration and reached its current form during the oil industry bloom of the 1950s to 1970s. At that time, the Gulf states needed a large workforce but were concerned about pan-Arabism ideology, so they increased the recruitment of workers from South and Southeast Asia who were considered easier to control (Haas, Castles, S Miller, 2020).

Unfortunately, this system was often abused and became a vehicle for exploitation, where migrant workers were not paid fair wages, had their passports confiscated, and endured working conditions resembling modern slavery. In response to international criticism, various Gulf countries have implemented reforms, such as the Wage Protection System (WPS) and the abolition of the No Objection Certificate (NOC) for changing jobs (The complete list is available at Table 1 Page 11).

Nevertheless, the bad treatments of Gulf's people towards migrant workers also can be included in anti-migrant sentiments. The majority of research on immigration sentiments focuses on how natives' negative views are rooted in perceived or actual dangers they believe immigrants pose. Immigrants may question long-standing cultural traditions, values, or social standards, thus there is a common hostility toward them among the native population, according to several studies (Reda, 2023). This point will be discussed in the later subtopic.

Etymology and Early Concepts of *Kafala* in Arab and Islamic Tradition

The term *kafala* originates from a broad semantic scope in the Arabic language, rooted in *kaf-fa-lām* (ك ف ل), which means to feed, support, or guarantee. In the 19th-century Lane's Arabic-English Lexicon, *kafala* is defined as "responsibility; to be answerable for; or to become a guarantor, joining one's responsibility to that of another". This was divided into several specific types, including the guarantee of financial obligations (*kafala bil-mal*), the guarantee of a person's presence at a specific time and place (*kafala bin-nafs*), the guarantee for legal proceedings (*kafala bil-wajh*), the guarantee for the delivery of goods (*kafala bil-taslim*), and the guarantee for the purchase of goods sold (*kafala bil-darak*).

In Islam, *kafala* is an important concept with distinct social, moral, and business dimensions. The first dimension describes *kafala* as a formal, non-adoptive agreement to provide temporary support to an orphan until they reach adulthood. The second dimension, developed by Islamic jurists, extends the concept to business contracts, intended to foster social solidarity and trust in cooperation between parties by guaranteeing financial responsibilities or the delivery of goods. Crucially, although the *kafala* system existed in these two dimensions, there is no historical



evidence that it was ever used as a system for labor recruitment in Islamic tradition. This distinction is so stark that some scholars, like Kakande (2015), consider the contemporary practice of labor *kafala* an "insult to Islam," arguing that its modern abuses stem from a distortion of its original principles, not from the principles themselves.

In modern times, Islamic values grow into different kinds of interpretation, including the forming of Islamic groups in the Middle East. The existence of Islamic Groups, especially the ones which considered as extremists, is one of the reasons of *kafala*'s endurance in the Gulf Countries. The level of security remains heightened due to the existence of various Islamic groups that are fundamentally affected by other radical ideas (Al Ghanim, 2015).

The Influence of Middle Eastern Culture on the Existence of *Kafala*

The existence of the *kafala* system that persists to this day cannot be separated from the values and social structures of Middle Eastern culture. One of the main factors is a highly hierarchical and authoritarian culture. The Arab region ranks 7th from 66 countries on the Power Distance Index (Harb, 2016), reflecting the traditions of the Arab Bedouin tribes of the past, where stronger tribes dominated weaker ones. This hierarchical social structure is evident in historical practices and social stigmas. In the past, Bedouin Arab tribes used to force weaker tribes to pay *khuwwa* (protection money), establishing a clear power dynamic. This legacy of social stratification continues in some parts of the region, such as in Yemen, where there is a persistent stigma against the *akhdam* (servants) class, who are considered lowly and represent a historical institution of servitude. This class consciousness is also deeply embedded in folk wisdom, reflected in proverbs such as, "if you are not a wolf, you will be eaten by wolves," "the world stands by those who have a good position," and "from your misery, my wealth increases" (Barakat, 2021c). These examples indicate how unequal power relations have long been normalized and later institutionalized in the modern *kafala* system.

This social structure is also reinforced by a dominant patriarchal system, in which the family is the basic unit of socio-economic unit. In Arab households, the father is referred to as *rabb al-usra* (master of the family), a title signifying his role as the primary provider and ultimate decision-maker whose commands expect maximum respect and obedience. This figure is projected onto other institutions, including employment relationships. In the context of *kafala*, the employer (*kafil*) becomes a powerful paternal figure, especially in the domestic sector, which makes female migrant workers particularly are most vulnerable to exploitation. This patriarchal structure historically relegated women to a subordinate status, a position often reinforced by religious ideologies that regarded women as potential sources of social chaos (*fitnah*) and deceit (*kaid*).

