

PROTECTION OF DOMESTIC WORKERS IN INDONESIAN LEGAL SYSTEM

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ABSTRACT

Domestic workers have a very important role in implementing all the household chores, such as cooking, washing, ironing, babysitting and caring for the elderly. This condition is not supported with the protection of domestic workers. Domestic workers are paid lower wages and work longer hours. They are vulnerable to becoming victims of violence at the place where they work. In this study, we will consider two issues; namely domestic workers as victims of violence and the protection of domestic workers as the fulfillment of human rights. This study is normative legal research, which examines the emptiness norms. Domestic workers are vulnerable to becoming victims of domestic violence. They are often mistreated, insulted, restricted, raped and given unfair wages. They also do not have adequate health insurance. With low education, they are sold by channeling institutions. Unfortunately, not many cases of violence against domestic workers are revealed.

Key words: protection, domestic workers, violence, and Indonesia Legal System

Introduction

Domestic workers in informal employment are quite easily found in the Indonesian family environment. Unlike in Western countries, where only the very wealthy people can hire domestic workers, Indonesian families depend greatly on domestic workers. Indonesian people are more likely to do something with human resources rather than with the help of a machine / robot. In the culture of Indonesia, domestic workers have a private relationship with their employer. The domestic worker is not able to live independently. Protection for domestic workers is done through the power of his employer. Salaries of domestic workers in Indonesia depend on the ability and willingness of the employer. In the native culture of Indonesian society, domestic work is seen as someone devotion to other people who are respected, so that many domestic workers have worked for decades and even through to the next generation (especially those who work in the royal family environment).

The demand for domestic workers is increasingly rising, especially in big cities, while the desire for someone to become a domestic worker is on the wane. This has led to the emergence of channeling institutions that recruit people in the village (which usually has a low standard of education) to be employed in town as domestic workers. Domestic workers are required to have various skills to take care of the household. There are many reasons why people tend to use the services of Indonesian domestic workers, the flurry of married couples, the house is quiet, and there are children or elderly people who live in the house and cannot perform household chores. Domestic workers comprise a significant part of the global workforce in informal employment and are among the most vulnerable group of workers.

Tens of millions of women and girls around the world are employed as domestic workers in private households. They clean, cook, care for children, look after elderly family members, and perform other essential tasks for their employers. Despite their important role, they are among the most exploited and abused workers in the world. They often work 14 to 18 hours a day, seven days a week, for wages far below the minimum wage. They may be locked within their workplace and subject to physical and sexual violence. Children and migrant domestic workers are often the most vulnerable. An international treaty – the Domestic Workers Convention – was adopted in June 2011, providing the first global standards to protect domestic workers.¹

They work for private households, often without clear terms of employment, unregistered in any book, and excluded from the scope of labour legislation. Currently there are at least 53 million domestic workers worldwide, not including child domestic workers and this number is increasing steadily in developed and developing countries. Even though a substantial number of men work in the sector – often as gardeners, drivers or butlers – it remains a highly feminized sector: 83 per cent of all domestic workers are women.² Domestic workers do all the household affairs. They work all the time (long hours with no clear breaks or leave) with a salary that is below the minimum wage set by the government. Domestic workers are also underappreciated in the family. In fact, domestic workers are rarely referred to as workers, but only as a helper. Domestic workers are called many rough titles, namely *babu*, *pembokat*, *kacung* and so on. They are treated inhumanely. Domestic workers are particularly vulnerable to becoming victims of violence within the household environment where they work.

In general, the presence of domestic workers in Indonesia is not awarded, so it does not get the legal protection and fulfillment it deserves. In fact, as the perpetrators of household work, they have a significant and productive role in a family/ household. Throughout 2015, cases of violence against domestic workers reached 376. Of the 376 cases, 65 percent are multi-violence, from persecution, harassment, confinement, and wages are not paid. While 35 percent are cases of human trafficking.³ Many cases of

¹ Human Right Watch, "Domestic Workers", (2012) <https://www.hrw.org/topic/womens-rights/domestic-workers>.

² International Labour Organization, "Who are Domestic Workers?" (February 2017) http://www.ilo.org/global/docs/WCMS_209773/lang--en/index.htm

³ Kompas, "UU Perlindungan PRT Sangat Mendesak" (October 2015) <http://print.kompas.com/baca/metropolitan/2015/10/05/UU-Perlindungan-PRT-Sangat-Mendesak>, (visited 8th February 2017).

violence against domestic workers are not revealed. This happens because the perpetrators (the employer) tend to hide the violence that occurred in their house. Domestic workers are also not allowed to socialize with neighbors and the outside environment, so that they do not have access to denounce the violence that happened to them.

Indonesia does not have legislation that specifically regulates the protection of domestic workers, but has some relevant regulations that can be used to protect domestic workers. Some of these laws include the Penal Code, Act No. 13 of 2003 on Employment, Act No. 23 of 2004 on the Elimination of Violence in the Household, Act No. 23 of 2002 on Protection of Children and the Act No. 35 of 2014 on Amendments to Act No. 23 of 2002 on Child Protection, Act No. 20 of 2002 on National Education System, Act No. 39 of 1999 on Human Rights and Act No. 21 of 2007 on the Eradication of Trafficking in Persons. Provisions concerning domestic workers are governed only through the Minister of Labour of Republic of Indonesia No. 2 of 2015 on the Protection of Domestic Workers. This provision is considered by many legal experts as a rule that does not have a legal umbrella. As a result, the violation of the rights of domestic workers is increasing.

