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Is The Fate and Protection of Women as Domestic Workers are Responsibility of The State?

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| Article | Abstract |
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| <p>Keywords: Domestic Worker, Legal Protection, Violence.</p> <p>Article History Received: Aug 8, 2025; Reviewed: Sep 29, 2025; Accepted: Oct 5, 2025; Published: Oct 7, 2025.</p> <p>DOI: https://dx.doi.org/10.20961/jolsic.v13i2.108522</p> | <p>The issue of the protection of women and children in Indonesia is a strategic discussion considering the rampant cases of gender-based violence, domestic work as a profession that is mostly done by women and even children, and at the legal level, they must be protected by the state as mandated by the constitution to protect the entire community. The state is present as a mediator in this private sphere to protect children and women from the worst work, thus creating a socio-cultural society that cares about the slightest violence. What is needed is a legal construction that responds in terms of content, culture and structure. This paper uses a statutory approach, legal comparisons with several ASEAN countries and a conceptual approach. This research concludes that the legal vacuum for the protection of domestic workers gives the potential for wider gender violence even approaching TPPO (Trafficking in Persons), the Philippines is a good practice for the existence of the DW Bill and the establishment of a special monitoring unit for domestic workers facilitated by the state.</p> |

INTRODUCTION

As of mid-2025, Indonesia has not ratified ILO Convention 189. The policy on domestic worker protection in Indonesia remains based on the Minister of Manpower Regulation Number 2 of 2015 concerning Domestic Worker Protection. However, this Permenaker is considered very limited because it primarily regulates the Domestic Worker Placement Agency (LPPRT) and only generally regulates the employment relationship between domestic workers and

employers. Important aspects such as sanction mechanisms, minimum wages, working hours, and comprehensive protection have not been regulated in detail and comprehensively. Additionally, the Draft Law on the Protection of Domestic Workers (RUU PPRT) has been proposed since 2004 but has not yet been enacted into law. The RUU PPRT is expected to adopt the standards outlined in ILO Convention 189; however, the legislative process is still ongoing.

This problem has become a world issue where according to the World Health Organization (WHO) in 2020 states that 1 in 3 women in the world has experienced violence with details of around 40.2% of the population in Southeast Asia experiencing physical and sexual violence so that it gets the title of the second highest number after the African region. WHO also revealed that the number of violence acts against children in 2020 reached half of the world's child population or around 1 billion children.

According to the International Labor Organization, in the Asia-Pacific region, 71% of domestic workers do not have regular working hours and are denied the right to weekly rest, with the number of victims reaching 64%. Regarding the status of domestic workers, there are only 87 million recorded in the world, with 4.2 million in Indonesia (Lulu et al., 2015: 45). Based on the number of domestic workers in Indonesia, around 30% are girls. This data shows that there are many domestic workers who are threatened or have been victimized, so there are many vulnerable groups (women and children) who have gone through this misery.

One case of violence against domestic workers in Indonesia that represents the plight of many victims can be found in Surabaya. The domestic worker in this case was abused by her employer, from physical violence, forced to eat feces, and even ironed until she could not walk and had to use a wheelchair. The domestic worker's rights were also not fulfilled as she was only paid for one month after working for 13 months. In fact, the salary that was only paid for one month was given at only IDR 1,000,000 from the initial agreement which was supposed to be IDR 1,500,000.⁸ All of this evidence at the grassroots level certainly shows the existence of systematic problems as the cause.

This complicated problem is closely related to juridical issues in Indonesia that support the strafbaar feit (criminal act) against women and child domestic workers. This can be seen from Law Number 13/2003 on Manpower (Manpower Law), which does not include domestic workers as legal subjects protected under the law, resulting in a lack of a legal umbrella that acts as a protector of their human rights. Structural legal deficiencies are also evident, such as the inadequacy of the Labor Inspection Unit (UKPK) both in quantity and quality. In addition, the culture of normalizing violence against weak parties exacerbates the depravity of existing laws.

