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Jl. Maospati - Bar. No.358-360, Kleco, Maospati, Kec. Maospati, Kabupaten Magetan, Jawa Timur
63392 Indonesia
Telp.: +6281328527557
E-Mail: lexfavorreo@unesa.ac.id
Website: <https://journal.unesa.ac.id/index.php/lexfavorreo/index>

Protecting Domestic Workers: The Urgency of Legal Reform

Article	Abstract
<p>Author</p> <p>Muhammad Zulfikar Zulkarnaen Purnawan¹, Hanif Fakhri Resyandi², Wahyu Aldo Adiwidya³, Kemal Rafli Bahtiar⁴, Ridwan Ari Setiaji⁵, Rajendra Ramadhana⁶, Diva Mulikia Syihab⁷</p> <p>¹²³⁴⁵⁶ Faculty of PSDKU, State University of Surabaya, Magetan, Indonesia ⁷ LPK Yukimaga Abadi, Tekkin Seko, Japan</p> <p>Co-Author:</p> <p><i>*Email:</i></p> <p>241111764105@mhs.unesa.ac.id</p> <p>c.id</p> <p>Data: Received: Mei 10, 2025; Accepted: Jun 10, 2025; Published: Jun 10, 2025</p> <p>DOI: DOI -</p>	<p>Objective: This study examines the legal framework for protecting domestic workers (ART) in Indonesia, focusing on its effectiveness in addressing employer-inflicted violence and identifying legal gaps that perpetuate injustice. It also explores the legislative stagnation of the Domestic Workers Protection Bill (RUU PPRT) and the structural, cultural, and political barriers hindering its enactment.</p> <p>Theoretical Framework: Grounded in social justice theory and critical legal studies, this research analyzes the legal marginalization of ART and the unequal power dynamics between workers and employers. It emphasizes the state's constitutional duty to protect vulnerable groups within the scope of human rights and labor law.</p> <p>Method: A normative juridical approach is used, supported by statutory and conceptual analysis. Primary sources include the 1945 Constitution, Law No. 13/2003 on Manpower, Law No. 23/2004 on the Elimination of Domestic Violence (UU PKDRT), and the draft RUU PPRT. Secondary sources include legal literature, prior research, and expert opinions.</p> <p>Results and Discussion: The current legal framework lacks explicit recognition of domestic workers under labor laws, excluding them from basic protections such as minimum wage, working hour limits, and social security. While UU PKDRT normatively includes ART, implementation is weak due to limited legal awareness and cultural views that treat ART as "family" rather than workers.</p> <p>Research Implications: The findings highlight the urgent need for RUU PPRT to be passed as a national standard to ensure fair labor rights for ART. This study supports legal and civil society efforts to advocate for structural reform, enhanced legal literacy, and accessible complaint mechanisms.</p> <p>Originality/Value: This research offers a critical and integrated analysis of legal inadequacy and legislative delay. Unlike previous studies focused only on normative protection or data on violence, it combines legal critique with socio-political insight to propose comprehensive reform for domestic worker protection in Indonesia.</p> <p>Keywords: Domestic workers; Legal protection; Gender-based violence; Labor law gap; Policy reform.</p>

INTRODUCTION

Beneath the apparent order of domestic life lies the often-overlooked labor of domestic workers, who play an essential role in sustaining household continuity and stability¹. Domestic workers perform a broad spectrum of essential household tasks, including cleaning, cooking, and providing care for children and the elderly. In urban settings, their contributions are particularly critical, as they support dual-income family structures and facilitate overall household economic productivity². Despite the essential nature of their work, domestic workers in Indonesia continue to occupy a marginalized and legally vulnerable position within both the social and legal frameworks³.

The majority of domestic workers in Indonesia come from economically disadvantaged backgrounds, often possessing limited education and minimal awareness of their legal rights. As a result, they frequently work without formal employment contracts, are denied minimum wage protections, lack standardized working hours, and remain excluded from social security schemes⁴. A significant number of domestic workers remain unaware of the legal mechanisms available for reporting grievances or asserting their rights⁵. Alarming, many domestic workers fall victim to various forms of domestic violence including physical, psychological, and sexual abuse within the households where they are employed. Data from the Ministry of Women's Empowerment and Child Protection (2021) indicate that 80.2% of domestic violence victims are women, with domestic workers comprising a significant proportion of this group⁶. Commissioner Satyawanti Mashudi has highlighted the deteriorating conditions faced by domestic workers in relation to violence. According to the National Household Advocacy Network (JALA PRT), 2,641 cases of violence against domestic workers were reported between

¹ Masitah Pohan, "Legal Protection of Household Assistants Under Labor Law in Indonesia" 1, no. 1 (2024): 4–6.

² Herien Puspitawati et al., "Family Well-Being of Single and Dual Earner Families in Indonesia during COVID-19," *Journal of Infrastructure, Policy and Development* 8, no. 7 (2024): 1–22, <https://doi.org/10.24294/jipd.v8i7.5675>.

³ Muhammad Yafi Azhari and Abdul Halim, "Hak-Hak Pekerja Rumah Tangga Dan Perlindungan Hukum Di Indonesia," *Media Iuris* 4, no. 2 (2021): 173, <https://doi.org/10.20473/mi.v4i2.25492>.

⁴ Nafiatul Fatikah et al., "Pemenuhan Hak-Hak Asisten Rumah Tangga Dalam Perwujudan Perlindungan Hukum Ketenagakerjaan Di Indonesia," *Jurnal Hukum Dan Kewarganegaraan* 4, no. 7 (2024).