On the other hand, the values of tribal collectivity and solidarity ('Asabiyah) also play a role, whereby a *kafil* is expected to be responsible for migrant workers in the same way that a tribal leader protects his members. The power of these traditional cultural values cannot be separated from the economic and political structures of the Gulf states following the oil boom. Abundant oil wealth has enabled these countries to provide welfare for their citizens through a rentier state model. In this model, the *kafala* system evolved into a tool for distributing wealth and privileges, where the right to become a sponsor (*kafil*) became a kind of economic asset for citizens. By delegating immigration control functions to individuals, the state effectively reinforced the existing social structure: citizens were at the top of the hierarchy, while migrant workers were positioned below. Thus, the preservation of hierarchical and authoritarian culture is not only a matter of tradition, but is also actively encouraged by an economic structure that makes citizens the gatekeepers for foreign labor.

In addition to that, scholars such as Reda et al. (2023) argue that economic imperatives—rather than socio-cultural alone—explain the endurance of *kafala*. One theory says that local residents' concerns about competing with foreign workers for jobs are what set off anti-immigrant prejudice. However, natives are unlikely to perceive foreign workers as real dangers because the

Kafala system is set up to maintain immigrant communities' economic and social marginalization. Locals prefer immigrants who will contribute to the economic prosperity of the host country.

Reda draw attention to the effects of a previously overlooked source of resentment: the upholding of natives' dominating social standing through a restrictive immigration policy. He specifically conceptualizes and detects the impact of status enhancement, which is the idea that low-skilled immigrant workers are socially inferior and is held by wealthier natives. Therefore, it is believed that wealthier natives in *Kafala* countries will have negative opinions about immigrants based on feelings of disgust rather than fear.

The Role of Fatalism and Traditionalism

Another cultural characteristic that contributes to the persistence of the *kafala* system is a deeply ingrained fatalistic attitude, the belief that all events are predetermined by fate and beyond human control. This worldview is empirically supported by the 2014 World Values Survey, which ranked Arab nations second highest out of 100 countries in the dimension of traditional and survival values, indicating a strong adherence to traditional beliefs. Ethnographer and Anthropologist Raphael Patai added that this fatalistic attitude is also a result of the dominance of Islam, which emphasizes preservation over innovation, or continuing what exists rather than creating something new.

Nonetheless, this argument refuted by Halim Barakat in his book *Dynamics of Arab Culture*. The fact that Islam actually supports change and free will, as stated in the Quran in Surah Ar-Ra'd verse 11: "Indeed, Allah does not change the condition of a people until they change their own condition." Arabs also use proverbs, anecdotes, and other expressions to counter fatalism, such as the famous saying "*man jadda wa jada*" (*whoever is sincere will succeed*) (Barakat, 2021a).

Generosity as a Reinforcement of Social Hierarchy

While seemingly contradictory to the system's exploitative aspects, the core Arab values of generosity, hospitality, and magnanimity also play a role in sustaining its underlying structure. Acts of generosity from a *kafil* towards a *makful* are common and culturally celebrated. However, these acts implicitly function as an acknowledgment and reinforcement of the existing class inequality. For the giver, charity is possible precisely because of the existence of poverty and inequality. For the recipient, the act of receiving aid often internalizes feelings of gratitude mixed with dependency and even humiliation. Therefore, while individual acts of kindness can alleviate hardship, the broader cultural practice of paternalistic generosity rather than promoting systemic equality indirectly maintains the unequal class system in which the *kafala* thrives, making the *kafil* a benefactor rather than simply an employer with legal obligations.

In fact, the social hierarchy preserve also because of anti-immigrant sentiments that once again contradicts Arab's hospitality. Based on the investigation of Reda (2023), their dataset shows that Wealth and anti-immigrant attitude are entirely inversely correlated in areas with *kafala* immigration systems. There, the wealthiest members of society are typically more likely than the poorest to be hostile of immigrants and foreign workers.

In case of kuwait, Farrah (2017) stated that The *Kafala* system controls foreigners' movements by giving the impression that there are job opportunities in Kuwait. As a constitutional emirate with a semi-democratic political system, she also cites Kuwaiti writer Khalifa al-Laqayan, who argues that this is a component of democracy that allows Kuwaitis to participate in societal concerns. Unfortunately, this democratic engagement sparked unacceptable behavior by inciting sectarian and tribal hatred, which they claimed as "protection" and "scanning mechanism".