This juridical problem is of course contrary to the Indonesian Constitution as the highest legal product. This is based on the crystallization of Article 28 B Paragraph (2), Article 28D Paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945) which broadly guarantees the protection of human rights from violence and discrimination against all parties, including women and children, including in employment relationships. This vital constitutional guarantee makes its role as rechts bescherming one of the main souls of legal construction itself. This is in line with what Prof. Satjipto Rahardjo stated that the community must get protection and protection of human rights (HAM) provided by the law. Therefore, it is necessary to ensure legal protection in accordance with Indonesian positive law in addressing this issue. This research will be narrowed down to two main problems, namely. First, what are

the problems of legal protection in overcoming violence against women and children domestic workers? Second, How is the application of the reconstruction of the PPRT Bill and its supporting legal instruments in accordance with the law to be established in Indonesia?

RESEARCH METHODS

This research employs normative legal research, also known as doctrinal research. Doctrinal legal writing is a literature research of legal materials, primary and secondary. Primary data includes laws and regulations, whereas secondary data encompasses legal writings, such as journal articles and textbooks. This research employs a statutory approach to examine positive legal instruments and provisions applicable in Indonesia related to the legal protection of women and child domestic workers, and is studied through a comparative approach with other countries.

ANALYSIS AND DISCUSSION

Problems of Legal Protection in Overcoming Violence against Women and Children Domestic Workers

The rights of domestic workers as part of the workforce must be taken into account because the status of domestic workers differs from that of industrial workers, who are clearly protected under Law Number 13 of 2003 on Manpower. Sesa stated that the rights of workers as stipulated in Law Number 13 of 2003 concerning Manpower include receiving wages or compensation. This statement should also include domestic workers, who are also workers. In reality, Law Number 13 of 2003 concerning Manpower does not contain any specific provisions regarding domestic workers, meaning that the legal basis for protecting domestic workers cannot be based entirely on this law. Specific regulations regarding the protection of domestic workers are contained in Ministerial Regulation Number 2 of 2015 concerning the Protection of Domestic Workers, but it is not a derivative of Law Number 13 of 2003 concerning Employment. The Ministerial Regulation is actually a derivative of Law Number 23 of 2014 concerning Regional Government, which is not directly related to labor.

Although the employment sector has undergone major changes due to the 4.0 industrial revolution, working as a domestic worker (PRT) remains the primary choice for some Indonesians, especially as a last resort for earning a living. Data from Sakernas (2008–2015) show a surge in the number of domestic workers, increasing from 2.6 million to 4 million people. Most domestic workers are women aged 10 years and above, generally from rural areas and with low educational backgrounds, accounting for an estimated 75% of the total number of domestic workers. The lack of recent data on domestic workers is largely due to the informal and poorly documented recruitment process. This highlights the need for comprehensive policies that effectively protect and fulfill the rights of domestic workers. In practice, the duties of domestic workers are very diverse, ranging from domestic work such as washing and cooking to caring for children, the elderly, people with disabilities, and even pets. According to the ILO, domestic workers generally work 6–7 days a week for more than 40 hours, but their average income is only around Rp1 million per month, which is far below the lowest national minimum wage in 2023 of Rp1,958,169. In addition to receiving low wages and excessive working hours, domestic workers (PRT) also often experience various forms of discrimination. JALA PRT has documented at least 15 instances of injustice experienced by domestic workers, including the

absence of written employment contracts, wages below the minimum wage, no overtime pay, unclear holiday allowances, excessive working hours, and no leave or social security benefits. They are also unable to form unions, lack occupational health and safety protections, and have no access to dispute resolution. There are also many child domestic workers due to the absence of a minimum age limit. Ironically, to date, the profession of domestic worker has not been clearly regulated in the Labor Law, which makes their position highly vulnerable to exploitation and even modern slavery.

In fact, the legal protection of women and child domestic workers against criminal acts of violence needs to be further elaborated. This refers to the opinion of Mukhtie, A. Fajar that legal protection is a clarification of the rights and duties of each legal subject in a legal action that shapes all human interactions. All theoretical views on the relationship between legal security and legal protection have been crystallised in Article 28B (2), Article 28D (1) and (2) of the 1945 Constitution of the Republic of Indonesia. The legal consequence of this enactment is that the State is obliged to formulate adequate regulations, considering that human rights, the validity of which is recognised by the Constitution, are absolutely human in nature.

