


ANALYSIS OF THE URGENCY OF THE IMPROVEMENT AND RATIFICATION OF DOMESTIC WORKERS PROTECTION BILL ON THE FULFILLMENT OF DOMESTIC WORKERS' RIGHTS



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ABSTRACT

This paper analyzes the urgency of improving and passing the Draft Law on the Protection of Domestic Workers (RUU PPRT) from the perspective of fulfilling the rights of domestic workers. This analysis is conducted to find out the weaknesses of legal protection arrangements for domestic workers in Indonesia, to find out the strengths and weaknesses of the PPRT Bill arrangements in regulating domestic workers' rights, and to find out how the positive impacts can be obtained from the ratification of the PPRT Bill and identify challenges that hinder the ratification of the PPRT Bill. This research uses a normative juridical method with a statutory and conceptual approach. Data was obtained from secondary data sources, including documents related to the PPRT Bill, laws and regulations, and relevant literature. The data is analyzed using a qualitative descriptive method and, in conclusion, using inductive logic. The results showed that the Minister of Manpower Regulation No. 2/2015 on the Protection of Domestic Workers does not refer to Law No. 13/2003 on Manpower, so the regulation is significantly lacking in protecting domestic workers. The PPRT Bill comes with more specific rules that regulate rights and obligations in detail, a transparent recruitment system, and protection of fundamental rights such as living wages and social security, but it still has weaknesses such as the lack of details on working time, minimum wage standards, and special protection for women and children, so improvements to these shortcomings are significant to implement fair law enforcement. The PPRT Bill guarantees the protection of the rights of domestic workers and employers by regulating the certainty of working hours, leave rights, living wages, and access to health and social security. However, he has yet to be passed into law due to weak coordination between stakeholders and a lack of support from various parties.

Keywords: Legal Protection, PPRT Bill, Fulfillment of Rights.

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INTRODUCTION

As a state of law (Rechtsstaat), Indonesia must protect all citizens, including domestic workers. Legal protection for domestic workers is still inadequate even though the right to equality before the law is guaranteed in the 1945 Constitution. This legal uncertainty affects domestic workers' welfare because no specific regulation strictly regulates their rights (Hafidz 2020). According to Article 1, paragraph (3) of the Manpower Law, domestic workers meet the definition of workers. However, they are not recognized as workers because they operate

in the informal sector and have family working relationships. Legal protection for domestic workers is still unclear. It varies from region to region due to the influence of local culture, which creates legal uncertainty and increases the risk of violence and harassment (Hanifah 2020).

According to a report by the National Ministry of Women's Empowerment, the majority of domestic workers in Indonesia are women and children who work under challenging conditions, without clear time limits, and often experience violence, even in situations close to slavery (Azhari and Halim 2021). Cases of violence against domestic workers, including physical, psychological, sexual harassment, and murder, are often reported in the media. Domestic workers also often receive wages below minimum standards and work without adequate protection, forgotten (Picauly, 2022). This stereotypical view of the job further exacerbates the situation, leading few to recognize the importance of domestic workers' contributions to society (Naben, 2023).

Around 5 million people work as domestic workers in Indonesia, facing the risk of losing basic rights. President Jokowi emphasized that labor laws do not yet explicitly regulate the status and rights of domestic workers (Irham, 2023). In 2004, the Draft Law on the Protection of Domestic Workers (RUU PPRT) was fought for. In 2023, it received support from the president to be passed. Unfortunately, in September 2024, it was simply stopped and not continued until now (Aulia 2024).

Permenaker No. 2/2015 is the only regulation protecting domestic workers. It only covers fundamental rights, and its implementation is weak. The Permenaker also does not provide a precise dispute resolution mechanism. A domestic worker's working relationship with her Employer does not meet the "working relationship" definition in Article 1 point 15 of the Manpower Law because domestic workers' employers are not considered profit-making employers. This results in DWs only being protected by the Permenaker, the implementation of which is still very weak (Tirtania and Laksana 2019).