⁵ Fatriani Fenny Khalida Diyah, "PERLINDUNGAN HUKUM ASISTEN RUMAH TANGGA : STUDI KETERBATASAN DALAM UNDANG-UNDANG KETENAGAKERJAAN" 5 (2025): 498–509.

⁶ Alevia Faza et al Al, "KORBAN KEKERASAN DALAM RUMAH TANGGA (PUTUSAN NO 31 / PID . SUS / 2021 / PN MNA) Criminal Protection Of Victims Of Domestic Violence (Decision," *Jurnal Reformasi Hukum Trisakti* 7, no. 31 (2025): 445–56.

2018 and 2023. Additionally, JALA PRT recorded a total of 3,308 cases from 2021 to February 2024, indicating a rising trend in such incidents⁷.

In response to the persistent legal vacuum surrounding domestic workers, the Indonesian government introduced the Draft Law on the Protection of Domestic Workers (Rancangan Undang-Undang Perlindungan Pekerja Rumah Tangga / RUU PPRT) as a long-overdue initiative aimed at providing legal certainty and justice. The bill addresses critical labor rights, including entitlement to a minimum wage, access to social protection, and safeguards against exploitation and violence. However, despite being proposed over a decade ago, the bill remains unratified—reflecting systemic inertia and a lack of political will to protect one of the most vulnerable segments of the labor force⁸.

From the perspective of criminal law and human rights, the state bears an inherent obligation to guarantee equal protection for all citizens without discrimination. In cases of domestic violence, victim protection must extend beyond the mere prosecution of perpetrators; it should encompass comprehensive recovery mechanisms, long-term safety assurances, and access to equitable justice. A pertinent example is reflected in Decision No. 131/Pid.Sus/2021/PN.JPA, in which a domestic worker who endured repeated physical abuse by her employer who was also her husband encountered significant legal obstacles in obtaining timely and impartial justice⁹.

This research emerges from a critical reflection on the precarious conditions faced by domestic workers (ARTs) in Indonesia, particularly those subjected to violence by their employers. The protracted delay in the ratification of the Draft Law on the Protection of Domestic Workers (RUU PPRT) has further deepened the existing gap in legal protection. Accordingly, this study aims to assess the extent to which the current regulatory framework ensures justice for domestic workers who are victims of violence, and to identify the key factors underlying the legislative stagnation of the PPRT Bill. Constitutionally, Article 27 paragraph (2) of the 1945 Constitution affirms the right of every citizen to obtain decent work and a livelihood¹⁰. However,

⁷ Trias Palupi Kurnianingrum and Riza Asyari Yamin, "Urgensi Perlindungan Terhadap Pekerja Rumah Tangga," *Jurnal Info Singkat* XVI, no. 18 (2024).

⁸ Riza Panjaitan and Syofiaty Lubis, "Juridical Analysis of the Draft Law on Protection and Legal Certainty (RUU PPRT) For Female Domestic Helpers in Medan," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 6, no. 3 (2023): 1932–46.

⁹ Hidayat Tubagus, "ANALISIS YURIDIS PUTUSAN MAJELIS HAKIM TERHADAP PELAKU TINDAK PIDANA KEKERASAN FISIK DALAM LINGKUP RUMAH TANGGA (Studi Kasus Putusan Nomor: 131/Pid.Sus/2021/PN.JPA)" 5 (2023): 1–14, <https://www.ncbi.nlm.nih.gov/books/NBK558907/>.

¹⁰ Presiden Republik Indonesia, "Perubahan Keempat Undang Dasar Negara Republik Indonesia Tahun 1945," no. 1 (1945): 1–6, <https://jdih.mahkamahagung.go.id/legal-product/uud1945-perubahan-keempat/detail>.

Law No. 13 of 2003 on Manpower does not explicitly recognize domestic workers as part of the formal labor sector, thereby excluding them from the legal protections granted to other categories of workers¹¹. Ironically, the working relationship between ARTs and their employers satisfies the definition of employment—comprising elements of work, remuneration, and subordination—outlined in Article 1 point 15 of the same law.

In contrast, Law No. 23 of 2004 on the Elimination of Domestic Violence includes domestic workers within the definition of a household member (Article 2 paragraph (1) letter c), thereby entitling them to legal protection. Nonetheless, the law's practical implementation remains weak, largely due to domestic workers' limited legal literacy and the presence of systemic barriers to accessing justice. Their exclusion from the formal labor category under the Manpower Law significantly undermines their legal security. Furthermore, the ineffectiveness of Ministerial Regulation No. 2 of 2015 has also been criticized, reinforcing the urgency of ratifying the Draft Law on the Protection of Domestic Workers (RUU PPRT) as a comprehensive and enforceable legal framework¹².

In her previous research highlights the alarming prevalence of violence against domestic workers, drawing on data from JALA PRT to demonstrate the systemic nature of such abuse. Her findings underscore the inadequacy of the existing regulatory framework and the pressing need for state intervention to ensure the protection of domestic workers' fundamental rights, particularly in cases involving violence¹³. In a similar vein, other studies employing case study analyses on legal protection for victims of domestic violence have concluded that, while a regulatory framework is in place, its implementation remains problematic—particularly for domestic workers, who often face substantial procedural barriers in accessing justice¹⁴.