This burning issue has even been elevated to the level of international law, which has been discussed on numerous occasions. The ILO Convention on the Worst Forms of Child Labour, 1999 (ILO Convention Number 182), the ILO Convention on Equal Pay, 1951 (ILO Convention Number 100), and the ILO Convention on Discrimination (Employment and Occupation), 1958 (ILO Convention Number 111). Despite the many ratifications of international conventions on the legal protection of women and child domestic workers, there are still gaps that have not been properly filled.

ILO Conventions 87 and 98 on the obligation to protect the right of domestic workers to organise for collective bargaining with their employers, the implementation of which must also be supported. Article 2 of ILO Conventions Number 29 and 105 requires States to eliminate forced or compulsory labour, including by means of false promises. Article 3(d) of ILO Convention 182 on child labour prohibits the employment of children in work that is harmful to their health, safety, or morals. ILO Convention Number 100, which requires states to ensure equal pay for men and women for work of equal value, and ILO Convention Number 111, which requires states to promote equal employment opportunities without discrimination based on sex. Unfortunately, all of these international provisions, which require ratifying countries to implement their regulations properly, have not been followed by Indonesia in an optimal way.

The main source of the problem of violence against women and child domestic workers is the *Rechtvacuum* (legal vacuum) on the Legal Protection of Domestic Workers in Indonesian regulations. Based on the Labour Law, the profession of domestic worker is not a recognised profession, so there is no legal protection. Article 1 of the Labour Law defines "worker" as "a person who works for wages or other remuneration", which leads to multiple interpretations. This problem of interpretation is inextricably linked to Article 35 of the Manpower Law, which makes a distinction between "employers", who are subject to laws relating to enterprises, and "employers", whose responsibility is limited to protecting the welfare, safety and health of their workers.

Domestic workers are classified as persons under the 'employer' and therefore do not enjoy the protection of labour law. This is inextricably linked to the uniqueness of the domestic work

profession, such as the lack of work structures and standardised and regular programmes (Anggraini, 2022: 3). The legal vacuum in this law certainly has an impact on the vulnerability of domestic workers to violence such as exploitation, harassment and discrimination by their employers (Huda, 2016: 5-7).

So far, the only legal protection that domestic workers can expect is the Minister of Manpower's Regulation Number 2/2015 on the Protection of Domestic Workers. The rule of PPRT itself has problems, namely that it does not go as far as the Manpower Act. The rule of PPRT also does not cover wage standardisation, working hours, weekly and annual leave, communication and trade union rights. The Ministry's efforts to provide legal protection for women and child domestic workers are also ambiguous. There is a contradiction with the Decree of the Minister of Labour and Transmigration (KEP.235/MEN/2003) on types of work that endanger the health, safety or morals of children, which does not include domestic workers in its scope. This shows that there is no common government consensus on the issue of protecting domestic workers from violence.

The obstacle to ensuring that the human rights of women and child domestic workers are protected lies not only at the level of written norms, but also in the enforcement of the law itself (Pattadath, 2020: 9). Until now, there has been no dedicated government team to oversee the protection of domestic workers in Indonesia. This is evident from the government's statement in 2021 that domestic workers are entitled to a holiday allowance, but many of their rights are violated and not followed up because there is no organisation or body to oversee them. The special unit formed by the current government is the Labour Inspection Unit, which does not include domestic workers in its supervision, as this is addressed in the Labour Law. If this unit were to be expanded to include domestic workers, there would still be concerns about the way they are supervised, as these supervisors are obliged to keep everything confidential, including sometimes acts of violence against workers (Hanifah, 2020: 196).

The final legal problem that contributes to the practice of violence against women and child domestic workers comes from the culture of Indonesian society itself. In the sociological paradigm of society, domestic workers are often the ones with limited livelihoods, where the rules of the game with their employers are one-sided, often to their detriment (Brush et al., 2018). This happens because domestic workers and their employers have psychological, social and working relationships that are intertwined because they live in the same house. For example, in Javanese culture, *ngenger* (domestic worker) is a formalised relationship between a domestic worker and an employer from the same village, where this role is paternalistic because protection, food, shelter, education and pocket money are provided in return (Huda, 2016). The paternalistic nature of this working relationship is based on the fact that the domestic work performed by domestic workers is not economically productive, so it can be said that Indonesian culture still views this working relationship as a private matter ("Communication Between Cultures," 2008: 5).

