

THE URGENCY OF PROTECTING DOMESTIC WORKERS

Trias Palupi Kurnianingrum¹ & Riza Asyari Yamin²

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Abstract

Protection for domestic workers has mostly stayed the same over the past two decades. Domestic workers remain vulnerable to violence, discrimination, and exploitation. The unclear status of domestic workers in several regulations in Indonesia exacerbates their vulnerability. This article discusses the state's role in protecting domestic workers and the challenges faced. It highlights the importance of recognizing and protecting domestic workers for equal rights. Comprehensive regulations are necessary to address the issues faced by domestic workers and to acknowledge their work formally. Unfortunately, nearly two decades have passed without significant progress. The slow discussion of the Draft Law on the Protection of Domestic Workers (PPRT Draft Law), the need for more ratification of ILO Convention No. 189, and insufficient education efforts are ongoing challenges. Through its legislative function, Commission IX of the DPR RI needs to discuss and ratify the PPRT Draft Law. Additionally, through its oversight function, Commission IX of the DPR RI can encourage BPJS to intensify education and socialization efforts.

Introduction

Domestic workers play a significant role in the daily lives of many families in Indonesia. They perform essential household tasks such as cooking, cleaning, washing, and caring for children, all of which require substantial effort and time. Despite their considerable contributions, domestic workers in In-

donesia often endure substandard working conditions, including low wages, vulnerability to exploitation, lack of health and social security, and an overwhelming workload that sometimes leads to violence ("Urgensi Pengesahan RUU," 2024).

According to data from the National Household Advocacy Network (JALA PRT), 3,308 cases

¹ Associate Legislative Analyst in the Field of People's Welfare at the Center for Parliamentary Analysis, Expertise Agency of DPR RI, e-mail: trias.kurnianingrum@dpr.go.id

² Junior Legislative Analyst in the Field of People's Welfare at the Center for Parliamentary Analysis, Expertise Agency of DPR RI, e-mail: riza.yamin@dpr.go.id



of violence against domestic workers were reported between 2021 and February 2024 (Aurel, 2024). Additionally, data collected by the National Commission on Violence Against Women reveals that from 2005 to 2022, cases of violence against domestic workers increased, reaching 2,344 incidents (Harahap, 2024). The recurring incidents of violence highlight the vulnerable position of domestic workers. The absence of regulations that formally recognize their work leaves domestic workers susceptible to violence, exploitation, and even human trafficking.

More comprehensive regulations are necessary to enhance protection for domestic workers. However, nearly two decades have passed, and the Draft Law on the Protection of Domestic Workers (PPRT Draft Law) has yet to be ratified. Recognizing and protecting domestic workers is crucial as it embodies the fifth principle of Pancasila, which is social justice for all Indonesians. This article examines how the state protects domestic workers and their challenges.

State Protection for Domestic Workers in Indonesia

Domestic work is a common occupation in many communities, particularly in Indonesia. According to data from the International Labor Organization (ILO), in 2022, around 67.1 million people worldwide will be employed as domestic workers, with approximately 17.2 percent (11.5 million people) working outside their home countries (Pranoto, 2022). In Indonesia, JALA PRT data estimates around 5 million domestic workers (Meinansi, 2024).

Article 1, number 1 of the Minister of Manpower Regulation No. 2 of 2015 on the Protection of Domestic Workers (Minister of Manpower Regulation No. 2 of 2015) defines domestic workers as individuals who work for households to perform household tasks in exchange for wages and/or other compensation. However, in Indonesia, the status of domestic workers has yet to be fully recognized as that of workers. Law No. 13 of 2003 on Employment (Employment Law) does not adequately protect domestic workers because they are classified as informal workers. Although the term “worker” is included in the designation of domestic workers, the profession is not categorized under the formal definition of workers in the Employment Law. Consequently, domestic workers are not protected under employment law in their professional activities, particularly regarding work relationships.