Previous studies have predominantly centered on either normative analyses of legal deficiencies or the documentation of violence against domestic workers. This research offers a distinct contribution by integrating a critical evaluation of the effectiveness of existing legal frameworks with an examination of the socio-political dynamics that hinder the enactment of the Draft Law on the Protection of Domestic Workers (RUU PPRT). By addressing both issues of

¹¹ Presiden Republik Indonesia, "Undang-Undang Nomor 13 Tahun 2003," *Zitteliana* 19, no. 8 (2003): 159–70.

¹² Fatikah et al., "Pemenuhan Hak-Hak Asisten Rumah Tangga Dalam Perwujudan Perlindungan Hukum Ketenagakerjaan Di Indonesia."

¹³ Fatikah et al.

¹⁴ AI, "KORBAN KEKERASAN DALAM RUMAH TANGGA (PUTUSAN NO 31 / PID . SUS / 2021 / PN MNA) Criminal Protection Of Victims Of Domestic Violence (Decision."

legal implementation and policy stagnation, this study fills a critical gap in the literature and provides a strategic foundation for advocating substantive legal reform.

In summary, the significance of this study lies in its dual focus: identifying the systemic barriers to justice faced by domestic workers who are victims of violence, and uncovering the underlying causes behind the prolonged delay in the ratification of the RUU PPRT. This approach not only seeks to expand scholarly discourse on domestic labor and legal protection in Indonesia but also aims to inform policymakers of actionable measures to uphold the rights and dignity of domestic workers.

RESEARCH METHODS

This study employs a normative legal research method, which is based on the examination of prevailing positive legal norms, including statutory regulations, legal doctrines, general legal principles, and relevant judicial decisions. The research utilizes a statute approach and a conceptual approach to analyze the regulatory shortcomings and highlight the urgency of legal protection for domestic workers (ART), particularly those who have experienced violence within the domestic work environment.

The legal materials used in this study consist of primary legal sources, such as the 1945 Constitution of the Republic of Indonesia, Law No. 13 of 2003 on Manpower, Law No. 23 of 2004 on the Elimination of Domestic Violence, and the Draft Law on the Protection of Domestic Workers (RUU PPRT). Secondary legal materials are drawn from academic literature, legal journals, previous research findings, and the opinions of legal scholars. Tertiary legal materials include legal dictionaries, encyclopedias, and legal indexes.

The data collection technique involves library research, conducted through the examination of legal documents and other relevant written sources. The legal materials are analyzed using qualitative methods, with systematic interpretation and assessment of legal norms to answer the research questions. Conclusions are drawn logically and argumentatively, grounded in applicable legal principles. Through this methodology, the study seeks to identify regulatory gaps and develop normative arguments for the establishment of robust legal protections for domestic workers, particularly in addressing violence-related cases

ANALYSIS AND DISCUSSION

1. ARE CURRENT REGULATIONS CAPABLE OF GUARANTEEING JUSTICE FOR DOMESTIC WORKERS WHO ARE VICTIMS OF VIOLENCE BY EMPLOYERS?

Normatively, the existing legal framework has not been fully effective in ensuring justice for domestic workers who are victims of employer-perpetrated violence¹⁵. A review of existing literature consistently highlights that domestic workers constitute a vulnerable group that has yet to receive adequate legal protection, primarily due to the absence of substantive legal provisions and the weak implementation of relevant policies¹⁶.

Aritonang argues that although Article 2 paragraph (1) letter c of Law No. 23 of 2004 on the Elimination of Domestic Violence recognizes domestic workers as members of the household entitled to legal protection, the enforcement of this provision remains problematic in practice. This is exemplified by Decision No. 791/Pid.B/2015/PN.Mdn, in which systematic violence was perpetrated by all members of the employer's family against the domestic worker¹⁷. The private nature of the household often poses significant obstacles to effective law enforcement. Domestic workers are frequently subjected to physical and psychological abuse, and in some cases, even become victims of human trafficking within these closed and inaccessible domestic environments¹⁸.

In the case study of Decision No. 255/Pid.Sus/2023/PN Jkt.Sel, although the court imposed criminal sanctions on the employers who abused domestic workers, this study highlights the underlying structural inequalities and the ambiguous legal status of domestic workers within the criminal justice system¹⁹. Domestic workers occupy a subordinate position due to their economic dependence and the absence of formal employment contracts. The Manpower Law does not recognize domestic workers as part of the formal labor sector, while the Domestic Violence Law lacks sufficient clarity in addressing their status within the context of employment relationships²⁰.

¹⁵ Triana Sofiani et al., "Policy of Legal Protection Formulation for Domestic Workers in Indonesia Based on Constitutional Rights," *Journal of Law, Policy and Globalization* 28 (2014): 30–39.

¹⁶ Azhari and Halim, "Hak-Hak Pekerja Rumah Tangga Dan Perlindungan Hukum Di Indonesia."

¹⁷ Johannes M. Aritonang and Triono Eddy, "Perlindungan Hukum Terhadap Asisten Rumah Tangga Dalam Tindak Pidana Kekerasan Dalam Rumah Tangga (Analisis Putusan Nomor:791/Pid.B/2015/Pn.Mdn)," *Jurnal Doktrin Review* 01, no. 01 (2022): 106–16.

¹⁸ Kosma Kaju Gae, Joko Sriwidodo, and Edis Saputra Hasibuan, "Pemanfaatan Perkembangan Teknologi Informasi Perdagangan Perempuan Dan Anak Untuk Eksploitasi Seksual Transnasional" 6, no. 1 (2025): 90–108.