Lestari Moerdijat, Vice Chairperson of the MPR RI, stated that from JALA PRT data, between 2017 and 2022, there were more than 2,600 cases of violence against domestic workers, with an average of 10 to 11 cases every day. This means that violence against domestic workers occurs almost every two hours. In Central Java, domestic workers face excessive workloads and low wages and are vulnerable to violence. Nur Khasanah from the Independent Domestic Workers Union highlighted that violence against domestic workers is common, such as a case in Semarang in 2020, where a domestic worker was maimed (Karunia and Ika, 2023). Other cases include confinement and work accidents leading to death. Domestic workers also receive very low wages, with overnight domestic workers paid Rp1.5 million per month, while part-time domestic workers receive less than Rp800 thousand. Although wages do not have to match the minimum or minimum wage, Nur Khasanah emphasized the importance of a clear division of labor according to the agreement without additional burdensome tasks (Arifianto, 2023).

Based on this background, the author will analyze the urgency of improving and passing the Domestic Workers Protection Bill (RUU PPRT) to fulfill the rights of Domestic Workers (DWs). This analysis is conducted to find out the weaknesses of legal protection arrangements for domestic workers in Indonesia, to find out the strengths and weaknesses

of the PPRT Bill arrangements in regulating domestic workers' rights, and to find out how the positive impact can be obtained from the ratification of the PPRT Bill and identify challenges that hinder the ratification of the PPRT Bill. This research uses a normative juridical method with a statutory and conceptual approach. Data was obtained from secondary data sources, including documents related to the PPRT Bill, laws and regulations, and relevant literature. Data were analyzed using a qualitative descriptive method, and using and were drawn active logic.

METHODS

This normative legal research analyzes the law as norms written in laws and regulations and is prescriptive (Shalihah, 2017). The data sources used include primary legal materials (laws and regulations), secondary legal materials (books, journals, and articles), and tertiary legal materials (dictionaries and encyclopedias). Data collection is carried out through document studies or literature studies, which are analyzed descriptively and qualitatively to provide an in-depth understanding of the issues studied; then, conclusions are drawn using the inductive method, which formulates general conclusions based on specific data that has been analyzed.

RESULTS AND DISCUSSION

Weaknesses of Legal Protection Arrangements for Domestic Workers in Indonesia

Article 1 Paragraph (3) of the 1945 Constitution affirms that Indonesia is a state of law, where law is the basis in every aspect of state life, including governance. The government is responsible for developing national law in a systematic, integrated, and sustainable manner to protect the rights and obligations of citizens. Legal certainty must be achieved through clear and consistent laws, thus avoiding legal vacuum or multiple interpretations that can cause uncertainty (Judicial Commission of the Republic of Indonesia 2014). In practice, amidst various efforts to ensure legal certainty, the relationship between domestic workers, employers, distributors, and the government is currently only regulated by Minister of Manpower Regulation No. 2/2015 on the Protection of Domestic Workers. When viewed from the provisions of Article 7 of Law Number 12 of 2011 concerning the Establishment of Legislation, Ministerial Regulations are not included in the hierarchy of Indonesian legislation. However, they still have binding force (Supryadi and Amalia 2021).

Minister of Manpower Regulation No. 2/2015 on the Protection of Domestic Workers, as the only regulation protecting domestic workers, is thus considered to lack a clear and firm legal foundation as it does not yet have a parent law, although it is considered a positive effort to address the regulatory vacuum by domestic workers (Wibowo 2023). After the issuance of this regulation, the Action Committee for the Protection of Domestic Workers and Migrant Workers (KA PPRTBM) expressed appreciation and noted improvement. The then Minister of Manpower, Hanif Dhakiri, admitted that although this regulation was a legal innovation, it did not refer to the Manpower Law, so some shortcomings made it only a "minimum standard of protection" (Matthew 2015).

As the only regulation, Permenaker No. 2/2015 on the Protection of Domestic Workers still has many shortcomings in its implementation, thus facing many challenges in providing ideal protection for domestic workers. For example, the interpretation of the practice of exploitation by domestic worker agencies is still unclear, although it regulates sanctions for violating agencies. The content of this regulation is considered discriminatory, not protecting domestic workers' rights fairly and equally (Septiani 2020). From a juridical aspect, domestic workers should be equal to other citizens based on Article 27, paragraph (1) of the 1945 Constitution. However, from a socio-economic aspect, domestic workers, especially those without skills, are not in an equal position due to limited sources of livelihood (Rusdiana, 2022).