When there is conflict in the form of violence against domestic workers, it is accompanied by marginalisation and fragmentation, breaking the group into no unity and encouraging their helplessness in fighting for their rights (Cuéllar-Flores et al., 2014: 155). The polemic at the socio-cultural level is also exacerbated by the habit of victim blaming, a situation in which the

perpetrator of violence positions the victim as the object or target of blame for an incident, which also complicates efforts to enforce and protect the law in this case (Hullenaar et al., 2022).

All of these legal problems, ranging from legal substance to legal structure and legal culture, have a real impact at the grassroots level. According to a report by the National Network for Advocacy of Domestic Workers (JALA PRT), the level of violence that occurred between 2012 and 2019 continued to increase, peaking at 467 cases in 2019, causing domestic workers to suffer physically, psychologically and economically, and even to become victims of human trafficking.

The majority of domestic workers do not receive decent wages or health insurance and are vulnerable to violence. Cases of violence experienced by domestic workers will increase between 2012 and 2020. Data from the National Advocacy Network for Domestic Workers in 2012 showed 327 cases, increasing each year until 2020, when there were 842 cases of violence against domestic workers. Only 0.1% of domestic workers have employment insurance and 99.9% have no employment insurance. Meanwhile, 11% of domestic workers have health insurance and 89% do not. Then, the average wage of domestic workers in Indonesia calculated from August 2021 to February 2021 is between IDR 419,860 - IDR 421,800. These data indicate that the state has not been adequately present to protect small communities, particularly domestic workers.

A comprehensive calculation of the National Commission on Violence Against Women (Komnas Perempuan) 2020 Annual Record shows a total of 8,234 cases of violence, many of which occurred in the Domestic Violence Cases (KDRT) / Personal Domain, with a range of 6,480 of the total cases or about 79%. The details of these cases include 1) violence against wives (3,221 cases or 50%); 2) dating violence (1,309 cases or 20%); 3) violence against girls (954 cases or 15%); 4) other violence, including against domestic workers (972 cases or 15%). The most common forms of violence in cases of domestic violence are physical violence (2,025 cases or 31%), sexual violence (1,983 cases or 30%), psychological violence (1,792 cases or 28%) and economic violence (680 cases or 10%). All these quantitative data show the number of domestic workers who have suffered because they have no legal protection against violence.

The suffering of women and children domestic workers due to acts of violence is not only represented in calculations, but also experientially through real cases. One of the phenomenal cases that became a mega scandal was the Toipah domestic violence case, where the perpetrator was Fanny Safriansyah, a member of the House of Representatives and the son of former Vice President Hamzah Haz and his wife Anna Susilowati. This incident took place from July to September 2015, after the victim managed to escape. She experienced various forms of violence day and night, starting with: first, continuous beatings and verbal attacks; second, abuse resulting in injuries to her spine, head and ears; third, enslavement in the form of once-a-day food rations at night and unpaid salaries for the last two months. All the violence against women and child domestic workers that has occurred has certainly had a negative impact on various parties.

The impact on the victim is a deep trauma that can last a lifetime. If the victim is a child, the domestic worker may imitate the bad behaviour that was given to her (coping mechanism) so that she can do it in the future. Female and child domestic workers will withdraw from their environment and become reclusive (Cherubini, 2018:18). In addition, physical injuries such as bruises, disability and death may occur if physical violence occurs (Goldberg et al., 1997:85). Their work or career will also be hindered and not optimised. The sociological impact on society

is the lack of protection and justice that they are guaranteed. Violence will continue, so that philosophies related to anti-discrimination and violence will be considered as mere slogans, because there is no effort to solve them. This will continue to deteriorate and damage social conditions in society. This accumulation will lead to social disintegration between workers and employers (Hisasue et al., 2020:8).

The sociological impact of domestic workers' contributions to family life has long been felt by Indonesians, especially in Jakarta and other major cities. As supporters of productive families working in various sectors, their role in the national economy is vital. If their protection does not go well, many households supported by them will be helpless and their massive numbers and involvement in the country's economy will have implications for the country's income and productivity as well (Alhabib et al., 2010:373). The state's commitment in handling and eradicating violence will be questioned by both its citizens and the international community so that the state can be labeled a failure by its citizens when it fails to fulfill and protect the rights of children and women and in solving problems of violence against women and children (Cissner et al., 2015:22).