¹⁹ Sakka Pati, "Legal Protection for Domestic Workers: The Experience of Indonesia," *Hasanuddin Law Review* 5, no. 3 (2019): 311–20, <https://doi.org/10.20956/halrev.v5i3.2218>.

²⁰ Azhari and Halim, "Hak-Hak Pekerja Rumah Tangga Dan Perlindungan Hukum Di Indonesia."

This has resulted in a legal gap that obstructs the realization of justice for victims. Previous studies have indicated that, normatively, Law No. 13 of 2003 on Manpower and Law No. 11 of 2020 on Job Creation do not explicitly recognize domestic workers as part of the formal workforce²¹. This legal exclusion directly impacts the denial of fundamental labor rights for domestic workers, including access to social security, regulated working hours, and minimum wage protections. Additional barriers include the cultural norm of 'family harmony,' which hinders law enforcement efforts, as well as the social stigma that discourages domestic workers from reporting violations²².

To date, the prevailing legal framework in Indonesia has not been able to provide comprehensive and equitable legal protection for domestic workers, particularly with regard to safeguarding them from violence and exploitation²³. Domestic workers are not explicitly recognized under Law No. 13 of 2003 on Manpower, as highlighted in previous studies published in various academic journals. This legal vacuum has created a significant gap that exposes domestic workers to widespread human rights violations, including physical and psychological abuse, excessively long working hours without clear limitations, substandard wages, and restricted access to social security and other fundamental labor rights²⁴. The regulations currently available, such as the Regulation of the Minister of Manpower Number 2 of 2015, do not yet have adequate legal force because they are administrative in nature and do not have direct binding power on individual employers. This makes it difficult for law enforcement officers to take action when ART become victims of violations. Not only are regulations weak, but there are also structural barriers to accessing justice. In an article written on previous researches it is stated that many household workers, especially women, who experience violence do not report their cases for various reasons among fear of losing their jobs, not understanding legal procedures, to feeling

²¹ Ika Hernawati Nurhevi et al., "PERLINDUNGAN HUKUM TERHADAP KASUS PENGANIAYAAN ART OLEH MAJIKAN Kajian Putusan Pengadilan Nomor : Konteks Perlindungan Tenaga Kerja Yang Mencakup ART (Nasution , 2023). Hukum Bagi ART Adalah Kurangnya Aturan Spesifik Yang Mengatur Hubungan Kerja Memberikan Sanksi Yang Memadai Bagi Pelaku (Halim , 2021). Regulasi Yang Tegas Dan Mencakup Ketentuan Perlindungan Dari Kekerasan Atau Penganiayaan ," 4, no. 1 (2024): 98–108.

²² Astri Maharani, Sartika Puspa, and Yusuf Taufiqurahman, "Perlindungan Hukum Terhadap Asisten Rumah Tangga (ART) Yang Mengalami Kekerasan Ditinjau Dari Hukum Ketenagakerjaan Astri Maharani Sartika Puspa Sekar Arum Yusuf Taufiqurahman," no. 3 (2024).

²³ Bunyamin Alamsyah, Pekerja Rumah Tangga, and Nikah Siri, "PERLINDUNGAN HUKUM TANGGA MENURUT PERATURAN MENTERI" IX (2017): 113–42.

²⁴ I Dewa Made Rasta, "Korban Kekerasan Pembantu Rumah Tangga Di Desa Buruan Kecamatan Blahbatuh Kabupaten Gianyar," *Jurnal Yustisia* 13, no. 1 (2019): 1–9, <https://www.ojs.unr.ac.id/index.php/yustitia/article/view/266>.

that the legal system is not on their side or unable to provide real protection²⁵. This situation illustrates that the injustice experienced by domestic workers is not solely the result of the absence of a robust legal framework, but also stems from the weakness of support systems—both institutional and societal—that should serve to protect domestic workers as a vulnerable group. Moreover, the continued failure to ratify the Draft Law on the Protection of Domestic Workers (RUU PPRT) serves as clear evidence that the protection of domestic workers remains a low priority within the national legislative agenda.

Findings from previous studies indicate that several factors have contributed to the legislative stagnation surrounding the Draft Law on the Protection of Domestic Workers. Foremost among these is the persistent classification of domestic work as part of the informal sector, which perpetuates the erroneous perception that the relationship between domestic workers and their employers is familial in nature, rather than a formal employment relationship governed by labor law²⁶. Because domestic workers are employed within the private sphere—namely, the household—many stakeholders perceive that this sector does not require regulation through formal labor laws, as is the case in other employment sectors. This cultural perspective fosters resistance to state legal intervention in domestic spaces.

Secondly, the lack of awareness and political will among policymakers has also hindered the legislative progress of the Draft Law on the Protection of Domestic Workers (RUU PPRT). Although the bill has been submitted since the early 2000s, it has never been prioritized by the House of Representatives (DPR), as it is considered politically unpopular and lacking in electoral value. Many legislators are reluctant to advance this issue, as it does not generate significant political capital or public attention²⁷. Third, the lack of pressure from civil society further exacerbates the situation. Advocacy efforts for the protection of domestic workers remain limited to specific interest groups and have yet to evolve into a national movement capable of exerting meaningful public pressure on the legislature to pass the bill. This stands in stark contrast to other policy issues that receive swift legislative responses due to heightened public attention.