Article 1, number 15 of the Employment Law outlines that a working relationship includes elements of work, wages, and orders. While domestic workers fulfill these elements, the Employment Law associates employers with entrepreneurs, which does not fully encompass the role of domestic employers. This distinction excludes domestic workers from the scope of state-regulated work agreements. In other words, domestic workers are excluded from being recognized as workers. Moreover, while regulations regarding domestic workers do exist under Minister of Manpower Regulation No. 2 of 2015, these regulations fail to provide adequate protection for domestic workers due to several reasons:

First, Minister of Manpower Regulation No. 2 of 2015 is not derived from the Employment Law but from Law No. 23 of 2014 on Local Government, which is not directly related to employment. Second, The regulation does not specifically address protected aspects of domestic workers' rights or the extent of that protection, such as leave and wage entitlements. Third, Article 5 of Minister of Manpower Regulation No. 2 of 2015 requires oral employment agreements between users and domestic workers. However, oral agreements do not offer adequate legal protection. Fourth, Minister of Manpower Regulation No. 2 of 2015 lacks a legal enforcement mechanism to protect domestic workers' rights when violated.

The ambiguity surrounding recognizing domestic workers' status in Indonesia indirectly results in inadequate social protection for these workers. Social protection is a concept often used to address public welfare issues within a country. According to Hulme, social protection includes three schemes: social security, social assistance, and labor market regulation (Prasetyo et al., 2024). JALA PRT notes that most domestic workers are employed informally, without official work relationships or written contracts, allowing employers to evade their obligation to register workers in the Jamsostek program. A survey conducted by JALA PRT in six major cities involving 4,296 domestic workers revealed that 89 percent of domestic workers do not receive health insurance as recipients of contribution assistance (PBI), and 99 percent of domestic workers lack Jamsostek coverage (Theodora,

2022). These data highlight the vulnerability of domestic workers who are not protected by social security, either in terms of health or employment.

Challenges Faced by Indonesia in Realizing Protection for Domestic Workers

Indonesia faces several challenges in protecting domestic workers. First, regulations. Indonesia has not ratified ILO Convention No. 189, which addresses decent work for domestic workers. Ratification is necessary to establish relevant minimum standards and references for domestic workers' rights. However, it is important to note that this ratification is not intended to replace existing national regulations but to complement them, thereby enhancing the legal framework related to the protection of domestic workers at the national level. Additionally, Indonesia does not yet have specific legislation governing domestic worker protection. While the country does have the Manpower Law and Minister of Manpower Regulation No. 2 of 2015, these regulations do not sufficiently provide legal protection and certainty for domestic workers.

Over nearly two decades, the PPRT Draft Law has undergone various processes, including studies, comparative analyses, dialogues, revisions, and discussions. Finally, on March 21, 2023, the PPRT Draft Law became a DPR RI initiative Draft Law (Puspa, 2024). However, there are still no signs that the Draft Law will be discussed and ratified soon. The slow progress in discussing the PPRT Draft Law remains one of the key challenges faced by Indonesia.

A lack of political prioritization and public pressure are also considered contributing factors. To expedite the ratification of the PPRT Draft Law, it is essential to elevate the issue of domestic workers on social media, drawing attention from various stakeholders. The ratification of the PPRT Draft Law would be a significant step forward in protecting domestic workers in Indonesia. The enactment of the PPRT Draft Law is expected to address domestic workers' issues and provide legal certainty, particularly concerning work relationships (orders, wages, work domains, working hours, etc.).

Second, education and socialization are related to domestic workers' rights, including social protection for domestic workers. Many domestic workers and employers are still unaware of and lack access to information about social security (BPJS Employment membership). Therefore, it is necessary to conduct education and socialization efforts in collaboration with relevant stakeholders. For example, NGOs like JALA PRT can register domestic workers at the neighborhood (RT/RW), sub-district, village, district, city, and provincial levels. This education should also target employers and work distributors, such as domestic worker agencies.

Conclusion

Undeniably, domestic workers play a significant role in reducing the workload of households and contributing to the harmony of home life. Despite this, the existence of domestic workers is often undervalued. The discussion highlights that the state has not fully protected or recognized the status of domestic workers. Laws such as the

Employment Law and Ministerial Regulation No. 2 of 2015 have not yet provided adequate and proper protection for domestic workers. As a result, the protection, recognition, and fulfillment of domestic workers' rights remain far from ideal. The slow progress in discussing the PPRT Draft Law, the failure to ratify ILO Convention No. 189, and the lack of education are significant challenges Indonesia faces in protecting domestic workers.

Through Commission IX, which is responsible for employment matters, the DPR RI needs to discuss and ratify the PPRT Draft Law promptly. Additionally, through its oversight function, Commission IX of the DPR RI should ensure and encourage BPJS Employment to intensify its education and socialization efforts related to domestic workers' rights.

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