Based on the explanation of these problems, it is clear that it is necessary to form an idea that is *lex specialis* to solve this complex problem. The urgency of creating a Law on the Protection of Domestic Helpers to ensure their welfare and safety is imperative. Non-governmental organizations (NGOs) have also urged for the regulation of domestic workers separate from the Labor Law. Therefore, to ensure that legal reconstruction goes well, we can refer to examples of successful legal products from other countries whose conditions are not much different from Indonesia such as the Philippines.

Construction of Indonesia's Domestic Worker Protection Bill

Based on the paradigm of a renowned legal expert, Lawrence Freedman, who created the theory of the dynamic factors of whether or not the law in a country is determined from Legal Substance, Legal Structure, Legal Culture (Flora et al., 2023:120). This is due to the essential function of the law itself, as Roscoe Pound, who inspired Lawrence Freedman, emphasized the theory of law as a tool of social engineering, which requires the law to fulfill public interest, social interest, and private interest. This philosophical foundation is the cornerstone of initiating the PPRT Bill, which is more in accordance with the law to be established in Indonesia.

The first reconstruction that can be done is to pass the PPRT Bill in order to fill the *rechtvacuum* (legal vacuum) of legal protection for women and child domestic workers. The substance of the PPRT Bill must include protecting domestic workers in various fields, such as general housework, babysitting, cooking, gardening, washing, and laundry, regardless of whether they live in the same household or not. There is also a need for salary limits that are adjusted to the regional minimum wage. In addition, there needs to be an obligation for social security, encompassing health insurance, death insurance, and other necessary forms of insurance (Hou et al., 2022:14).

The substance also needs to touch on a clear minimum age limit to become a domestic worker, which is 18 years old. Maturation is also not enforced, so if you marry before 18 years old, you are still not considered suitable to be a domestic worker. In addition, it is also necessary to regulate the employer's obligation to maintain all human rights of the domestic worker

including access to exit (at the domestic worker's own expense), proper feeding (three times a day in the form of 4 healthy 5 perfect foods), adequate rest time of 8 hours, and a clear contract agreement where a copy is owned by all parties including the domestic worker (Arifin et al., 2020). Domestic workers' recruitment places must also be legalized and regulated in the PPRT Bill, where standardized regulations for establishing these businesses are determined by referring to the guarantee of domestic workers' welfare and safety that has been regulated in the PPRT Bill.

At the legal structure level, it is necessary to establish a special unit team to oversee domestic workers that will coordinate with each domestic worker recruitment agency. This special unit team will be established under the Ministry of Women's Empowerment and Child Protection, considering that most domestic workers are women and children, and will also collaborate with Komnas HAM, Komnas Perempuan, and the Indonesian Child Protection Commission (KPAI). The special unit team will act as supervisors and prosecutors who will cooperate with other law enforcers (police and prosecutors) if they find criminal acts of violence. This special unit team will continue to assist non-women and child domestic workers, given the cooperation with human rights commissions and law enforcers.

The last improvement that needs to be made is the socio-cultural paradigm that must be improved (Insetta et al., 2015:55). The paradigm that views domestic workers as those who do not contribute much can be changed by giving legal recognition to this profession so that the community is aware that this work has been recognized by the state and is not an informal matter that is trivial (Rhys Oliver et al., 2019). This legal recognition can create legal certainty so that if followed by good law enforcement from the legal structure, slowly but surely, people will start treating domestic workers properly. This is because the Indonesian people still adhere to the values of Pancasila in their daily behavior, so if there is legal certainty, they will apply the values that have been positivized into living law (Parvez et al., 2022:9).

All of these formulations have been proven effective by our neighboring country, the Philippines, which has a legal umbrella protecting its domestic workers through Republic Act Number 10361, the Domestic Workers Act (Batas Kasambahay). Batas Kasambahay has included all relevant substances that have been initiated previously (Utari et al., 2023:41-44). This can be seen in Section 3 on the scope of domestic workers, Section 9 on general obligations, Section 13 and 16 on recruitment of domestic workers, Section 11 on contract formation, Section 24 to 28 on minimum salary and salary protection, Section 20 and 21 on rest and leave periods, Section 30 on social security, Section 16 on minimum age and child labor protection (Ju, 2017).