²⁵ Maharani, Puspa, and Taufiqurahman, “Perlindungan Hukum Terhadap Asisten Rumah Tangga (ART) Yang Mengalami Kekerasan Ditinjau Dari Hukum Ketenagakerjaan Astri Maharani Sartika Puspa Sekar Arum Yusuf Taufiqurahman.”

²⁶ MUHAMMAD AKBAR SANJAYA, “PERLINDUNGAN HUKUM PEKERJA RUMAH TANGGA DALAM SISTEM KETENAGAKERJAAN DI INDONESIA,” 2016, 1–23.

²⁷ Alan M. Dunn et al., “Cloaking Malware with the Trusted Platform Module,” *Proceedings of the 20th USENIX Security Symposium*, 2011.

Finally, the reliance on local regulations has resulted in disparities in the protection of domestic workers across regions. While some local governments have enacted regional regulations (Perda) recognizing the rights of domestic workers, the absence of a unified national legal framework has produced structural inequality at the national level. Domestic workers in regions with strong legal protections benefit from more secure conditions, while those in areas lacking such policies remain vulnerable. This disparity underscores the urgent need for the state to enact comprehensive national legislation to ensure uniform and equitable protection for domestic workers throughout Indonesia²⁸. Therefore, in the absence of a robust and enforceable national legal framework, the fate of millions of domestic workers in Indonesia will remain marked by uncertainty, vulnerability, and systemic injustice sustained by structural neglect. A study conducted by the Kencana Foundation underscores that Minister of Manpower Regulation No. 2 of 2015 concerning the Protection of Domestic Workers has not been effectively implemented. Due to limited education and the lack of regulatory dissemination, many domestic workers remain unaware of the regulation's provisions. Consequently, violations related to excessive working hours, substandard wages, and acts of violence continue to occur. Moreover, the employment contract—which should serve as the legal foundation for the working relationship—is rarely formalized²⁹.

Nirmalah highlights that although the Job Creation Law defines workers as individuals who receive wages, it contains no explicit provisions concerning domestic workers. As a result, domestic workers are excluded from access to industrial relations mechanisms, including labor courts, and are not afforded protections against unfair dismissal, inadequate wages, or other forms of unjust treatment. The law is effectively limited to formal sector workers, despite the constitutional guarantees enshrined in Articles 27 and 28D of the 1945 Constitution, which affirm the right of every citizen to employment and to equal treatment before the law³⁰.

2. WHAT FACTORS CONTRIBUTE TO THE DELAY IN THE RATIFICATION OF THE DOMESTIC WORKER PROTECTION BILL?

The assumption that inclusion within the household implies familial bonds obscures the structural power asymmetries inherent in employer–employee relationships and legitimizes the

²⁸ Presiden Republik Indonesia, “Perubahan Keempat Undang Dasar Negara Republik Indonesia Tahun 1945.”

²⁹ Sonhaji Sonhaji, “Perlindungan Pekerja Rumah Tangga Dalam Sistem Hukum Nasional,” *Administrative Law and Governance Journal* 3, no. 2 (2020): 250–59, <https://doi.org/10.14710/alj.v3i2.250-259>.

³⁰ Nirmalah Nirmalah, “Perlindungan Hukum Terhadap Asisten Rumah Tangga Ditinjau Dari Undang-Undang Cipta Kerja,” *Sol Justicia* 4, no. 2 (2021): 194–204, <https://doi.org/10.54816/sj.v4i2.461>.

denial of fair compensation, regulated working hours, and basic labor protections. Rather than safeguarding domestic workers, the ‘family-like’ narrative serves to justify their exclusion from fundamental employment rights under the pretense of intimacy and domestic unity. This framing not only reinforces their invisibility within labor law but also imposes a dual burden: domestic workers are essential to the functioning of households, yet remain systematically denied the dignity, recognition, and protections granted to workers in other sectors³¹.

According to *Aktivisme Journal*, the lack of substantial public pressure on the legislature has contributed to the low prioritization of the Domestic Worker Protection Bill (RUU PPRT) within the national legislative agenda. The voices of domestic workers remain fragmented and lack effective political representation, rendering them incapable of lobbying for meaningful legislative acceleration. In Indonesia, this condition is further exacerbated by the weak unionization of domestic workers and the absence of a dedicated policy infrastructure that formally recognizes domestic work as labor deserving of rights, regulation, and social protection.

In the absence of institutional mechanisms such as explicit recognition in national labor legislation or inclusion within national wage and social security systems—domestic workers remain confined to a liminal space between public regulation and private arrangement. Consequently, their vulnerabilities, which range from wage theft to physical abuse, are frequently trivialized as ‘household matters’ deemed beyond the scope of state intervention³².

While such concerns may reflect the practical considerations of employers, they must not be allowed to override the fundamental rights of domestic workers to decent work and legal protection. As articulated in ILO Convention No. 189 which Indonesia has yet to ratify—the formalization of employment relationships through written contracts, the guarantee of minimum wages, and access to social security are essential components in ensuring equitable and humane working conditions. The Draft Domestic Worker Protection Bill (RUU PPRT) seeks to harmonize national legal standards with this international framework by establishing key rights, including regulated working hours, mandatory rest periods, wage protections, and accessible mechanisms for dispute resolution.³³ This is reflected in the findings of Ista Pranoto’s research, which observes that many employers prefer to resolve conflicts through informal means, as they

³¹ Natalie Sedacca, “Domestic Workers, the ‘Family Worker’ Exemption from Minimum Wage, and Gendered Devaluation of Women’s Work” 51, no. 4 (2022): 771–801.