The Impact of the *Kafala* System on Migrant Workers

Although often criticized, the *kafala* system does not always have negative effects. In practice, this employment relationship can be understood as a form of patron-client relationship which characterized as an unequal but mutually binding relationship between the employer (patron) and the employee (client), based on an asymmetrical exchange of services. The paradoxical system in *kafala* (in which *kafil* must protect yet opening vulnerability), explains why many migrant workers are reluctant to report violations or seek legal assistance; the risk of losing the patronage of even an exploitative sponsor is considered greater than the possibility of obtaining justice through official channels. As a result, many workers choose to endure difficult conditions in order to maintain the stability offered by the patron-client relationship.

In return, migrant workers (*makful*) offer their loyalty and labor. For example, there is a story of a *kafil* in Saudi Arabia who provided rent-free housing for his workers and helped renew their residence permits, so that the workers felt secure and were reluctant to return to their home countries because they had found a decent life. Many migrant workers find good employers, a steady income, and even opportunities to start their own businesses with the help of their sponsors (Al Hashem, 2017).

Another example, there are Indonesian migrant workers in Saudi Arabia who have successfully opened grocery stores using their *kafil*'s name for business permits, providing annual compensation as a token of gratitude (Tempo, 2022). In addition, this system contributes significantly to the economy of the workers' home countries through remittances.

However, the negative impact of this system is still very dominant due to the abuse of authority by *kafil*s. Many migrant workers live in inadequate accommodation, have their passports withheld, are not paid their wages, and are subjected to forced labor. The domestic worker sector is the most vulnerable because it is often not covered by labor laws (Kelly, 2022). In its most extreme forms, the failures of the *kafala* system can lead to dire consequences. A report from Tempo's Data and Analysis Center highlighted the harrowing reality for some Indonesian migrant workers in Saudi Arabia who, after fleeing abusive employers, fell into prostitution by their supposed "saviors".

The data from several major migrant-sending countries reveal the scale and variety of abuses linked to the *kafala* system, even though the reporting years and categories differ. In Indonesia, government records documented 1,137 cases in 2021 involving Indonesian migrant workers in Saudi Arabia. The complaints ranged from employers failing to return employment agreements after expiry, disputes arising from the use of visitation visas, loss of contact with workers, unpaid salaries despite expired contracts, and workers running away from abusive employers (Lumbanraja, 2021). From Bangladesh, media investigations show that around 70,000 Bangladeshi migrants were deported from Saudi Arabia in 2022 due to invalid residence permits (*iqama*), with many reporting contract fraud, wage theft, and other exploitation throughout the sponsorship process (Pattison, 2024). Among workers from the Philippines, more than 24,000 cases of abuse against Filipino domestic workers in Kuwait have been officially recorded by the Philippine government, including unpaid wages, physical abuse, and other violations of bilateral labor agreements (Santos, 2023). Data from Sri Lanka highlight the prolonged detention of 41 Sri Lankan women in Saudi Arabia between 2019 and 2021, many held for eight to eighteen months in deportation centers because of *kafala*-related restrictions such as exit permits and employer-controlled documentation (amnesty.org, 2021). Although these numbers differ in scope and measurement, they collectively demonstrate that the abuses fostered by the *kafala* system are not isolated incidents but a structural issue affecting a wide range of migrant-sending countries across Asia.

This illustrates the ultimate collapse of protection under the system, where a worker's escape from one form of exploitation can lead directly to another, even more severe, form of abuse. The exploitative nature of the *kafala* system represents a direct contravention of international labor and human rights conventions. Specifically, several articles of the International



Labour Organization's (ILO) Convention No. 143 (1975) are frequently violated. For instance, Article 8(1), which states that a migrant worker who loses their job should not automatically be considered an illegal immigrant, is often ignored as workers' legal status is tied directly to their sponsor. Furthermore, Article 8(2), guaranteeing equal treatment in employment security and opportunities, and Article 9(1), which protects the rights of even undocumented workers to benefits from past employment like wages, are systematically undermined by the power imbalance inherent in the system. The inability of workers to freely report grievances without fear of reprisal also violates Article 9(2), which ensures their right to file complaints with competent authorities. Various reform efforts undertaken in the Gulf countries have shown mixed results, as summarized in the table below.

Table 1. Summary of Efforts and Impacts of Kafala System Reform

Country	Reform Efforts	Impact
Qatar	Removal of NOC requirement for job change (2020) Removal of exit permit (2018)	Work change permits increased by 830% between September 2020 and August 2021 (ILO, 2025)
UAE	Implementation of the Wage Protection System (WPS) since 2009	Approximately 76% of workers were paid via WPS as of 2015 (ILO, 2016)
Saudi Arabia	Work mobility reform (2021) Removal of exit permit (2021)	Over 31,000 workers filed complaints about late wages (Arab News, 2016)
Bahrain	Implementation of Flexi-Permit (self-sponsorship) (2017–2022)	57,000 workers registered under the scheme (Migrant-Rights.org, 2021)
Kuwait	Introduction of WPS (post-pandemic)	The wage gap between citizens and migrants remains very high (ILO, 2021)
Oman	Removal of NOC (2021) Introduction of WPS (2023)	Only 25% of private companies comply with WPS payments (Migrant-Rights.org, 2025)

Source: Adapted from Kalush & Saraswathi (2024), International Labour Organization (2025), Arab News (2016), and Migrant-Rights.org (2021, 2025).