The difference between this idea and the selected country comparison is in the legal structure where the parties responsible for implementing Batas Kasambahay are emphasized on The Department of Social Welfare, The Department of Interior and Local Government, The Department of Labour and Employment. Whereas in this idea, more emphasis is placed on the Ministry of Women's Empowerment and Child Protection and cooperation with related parties.

Based on the presentation of these ideas, there is a clear way to reconstruct the protection of women and child domestic workers from violence. This problem must be thoroughly explored and the solution resolved until there is no trace left. The law must be able to provide cross-dimensional protection so that it does not become a written rule that is ignored. As stated by Lili Rasjidi and I, B. Wisa Putra, the law functions to provide protection that is not only adaptive and

flexible, but also predictive and anticipatory. Therefore, the good impact of the reconstruction of legal protection for women and child domestic workers must be able to break through the limitations of mere positivistic rules.

The Indispensable Lex Ferenda

The National Commission on Violence Against Women has stated that the absence of a draft law on domestic workers contributes to the recurrence of violence and discrimination against domestic workers, as well as the inadequate fulfillment of their rights and protection. Domestic workers are highly vulnerable to violence and exploitation, such as unpaid wages, working hours exceeding 18 hours, restricted communication and socialization, and so on (Subiakto, 2021:8-10).

The protection of domestic workers requires separate legislation. A law on the protection of domestic workers could serve as a starting point for the government in protecting domestic workers as informal workers, which could ultimately lead to economically valuable employment (Krisnaldo Triguswinri, 2023). Steps that can currently be taken to legally protect domestic workers, in addition to Law Number 13 of 2003 on Labor and the Ministerial Regulation on Domestic Workers, include maximizing other national laws that, although separate, can still be used to provide protection for domestic workers, such as the 1945 Constitution, the Criminal Code (KUHP), the Civil Code (KUHPer), Law Number 23 of 2004 on the Elimination of Domestic Violence, and Law Number 39 of 1999 on Human Rights. Although these laws can be used to protect domestic workers legally, they are not practical because they do not specifically address the protection of domestic workers.

For this reason, the Domestic Workers Protection Bill must be passed to ensure the fulfillment of the various rights of domestic workers. Permana 35 stated that the draft bill specifically regulates a number of rights and obligations. In Article 11, domestic workers have the right to:

1. Practice their religion and beliefs;
2. Work reasonable hours;
3. Get time off as agreed between the domestic worker and employer;
4. Get paid and holiday bonuses as agreed with the employer;
5. Get health insurance as a contribution recipient;
6. Receiving social security benefits in accordance with the agreement with the employer;
7. Terminating the employment relationship in the event of a breach of the employment contract.

In addition, to assist in the handling of domestic workers who are victims of domestic violence, shelters need to be established by institutions that focus on issues of violence. The active participation of the community in responding to and reporting cases of domestic violence in their neighborhood to the police is also necessary. Based on the above, there is still much to be done to protect domestic workers as employees, particularly in terms of the legal framework, which should include specific regulations addressing domestic workers and their working conditions. This is to address the increasing number of domestic worker cases and unresolved cases from the past.

ILO Convention Number 189 on Decent Work for Domestic Workers

The greatest significance was the breakthrough on June 16, 2011, when the delegation of the International Labor Conference (ILC) of the International Labour Organization (ILO) unanimously voted to adopt Convention 189 on Decent Work for Domestic Workers. The campaign for ILO Convention No. 189 brought the plight of domestic workers to the attention of the public worldwide through various media outlets, including TV programs, newspapers, and social media. This attention shifted public perception for the better and encouraged support for domestic workers to have their rightful entitlements fulfilled and to lead a better life.

The success of the Convention was not easy for the ILO, as domestic workers do not have a clear status and tend to be excluded de facto from formal regulations and their enforcement. Instead, the working lives of domestic workers are governed by strong non-state norms that vary significantly across different cultural contexts. Regulating domestic work means addressing individual employers, placement agencies, care recipients, and even the countries supplying domestic workers, as well as the receiving countries (Cherubini et al., 2018). Therefore, this poses significant challenges for national policymakers, offering a major opportunity to reaffirm the importance of implementing international standards and technical cooperation for the constituency. The establishment of standards by the ILO must take into account the various spectrum of actors and fulfill the mandate of decent work for all (Miyazaki, 2023:11-12).