³² Sedacca.

³³ M Rizki Yudha Prawira et al., “The Urgency of Ratification Draft Bill On Protection of Indonesian Domestic Workers: A Human Rights Perspective” 4, no. 3 (2024): 311–24.

perceive formal regulation as burdensome and potentially disruptive to existing employment arrangements³⁴.

Domestic workers are often unaware of their legal rights, and even law enforcement officers frequently lack understanding that domestic workers are entitled to protection under the Law on the Elimination of Domestic Violence. This highlights the inadequacy of the existing legal infrastructure and the lack of public legal education regarding the legal status of domestic workers³⁵. The power dynamics between employers and domestic workers are highly asymmetrical. Economic dependency discourages domestic workers from reporting abuse, even in cases of clear violence. This structural imbalance perpetuates the legal vacuum, as the absence of sufficient grassroots mobilization hinders the formation of sustained pressure for legislative and policy reform³⁶.

The delayed implementation of the Law on the Elimination of Domestic Violence (UU PKDRT) and the protracted legislative process of the Domestic Worker Protection Bill (RUU PPRT) are closely linked to the state's ongoing failure to recognize domestic work as part of the formal labor structure. This institutional oversight reflects a deep-seated legal-cultural bias that views the domestic sphere as private and therefore beyond the legitimate scope of state regulation³⁷. Consequently, acts of violence or exploitation occurring within employers' households are frequently perceived as 'private matters' rather than legal violations that warrant state intervention and protection. Law enforcement agencies often lack gender sensitivity and consistently fail to apply the Law on the Elimination of Domestic Violence (UU PKDRT) to cases involving domestic workers, despite the existence of clear legal provisions. The absence of institutional readiness including insufficient police training and the lack of accessible and

³⁴ Baby Ista Pranoto, "Perlindungan Hukum Bagi Pekerja Rumah Tangga Di Indonesia," *Jurnal Lex Renaissance* 7, no. 4 (2022): 745–62, <https://doi.org/10.20885/jlr.vol7.iss4.art5>.

³⁵ Aritonang and Eddy, "Perlindungan Hukum Terhadap Asisten Rumah Tangga Dalam Tindak Pidana Kekerasan Dalam Rumah Tangga (Analisis Putusan Nomor:791/Pid.B/2015/Pn.Mdn)."

³⁶ Nurhevi et al., "PERLINDUNGAN HUKUM TERHADAP KASUS PENGANIAYAAN ART OLEH MAJIKAN Kajian Putusan Pengadilan Nomor : Konteks Perlindungan Tenaga Kerja Yang Mencakup ART (Nasution , 2023). Hukum Bagi ART Adalah Kurangnya Aturan Spesifik Yang Mengatur Hubungan Kerja Memberikan Sanksi Yang Memadai Bagi Pelaku (Halim , 2021). Regulasi Yang Tegas Dan Mencakup Ketentuan Perlindungan Dari Kekerasan Atau Penganiayaan .,"

³⁷ Fajrianto Fajrianto, "Perlindungan Hukum Terhadap Pekerja Rumah Tangga Dalam Perspektif Hak Konstitusional Dan Hambatan Penerapannya Di Indonesia," *Jurnal Al Azhar Indonesia Seri Ilmu Sosial* 4, no. 3 (2023): 151, <https://doi.org/10.36722/jaiss.v4i3.2347>.

responsive complaint mechanisms further marginalizes domestic workers and obstructs their access to justice³⁸.

Moreover, the invisibility of domestic workers in the public sphere hinders the development of collective identity and the mobilization of grassroots advocacy. Their individualized working arrangements, confined within private households, coupled with the absence of formal organizational structures, pose significant barriers to building solidarity and advancing institutional reform. Although civil society organizations such as JALA PRT have long advocated for legislative change, their initiatives remain fragmented and constrained by limited resource³⁹. In the absence of a broad-based public movement or genuine political will within parliament, the concerns of domestic workers remain marginalized in the legislative agenda. The entrenched power asymmetries both within the household and in political representation perpetuate a vicious cycle legal neglect fosters vulnerability, and vulnerability, in turn, suppresses resistance. Accordingly, the stagnation of the Domestic Worker Protection Bill (RUU PPRT) and the weak enforcement of the Law on the Elimination of Domestic Violence (UU PKDRT) should not be viewed merely as procedural delays, but as manifestations of a deeper pattern of socio-legal exclusion⁴⁰.

CONCLUSION

This study demonstrates that domestic workers in Indonesia remain structurally excluded from the protections afforded to formal workers, despite their essential role in sustaining household and economic life. The absence of explicit recognition in Law No. 13 of 2003 on Manpower and the Job Creation Law contributes to the continued legal invisibility of domestic workers. Although the Law on the Elimination of Domestic Violence (Law No. 23 of 2004) theoretically includes domestic workers within its scope, implementation gaps persist due to lack of institutional readiness, limited gender sensitivity among law enforcement, and the private nature of the domestic sphere.