Looking at Article 1, paragraph (3) of the Manpower Law, domestic workers meet the definition of workers, but in practice, they are not recognized as workers because they are in the informal sector with a working relationship considered kinship. The relationship between domestic workers and employers is similar to that of a typical working relationship, with employers requiring the services of domestic workers and domestic workers requiring payment for their services (YAPHI 2022). This working relationship in the informal sector means that domestic workers are not guaranteed labor rights, such as minimum wage, social security, limits on working hours, and holidays. In addition, many domestic workers work without clear work contracts, either verbal or written, making it difficult for the state to guarantee the fulfillment of their rights to work and a decent life (Haryono et al., 2022). Several rights, such as social security, special rights for women, wages, occupational health, and termination of employment, distinguish the rights of domestic workers from workers regulated in the Manpower Law. The introductory worker rights provisions in the Manpower Law need to be adopted to protect the rights of domestic workers, especially regarding their normative rights.

In Indonesia, there are an estimated 5 million domestic workers, most of whom are women (Irham, 2023). Article 49, paragraph (2) of Law No. 39/1999 on Human Rights states that women are entitled to special protection in their work. Permenaker No. 2/2015 on the Protection of Domestic Workers is still lacking in regulating women's special rights, so many neglect domestic workers' rights as women. The regulation of social security is also lacking. Employers are supposed to enroll domestic workers in social security programs. However, many do not due to a lack of understanding of legal rights and obligations, reluctance to bear additional costs, and limited regulations (Pranoto 2022).

This regulation cannot be used as a reference because its explanation is less detailed than the Manpower Law and the Job Creation Law Number 11 of 2020. Protection related to the working hours of domestic workers, especially those who live with employers, is unclear, so they are often considered to have free time, even though this is not the case (Rusdiana, 2022). Domestic workers, as ordinary humans with physical and energy limitations, need more explicit guidance on working hours. This lack of clarity leads to disputes over work duration and fair compensation. Without specific provisions for recording working hours and dispute resolution mechanisms, domestic workers are at risk of exploitative work practices.

Rules regarding wages for domestic workers are also minimal, so many do not get a decent wage. Several laws, such as the Manpower Law, Law No. 6 of 2023 on the Stipulation of

Government Regulation instead of Law No. 2 of 2022 on Job Creation into Law, and Government Regulation No. 51 of 2023 on Amendments to Government Regulation No. 36 of 2021 on Wages have indeed regulated wages for workers in the formal sector. However, these regulations do not apply to domestic workers in the informal sector. Permenaker No. 2/2015 on the Protection of Domestic Workers is the only regulation that protects domestic workers. However, their wages are only determined based on the work agreement between the domestic worker and the Employer.

There may be a dispute in the working relationship between employers and domestic workers, so clear legal protection is needed to ensure certainty for both parties. In making employment agreements, Minister of Manpower Regulation No. 2/2015 on the Protection of Domestic Workers regulates the involvement of the Head of RT/RW to ensure external supervision, but this is not enough. Clarity in employment agreements is essential, mainly as these relationships often occur in private spaces. The lack of clarity regarding work agreements, whether verbal or written, makes domestic workers vulnerable to violations, and it is challenging to bring cases to the legal realm due to a lack of official evidence.

Shortcomings in Permenaker No. 2/2015 on the Protection of Domestic Workers show the need for more detailed standards to protect the rights of domestic workers (DWs). The lack of comprehensive legal arrangements adversely affects the working conditions of domestic workers despite regulations that are supposed to protect them. Many domestic workers face excessive working hours, minimal access to healthcare, and lack of social security, as well as rights violations that are often not followed up. Data recorded 2,641 cases of violence between 2018 and 2023, the majority of which were psychological, physical, and economic abuse. Many domestic workers go unpaid and experience dismissal when sick; with weak law enforcement, only 15% of abusers are convicted, and many law violations go undetected (Komnas Perempuan 2024). Average domestic worker wages are very low, ranging from IDR 600,000 to IDR 1,000,000, and many employment contracts are only verbal, exacerbating the risk of exploitation (Wicaksana 2021). Weaknesses in the implementation of the Permenaker and the lack of public socialization of this regulation further exacerbate the conditions of domestic workers.