The data in the table shows variations in reform approaches among Gulf countries, reflecting different priorities and pressures. Qatar, for example, under international scrutiny ahead of the World Cup, has implemented the most significant reforms by abolishing exit permits and No Objection Certificates (NOCs), which have dramatically increased worker mobility. On the other hand, the United Arab Emirates (UAE) and Bahrain have focused more on reforms that support their image as global business centers, such as the implementation of the Wage Protection System (WPS) and Flexi-Permits, which provide greater flexibility for workers. Meanwhile, reforms in Saudi Arabia tend to be more sectoral and gradual, in line with their Vision 2030 economic transformation program. These variations show that although there is a movement toward reform, its implementation is highly dependent on the political and economic context of each country.

Despite various technical and legal reforms having been introduced, the main challenges in their implementation are often cultural in nature. Systems such as the Wage Protection System (WPS) are designed to ensure transparency, but their effectiveness is often hampered in the field. This can be analyzed as a clash between modern regulations and deep-rooted hierarchical cultural structures, where the personal authority of a *kafil* as a patron is often considered higher than compliance with bureaucratic regulations. Thus, the gap between policy on paper and practice in the field remains because the *kafala* system operates not only as a legal rule, but also as a manifestation of social power relations and traditional values that have not been fully touched by reform.

CONCLUSION

Behind international criticism of the *kafala* system, which is often labeled modern slavery, Middle Eastern culture plays a major role in maintaining the existence of this system. The social rights gaps inherent in the *kafala* system are reinforced by a highly hierarchical social culture, patriarchal family structures, exclusive tribal collectivism, and deep-rooted fatalism and traditionalism. However, the impact of this system is not entirely negative, as not all *kafil*s are exploitative; many provide decent jobs, pay wages on time, and even offer business opportunities to migrant workers. The *kafala* system also contributes significantly to remittances sent by workers to improve the economy of their home countries. Nevertheless, the negative impacts of the *kafala* system are still far more dominant, with many migrant workers living in poor conditions and often experiencing violence and sexual exploitation.

The findings of this study have important policy implications, particularly for efforts to protect Indonesian migrant workers in Gulf countries. Based on the analysis conducted, the Indonesian government needs to strengthen its bargaining position in every bilateral agreement with destination countries. This strengthening must focus on the strict enforcement of migrant workers' rights and the establishment of effective legal protection mechanisms in the country of placement. In addition, the government is also advised to seriously develop comprehensive preparation programs for prospective Indonesian Migrant Workers (PMI). This education must include a deep understanding of rights and obligations while working, an introduction to the culture of the destination country to mitigate potential conflicts, and clear and accessible reporting procedures in case of violations. With strengthening at the diplomatic level and empowerment at the individual level, it is hoped that the risk of exploitation can be minimized and Indonesian migrant workers will be better prepared to face the challenges of working abroad.

In addition to Indonesia's domestic efforts, destination countries in the Gulf should be urged to align their labor laws with international human rights standards by fully abolishing exit permits, ensuring equal protection for domestic workers, and strictly enforcing wage protection systems. International organizations such as the ILO and IOM can play a stronger role by monitoring compliance, facilitating multilateral agreements, and providing technical assistance for reform. Regional cooperation between migrant-sending states (such as Indonesia, Bangladesh, the Philippines, and India) can also create collective bargaining leverage to demand safer recruitment processes, transparent contracts, and access to justice for migrant workers.

When analyzed comprehensively, these findings confirm the relevance of the theoretical framework used. The failure of reforms to penetrate practices in the field is a clear example of the theory of cultural lag, in which laws (material culture) change more quickly than deeply rooted social norms and power relations (non-material culture). The vulnerable and isolated position of migrant workers in certain sectors, such as domestic workers, clearly illustrates the theory of a segmented labor market, in which they fill a secondary labor market that is not filled by local citizens. Ultimately, the various forms of exploitation that occur are direct violations of universal human rights principles, particularly the right to freedom from slavery (Article 4 UDHR) and the right to decent work (Article 23 UDHR), which indicate a fundamental incompatibility between *kafala* practices and international standards.

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