The ILO Convention Number 189 on Decent Work for Domestic Workers contains 27 articles that regulate all matters related to justice for domestic workers, including the definition of domestic workers, the scope of the Convention for all workers, freedom of association, the elimination of forced labor, the elimination of child domestic workers, the elimination of discrimination, setting a minimum age, effective protection against abuse, harassment, and violence, decent living conditions with privacy, access to information about working conditions and terms, written employment contracts, freedom to negotiate, not being isolated, the right to retain identity and travel documents, normal working hours, holiday schedules, minimum wages, payment methods, a safe and healthy working environment, social security, maternity leave, private labor placement agencies, access to courts and dispute resolution mechanisms, complaint handling mechanisms, implementation of Convention provisions, and finally, an explanation of the ratification and revision process of the Convention.

Countries that have ratified the Convention agree to ensure that their national laws on domestic workers are in line with the provisions of the Convention (Urban, 2020:11-13). With a growing number of countries ratifying the Convention, particularly in Europe and the Americas, there is increasing pressure on other countries to follow suit. Even the European Commission has stated that there should be no obstacles for European countries to ratify ILO Convention Number 189. In 2013, the European Parliament and the European Commission agreed to encourage EU Member States to ratify the Convention and implement it effectively. Meanwhile, countries around the world, including those that have not yet ratified the Convention, are beginning to revise their national laws, such as Spain, the United States, Brazil, Venezuela, Saudi Arabia, and El Salvador, among others. Domestic workers' unions understand this well: the law must be implemented to see the results of the Convention. To achieve this, the ILO has implemented a strict reporting system, which begins two years after ratification, whereby countries must be accountable for the laws and practices they have established. Through this system, it can become

part of the labor union's strategy to ensure that good laws are enforced for the workers concerned.

The ILO has a unique international monitoring system to ensure that countries continue to implement the provisions of the Conventions they have ratified. The ILO regularly reviews how the Conventions are being implemented and identifies areas for improvement. If problems are identified in a country, the ILO will assist in resolving them through social dialogue and technical assistance. Special procedures can also be carried out by submitting representations, descriptions, and complaint procedures regarding the implementation of the Convention.

CONCLUSION

The protection of domestic workers is currently suboptimal due to unclear legal provisions. Definitely, PRT are recognized as part of the workforce as defined in Law Number 13 of 2003 concerning Manpower, but normatively, PRT are not protected under this law. Another regulation related to the protection of domestic workers is Minister of Labor Regulation Number 2 of 2015 on the Protection of Domestic Workers but this regulation has various shortcomings, such as unclear provisions regarding employment contracts, wages, working hours, social security benefits, leave time, occupational safety and health, and methods for resolving conflicts, as well as conflict resolution and disputes. The rules on the Protection of Domestic Workers are not aligned regarding the rights of domestic workers (wages, health and safety rights, allowances, overtime rights, and so on), obligations (job descriptions), working hours, dispute resolution, termination of employment, and so on. Additionally, there is Law Number 23 of 2004 on the Elimination of Domestic Violence, which relates to domestic workers due to the nature of their work within households, but has not been adequately addressed in relation to their work as domestic workers. Efforts that can still be made include passing the Draft Law on Domestic Worker Protection, which has been submitted since 2004. As of 2023, it remains in the House of Representatives and has not been brought to a plenary session. Given the large number of cases involving domestic workers, the enactment of the Domestic Worker Protection Bill is of great urgency to provide optimal legal protection. Another effort that can be made to protect domestic workers can be done through Law Reform on Law Number 13 of 2003 concerning Manpower, advocacy for cases affecting domestic workers so that they receive a lot of response and support, which ultimately leads to legal measures to protect them, raising legal awareness and taking action to protect domestic workers from all forms of pressure and incidents perpetrated by employers (paralegals), as well as establishing service centers such as labor unions as a forum to facilitate domestic workers in fulfilling their rights as they should be.

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