Strengths and Weaknesses of the PPRT Bill's Arrangement of DW Rights

Protecting domestic workers (DWs) is an important issue for welfare and social justice in Indonesia. The Draft Law on the Protection of Domestic Workers (RUU PPRT) is proposed to provide guaranteed rights and protection for domestic workers who often experience inadequate working conditions. Evaluating the strengths and weaknesses of RUU PPRT is important to understand its impact and implementation challenges.

The strength of the PPRT Bill in regulating domestic workers' rights

1. Recognizing domestic workers as workers, making them equal to other professions, and clearly defining the relationship between employers and domestic workers. With a comprehensive legal framework, this Bill is expected to be implemented effectively and provide tangible benefits for domestic workers. (Article 1 paragraph (1) and (2))
2. Regulate the type of recruitment:

- a. **Direct:** Conducted by the Employer based on an agreement between the prospective domestic worker and the Employer.
- b. **Indirect:** Conducted through a domestic worker distributor with a written employment agreement between the prospective domestic worker and the Employer.

This clarity reduces the potential for conflict due to vague verbal agreements. Domestic workers are involved in the recruitment process, giving them more control over working conditions. (Article 4 and Article 5)

3. Stipulates the content of the employment agreement, which contains the identity of the domestic worker and Employer, date and period of the agreement, rights, obligations of both parties, amount of wages, and place of agreement. The agreement must be stamped, made in duplicate, and Bahasa Indonesia. Clarifying the rules regarding an explicit Employment Agreement helps both parties understand their responsibilities and reduces conflict. A stamped agreement provides legal force and can be used as evidence in a dispute. (Article 8 (1))
4. Guarantee the protection of domestic workers' rights, including a decent wage and a trial period of no more than one month. (Article 8 paragraph (2))
5. The PPRT Bill includes new rights that are more comprehensive than the Permenaker, including:
 - a. The right to work at humane hours.
 - b. Right to labor and health social security.
 - c. The right to terminate the employment relationship in case of a breach of agreement.
 (Article 11)
6. It regulates the obligations of domestic workers in more detail than the Permenaker, emphasizing proper and safe working procedures and maintaining the Employer's good name. (Article 13)
7. The PPRT Bill regulates domestic workers' working hours to avoid exploitation. DWs are divided into two categories:
 - a. Full-time: Live with the Employer.
 - b. Part-time: Work at least 2 hours a day. (Article 6)
8. Categorizes the scope of work of domestic workers into nine categories, which include caring for children, cooking, washing clothes, cleaning the house, cleaning the Employer's yard and/or garden, caring for the sick and/or individuals with special needs, guarding the house, driving or serving as a driver, and caring for pets. Each category reflects the range of tasks domestic workers can perform according to the Employer's needs. (Article 7)

9. Guarantee domestic workers the right to receive social security for labor and health. The government, Employer, and DW jointly contribute to social security. (Article 12)
10. It provides a transparent and fair framework for ending employment, protects domestic workers' rights, and provides legal certainty for both parties. It creates more humane working conditions. (Article 10)
11. Empowering domestic workers through education and outreach programs to improve their understanding of their rights and obligations and assist employers in finding competent domestic workers. (Article 18 to Article 20)
12. Provides more explicit rights for employers, including information on the identity and capabilities of domestic workers. Although there are fewer obligations for employers in the Bill than in the Permenaker, the Bill still emphasizes the importance of compliance and transparency. (Article 14)
13. Better regulate the rights and obligations of domestic worker distributors, increasing transparency and accountability in the recruitment process. (Article 15)
14. A precise dispute resolution mechanism, starting with consensus and involving mediation, provides better legal protection for domestic workers and employers. (Article 26 and Article 27)
15. Provides for criminal sanctions for violations of DW rights, demonstrating a more substantial legal commitment to protect DWs from violence, discrimination, and intimidation. (Article 30 to Article 32)

Weaknesses of the PPRT Bill in regulating DW rights

1. The PPRT Bill only divides domestic workers into two categories (full-time and part-time) without a clear limit on working time, potentially causing domestic workers to work 24 hours non-stop.
2. There is no minimum wage standard for domestic workers; wages are based on agreement, which risks exploiting domestic workers.
3. There is a lack of special protection for women, even though they make up the majority of domestic workers and are vulnerable to discrimination and violence.
4. There are no specific arrangements for child domestic workers, who are at risk of exploitation and violations of their fundamental rights.
5. The PPRT Bill does not regulate sanctions for violating domestic workers, creating injustice in law enforcement. The Bill must regulate fair mechanisms to address violations from all parties, including domestic workers, with proportional sanctions to avoid over-criminalization.