The delay in the ratification of the Domestic Worker Protection Bill (RUU PPRT) is not merely a legislative backlog, but a reflection of deeper socio-legal exclusion—rooted in political

³⁸ Nurhevi et al., “PERLINDUNGAN HUKUM TERHADAP KASUS PENGANIAYAAN ART OLEH MAJIKAN Kajian Putusan Pengadilan Nomor : Konteks Perlindungan Tenaga Kerja Yang Mencakup ART (Nasution , 2023). Hukum Bagi ART Adalah Kurangnya Aturan Spesifik Yang Mengatur Hubungan Kerja Memberikan Sanksi Yang Memadai Bagi Pelaku (Halim , 2021). Regulasi Yang Tegas Dan Mencakup Ketentuan Perlindungan Dari Kekerasan Atau Penganiayaan .”

³⁹ Maslihati Hidayati, “Upaya Perlindungan Pekerja Rumah Tangga Sebagai Kelompok Masyarakat Yang Termarjinalkan Di Indonesia,” *Jurnal Al-Azhar Indonesia Seri Pranata Sosial* Vol 1 No.1, no. 1 (2011): 8.

⁴⁰ Ista Pranoto, “Perlindungan Hukum Bagi Pekerja Rumah Tangga Di Indonesia.”

disinterest, cultural perceptions of domestic work as informal and "familial," and weak grassroots mobilization. As a result, domestic workers face widespread violations, including underpayment, long working hours, and physical or psychological abuse, with minimal legal recourse.

Given the persistent legal and institutional exclusion of domestic workers in Indonesia, it is imperative for the government to urgently ratify the Domestic Worker Protection Bill (RUU PPRT) as a tangible commitment to fulfilling constitutional rights and international labor standards. However, legal reform alone is insufficient. The protection of domestic workers also requires strengthening institutional capacity through gender-sensitive training for law enforcement, the development of accessible complaint mechanisms, and the implementation of targeted legal literacy programs for both workers and employers. Public legal education must be intensified to shift cultural perceptions that frame domestic work as merely informal and private, rather than as a legitimate form of labor. Moreover, sustained support for civil society organizations such as JALA PRT is crucial to enable long-term advocacy and political engagement. Only through this combination of legislative action, institutional reform, and cultural transformation can domestic workers be afforded the dignity, protection, and justice they have long been denied.

Bibliography

- Al, Alevia Faza et al. “KORBAN KEKERASAN DALAM RUMAH TANGGA (PUTUSAN NO 31 / PID . SUS / 2021 / PN MNA) Criminal Protection Of Victims Of Domestic Violence (Decision.” *Jurnal Reformasi Hukum Trisakti* 7, no. 31 (2025): 445–56.
- Alamsyah, Bunyamin, Pekerja Rumah Tangga, and Nikah Siri. “PERLINDUNGAN HUKUM TANGGA MENURUT PERATURAN MENTERI” IX (2017): 113–42.
- Aritonang, Johan M., and Triono Eddy. “Perlindungan Hukum Terhadap Asisten Rumah Tangga Dalam Tindak Pidana Kekerasan Dalam Rumah Tangga (Analisis Putusan Nomor:791/Pid.B/2015/Pn.Mdn).” *Jurnal Doktrin Review* 01, no. 01 (2022): 106–16.
- Azhari, Muhammad Yafi, and Abdul Halim. “Hak-Hak Pekerja Rumah Tangga Dan Perlindungan Hukum Di Indonesia.” *Media Iuris* 4, no. 2 (2021): 173. <https://doi.org/10.20473/mi.v4i2.25492>.
- Dunn, Alan M., Owen S. Hofmann, Brent Waters, and Emmett Witchel. “Cloaking Malware with the Trusted Platform Module.” *Proceedings of the 20th USENIX Security Symposium*, 2011.
- Fajrianto, Fajrianto. “Perlindungan Hukum Terhadap Pekerja Rumah Tangga Dalam Perspektif Hak Konstitusional Dan Hambatan Penerapannya Di Indonesia.” *Jurnal Al Azhar Indonesia Seri Ilmu Sosial* 4, no. 3 (2023): 151. <https://doi.org/10.36722/jaiss.v4i3.2347>.
- Fatikah, Nafiatul, Yanuar Maharani, Dwi Jayanti, Bunga Cinta, Thariq Hanif, and Muhammad Kautsar. “Pemenuhan Hak-Hak Asisten Rumah Tangga Dalam Perwujudan Perlindungan Hukum Ketenagakerjaan Di Indonesia.” *Jurnal Hukum Dan Kewarganegaraan* 4, no. 7 (2024).
- Gae, Kosma Kaju, Joko Sriwidodo, and Edis Saputra Hasibuan. “Pemanfaatan Perkembangan Teknologi Informasi Perdagangan Perempuan Dan Anak Untuk Eksploitasi Seksual Transnasional” 6, no. 1 (2025): 90–108.
- Hidayati, Maslihati. “Upaya Perlindungan Pekerja Rumah Tangga Sebagai Kelompok Masyarakat Yang Termarginalkan Di Indonesia.” *Jurnal Al-Azhar Indonesia Seri Pranata Sosial* Vol 1 No.1, no. 1 (2011): 8.
- Ista Pranoto, Baby. “Perlindungan Hukum Bagi Pekerja Rumah Tangga Di Indonesia.” *Jurnal Lex Renaissance* 7, no. 4 (2022): 745–62. <https://doi.org/10.20885/jlr.vol7.iss4.art5>.
- Khalida Diyah, Fatriani Fenny. “PERLINDUNGAN HUKUM ASISTEN RUMAH TANGGA : STUDI KETERBATASAN DALAM UNDANG-UNDANG KETENAGAKERJAAN” 5 (2025): 498–509.
- Kurnianingrum, Trias Palupi, and Riza Asyari Yamin. “Urgensi Perlindungan Terhadap Pekerja Rumah Tangga.” *Jurnal Info Singkat* XVI, no. 18 (2024).
- Maharani, Astri, Sartika Puspa, and Yusuf Taufiqurrahman. “Perlindungan Hukum Terhadap Asisten Rumah Tangga (ART) Yang Mengalami Kekerasan Ditinjau Dari Hukum Ketenagakerjaan Astri Maharani Sartika Puspa Sekar Arum Yusuf Taufiqurrahman,” no. 3 (2024).
- Nirmalah, Nirmalah. “Perlindungan Hukum Terhadap Asisten Rumah Tangga Ditinjau Dari Undang-Undang Cipta Kerja.” *Sol Justicia* 4, no. 2 (2021): 194–204. <https://doi.org/10.54816/sj.v4i2.461>.