To improve the legal protection of domestic workers in the PPRT Bill, it is necessary to improve the weaknesses in the PPRT Bill. Some points that need to be improved include an explicit limitation of working hours, adding a minimum standard of wages for domestic workers, special protection for women and children, and regulating sanctions for domestic

workers who commit violations while still paying attention to justice and proportionality so that domestic workers are not made the subject of criminalization, because this will cause discomfort and fear for domestic workers.

Positive Impacts and Challenges in the Ratification of the PPRT Bill

The context of employment relations must consider the protection of human rights, where all workers, including domestic workers, are entitled to equal protection without discrimination. These protections are important to legally recognize domestic work and prevent discrimination, harassment, and violence (Shalihah and Damarina, 2022). Socially, domestic workers often do not enjoy the same freedoms and are trapped in unequal working conditions due to employer power and their low education, which limits access to their rights Nur Jakfar Siddiq, "Implementation of Permenaker No. 2 of 2015 on Domestic Workers in Work Agreements with Employers" (Universitas Muhammadiyah Sumatera Utara, 2023), <https://www.who.int/news-room/fact-sheets/detail/autism-spectrum-disorders>.

In Indonesia, many domestic workers come from the middle to lower economic groups, making them vulnerable to unfair treatment. The PPRT Bill is proposed to address issues such as wages, working hours, and social security, aiming to improve domestic workers' welfare and regulate fairer working relationships. The Bill aims to ensure that DWs' fundamental rights are protected and recognized and to change the employment relationships that employers often dominate. The Bill is expected to create a more harmonious working relationship and prevent exploitation (Shalihah and Damarina, 2022).

The PPRT Bill has been passed as a DPR Initiative Bill since March 21, 2023, after 20 years of entering the legislative process (Dewan Perwakilan Rakyat Republik Indonesia 2023). In fact, until now, the Bill has not been passed into law. Various efforts by domestic workers and activists have continued to pressure the DPR through symbolic actions, rallies, and public campaigns. Actions include a hunger strike on August 14, 2023, in six cities and lobbying members of the DPR and the government (Konde.co 2023). Quoting from BBC News Indonesia dated October 28, 2022, which was updated on January 18, 2023, President Joko Widodo said through a press statement that he had ordered the acceleration of the ratification of this Bill through coordination with the DPR and related stakeholders (Irham 2023).

The ratification of the PPRT Bill is essential, both domestically and internationally, especially in response to ILO Convention No. 189 on Decent Work for Domestic Workers, which encourages countries to provide legal protection to domestic workers. This convention sets basic protection standards for domestic workers, although Indonesia has not yet ratified it. Until now, Indonesia only has Permenaker No. 2/2015 on the Protection of Domestic Workers, considered inadequate (Haryono et al. 2022). Meanwhile, 35 countries, including the Philippines, have ratified ILO Convention 189 and implemented better protection for domestic workers (YAPHI 2022). Countries such as the Philippines, South Africa, and Latin America have enacted laws protecting domestic workers even before ILO Convention 189. In Indonesia, existing regulations do not meet the standards of the convention, such as the right to minimum wage, working time limit, and social protection. Based on this, the ratification of ILO Convention 189 is considered urgent to improve

domestic worker protection standards in Indonesia by international standards (Wardanti 2022).

The passing of the Domestic Workers Protection Bill is significant considering the high number of violations against domestic workers. Indonesia needs to update Labor Law regulations that support the legal protection of domestic workers, increase legal awareness, and prevent exploitation and abuse (Pranoto 2022). The protection of domestic workers should be based on human rights, justice, and equality and aim to provide legal recognition, prevent abuse, and support the welfare of domestic workers (Shalihah and Damarina, 2023).

Currently, the lack of regulations means that domestic workers work without standardization regarding wages, working time, leave, and benefits, often to their detriment. Domestic workers often do not earn a decent wage, do not receive benefits such as THR, and do not have adequate rest periods. Employers also face problems in hiring domestic workers due to a lack of legal certainty regarding work contracts, which often do not involve domestic workers in drafting the agreement, thus worsening the working relationship. The passing of the PPRT Bill is expected to provide better legal certainty for all parties (Ariyani, 2023).

The passing of the PPRT Bill is crucial to protect domestic workers currently in a vulnerable position economically, socially, and legally. Economically, more transparent regulations will bring positive impacts, including guaranteed minimum wages, severance pay, and social and health insurance, improving the welfare of domestic workers and their families while helping to reduce poverty in Indonesia. Socially, recognizing domestic workers as equal under the law will help address discrimination and negative stigma, thereby improving their social status and encouraging appreciation of their contributions. In legal aspects, the PPRT Bill will strengthen the legal position of domestic workers, provide certainty regarding rights and obligations in employment relationships, and ensure fairer and more effective law enforcement.

The application of strict sanctions against employers who violate the provisions in the PPRT Bill demonstrates the state's commitment to safeguarding human rights and social justice. Consistent law enforcement will prevent the exploitation and abuse of domestic workers, ensuring that their rights are respected and protected. Strong legal protection is expected to create a fairer and safer working environment for domestic workers and support the ideals of social justice for all Indonesians. The passage of the PPRT Bill is an important step in contributing to more inclusive social and economic development.

The challenges in passing the PPRT Bill cannot be ignored, mainly due to the political complexities in the DPR. Factions often prioritize their political agenda over fighting for DW rights, with issues like the economy and infrastructure dominating the agenda. Internal political dynamics, such as the right of inquiry issue related to alleged fraud in the 2024 elections, have also diverted attention from the Bill. In addition, employer bias among DPR members, who are employers of domestic workers, creates a potential conflict of interest. They may be concerned about increased legal responsibilities, including the obligation to provide a living wage and a safe working environment.

Organizations have taken various actions to support the passage of the PPRT Bill, but public awareness of the importance of this law is still low. Existing campaigns often do not reach a broad audience, so the pressure on the government and Parliament to pass this Bill immediately is not strong enough. Therefore, increasing public awareness through media, education, and advocacy is needed so that this issue receives greater attention from policymakers. Civil Society Organizations (CSOs) play an important role as a bridge between domestic workers' aspirations and the legislative process. However, they face significant challenges, including a lack of civil liberties space that inhibits community participation in decision-making.

In order to overcome obstacles in the ratification of the PPRT Bill, several steps need to be considered. First, conducting a more intensive public awareness campaign is necessary to change people's perceptions and gain broader support by utilizing various communication and social media. Second, creating an open and constructive dialogue between the DPR, government, and CSOs is important to build mutual understanding and agreement. Finally, encouraging the involvement of more stakeholders in the legislative process can help overcome biases and create more substantial political support for the passage of the PPRT Bill.

CONCLUSION

From the results of the research that the author has presented, the conclusions are as follows:

1. Domestic workers often experience rights violations, while Permenaker No. 2/2015 on the Protection of Domestic Workers is inadequate because it is not in line with the Manpower Law. Legal protection for domestic workers is still inadequate, especially in terms of wages, leave, social security, and protection from violence. More specific regulations and an effective monitoring system are needed.
2. The PPRT Bill is important for improving the welfare of domestic workers by providing strict legal protection, regulating rights and obligations, and creating a transparent recruitment system. However, the Bill still lacks details on several points, such as working time, minimum wage standards, and special protections for women and children. Law enforcement and fair sanctions need to be considered for effective implementation.
3. The PPRT Bill will ensure legal protection, leave rights, living wages, and access to social security for domestic workers. It will also protect employers' rights and improve domestic workers' competencies through education and training. Implementing this Bill can reduce poverty and promote social welfare. However, due to a lack of coordination and stakeholder support, the PPRT Bill has yet to be enacted.

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