- Nurhevi, Ika Hernawati, Magister Hukum, Universitas Pamulang, Tangerang Selatan, Joko Hartanto, Muhammad Adhitya, Dharma Muhammad, Adhitya Dharma, and Ryan Irawan. “PERLINDUNGAN HUKUM TERHADAP KASUS PENGANIAYAAN ART OLEH MAJIKAN Kajian Putusan Pengadilan Nomor : Konteks Perlindungan Tenaga Kerja Yang Mencakup ART (Nasution , 2023). Hukum Bagi ART Adalah Kurangnya Aturan Spesifik Yang Mengatur Hubungan Kerja Memberikan Sanksi Yang Memadai Bagi Pelaku (Halim , 2021). Regulasi Yang Tegas Dan Mencakup Ketentuan Perlindungan Dari Kekerasan Atau Penganiayaan ,” 4, no. 1 (2024): 98–108.
- Panjaitan, Riza, and Syofiaty Lubis. “Juridical Analysis of the Draft Law on Protection and Legal Certainty (RUU PPRT) For Female Domestic Helpers in Medan.” *Indonesian Interdisciplinary Journal of Sharia Economics (IJSE)* 6, no. 3 (2023): 1932–46.
- Pati, Sakka. “Legal Protection for Domestic Workers: The Experience of Indonesia.” *Hasanuddin Law Review* 5, no. 3 (2019): 311–20.
<https://doi.org/10.20956/halrev.v5i3.2218>.
- Pohan, Masitah. “Legal Protection of Household Assistants Under Labor Law in Indonesia” 1, no. 1 (2024): 4–6.
- Prawira, M Rizki Yudha, Davilla Prawidya Azharia, Aji Lukman Ibrahim, and Anni Alvionita. “The Urgency of Ratification Draft Bill On Protection of Indonesian Domestic Workers : A Human Rights Perspective” 4, no. 3 (2024): 311–24.
- Presiden Republik Indonesia. “Perubahan Keempat Undang Dasar Negara Republik Indonesia Tahun 1945,” no. 1 (1945): 1–6. <https://jdih.mahkamahagung.go.id/legal-product/uud1945-perubahan-keempat/detail>.
- . “Undang-Undang Nomor 13 Tahun 2003.” *Zitteliana* 19, no. 8 (2003): 159–70.
- Puspitawati, Herien, Ma’Mun Sarma, Marthin Nanere, Indra Gunawan, and Yulina Eva Riany. “Family Well-Being of Single and Dual Earner Families in Indonesia during COVID-19.” *Journal of Infrastructure, Policy and Development* 8, no. 7 (2024): 1–22.
<https://doi.org/10.24294/jipd.v8i7.5675>.
- Rasta, I Dewa Made. “Korban Kekerasan Pembantu Rumah Tangga Di Desa Buruan Kecamatan Blahbatuh Kabupaten Gianyar.” *Jurnal Yustisia* 13, no. 1 (2019): 1–9.
<https://www.ojs.unr.ac.id/index.php/yustitia/article/view/266>.
- SANJAYA, MUHAMMAD AKBAR. “PERLINDUNGAN HUKUM PEKERJA RUMAH TANGGA DALAM SISTEM KETENAGAKERJAAN DI INDONESIA,” 2016, 1–23.
- Sedacca, Natalie. “Domestic Workers , the ‘ Family Worker ’ Exemption from Minimum Wage , and Gendered Devaluation of Women ’ s Work” 51, no. 4 (2022): 771–801.
- Sofiani, Triana, Sudarsono, Rachmad Syafa’at, and M Ali Syafa’at. “Policy of Legal Protection Formulation for Domestic Workers in Indonesia Based on Constitutional Rights.” *Journal of Law, Policy and Globalization* 28 (2014): 30–39.
- Sonhaji, Sonhaji. “Perlindungan Pekerja Rumah Tangga Dalam Sistem Hukum Nasional.” *Administrative Law and Governance Journal* 3, no. 2 (2020): 250–59.
<https://doi.org/10.14710/alj.v3i2.250-259>.
- Tubagus, Hidayat. “ANALISIS YURIDIS PUTUSAN MAJELIS HAKIM TERHADAP PELAKU TINDAK PIDANA KEKERASAN FISIK DALAM LINGKUP RUMAH TANGGA (Studi Kasus Putusan Nomor: 131/Pid.Sus/2021/PN.JPA)” 5 (2023): 1–14.
<https://www.ncbi.nlm.nih.gov/books/NBK558907/>.