Research Methods

Type Research

Research on "Protection of Domestic Workers in Indonesian Legal System" is a legal research. Legal research is an essential component of legal practice. It is the process of finding the law that governs an activity and materials that explain or analyze that law. This research is a normative legal research to discuss the emptiness norms, namely absence of an act in Indonesia that regulates the protection of domestic workers. This weakens the protection of domestic workers. The absence of legislation causes o the lack of protection of domestic workers. They work without a labor agreement, without decent wages, even prone to becoming victims of violence in the family environment in which they work. Lack of education and access to information means that domestic workers do not have the ability to report their condition to law enforcement. As a result, the violence always occurs repeatedly.

Problem Approach

The approach is defined as efforts within the framework of research, to establish relationships with people who researched or methods to achieve an understanding of the research problem. The approaches used in the qualification of issues are as follow:

1. *The fact approach*, where the problem is analyzed through the facts about the violence towards domestic workers.
2. *Analytical and conceptual approach*, where the problem is analyzed through the principles, theories, notions and concepts of law concerning employment and the domestic worker.
3. *The statute approach*, where the problem is analyzed based on regulations on employment and the protection of domestic workers.

Legal Materials Resource

A normative legal research relies on the use of primary legal materials (materials that are binding law), secondary legal materials (legal materials that explain the primary legal materials) and tertiary legal materials (materials that provide legal instructions or explanations of the primary and secondary legal materials). The primary legal materials consist of the Constitution of the Republic of Indonesia of 1945, Act of the Republic of Indonesia No. 13 of 2003 on Labour, Act of the Republic of Indonesia No. 23 of 2004 on the Elimination of Domestic Violence, Act of the Republic of Indonesia No. 21 of 2007 on Eradication of Human Trafficking and Minister of Labour of Republic of Indonesia Regulation No. 2 of 2015 on the Protection of Domestic Workers. Sources of secondary materials are materials that cover topics within the primary legal materials, such as books and articles, while the tertiary legal materials are materials that are supporting the law of primary legal materials and secondary legal materials, such as dictionaries and handbooks.

The Technique of Legal Materials Collecting

The technique of collection of legal materials is made through library research. Library research is conducted through library identification of data sources, identification and inventory of legal material necessary because the library is a place to collect knowledge from time to time. Normative legal research is also called the law of doctrinal or library and studies document research. Legal materials used in this study will be recorded with accompanying information about the references.

Legal Materials Analysis Techniques

The technique of analysis of legal materials is made qualitatively. Qualitative analysis is used to describe the legal events of the working environment of domestic workers, acts of violence committed against domestic workers, and legal protection for domestic workers. The legal description of events is presented by descriptive analysis.

Domestic Workers as Victims of Violence

Domestic workers are the types of jobs in services, which are considered not to require a lot of skill. These jobs generally do not require higher education. Domestic workers are usually women recruited from the villages and employed in the city by channeling institutions. Those who chose to work as domestic workers usually leave home at a young age because their parents

can no longer bear the cost of their life. They are young and many of them are under 18 years old. This means domestic workers lose the right to education. They come to the city to work and not to continue their education.

Lack of education of domestic workers leads to poor quality of the work of domestic workers. This causes a lack of appreciation and recognition of domestic workers. Wages paid do not correspond to their working hours. They are also vulnerable to accusations of being a thief if any items are missing in the house. Lack of understanding and knowledge of domestic workers in doing their jobs is causing domestic workers to be victims of violence committed by the user. There is some violence that is often experienced by domestic workers, namely domestic violence and trafficking.

In urban areas across Indonesia, there is a high demand for domestic workers. The presence and the high demand for domestic workers have been raising the issue of human rights. First, the number of domestic workers is large enough so that potential violations of their rights as workers are also great. This occurs because until now there have been no clear rules governing labor relations and legal protection for such workers. Second, the reality on the ground shows that domestic workers are particularly vulnerable to getting unfair treatment such as uncertainty in terms of wages, inhumane treatment, and working hours are erratic. Third, that the majority of domestic workers are women and many female domestic workers get a threat of violence, both physical violence and sexual violence, such as sexual harassment to rape.

Violence that occurs at the residence of domestic workers is classified as domestic violence. Article 1 paragraph 1 of Act of the Republic of Indonesia Number 23 of 2004 on the Elimination of Domestic Violence mentions:

Domestic Violence is any act against someone, especially women, misery or suffering physical, sexual, psychological, and / or negligence of household including threat to commit acts, coercion, or deprivation of liberty unlawfully in household.

Domestic violence is a crime that occurs within the domestic sphere. The scope of household in Act Number 23 of 2004 on the Elimination of Domestic Violence covers:

- a. husband, wife, and children;
- b. people who have a family relationship with the person referred to in paragraph a by blood, marriage, heredity, upbringing, and guardianship, which is living in the household; and / or;
- c. people who are working to assist the household and living in the household. People who work regarded as family members within a period to be in the household.

Domestic workers are included in item c the people working to assist the household and living in the household. Domestic violence consists of physical violence, psychological violence, sexual abuse and neglect. Violence against domestic workers is a hidden crime. Jaringan Advokasi Nasional Pembantu Rumah Tangga (National Advocacy Network Housemaid) recorded 103 cases of violence against kitchen helpers during January-February 2016. Of all the cases, only four were appearing in the mass media. During 2016, there were 12 cases of torture of maids by employers contained in the media. There are 103 cases of abuse by employers and 21 cases by the agency. According to domestic workers, as many as 48 of them experienced physical torture, psychological violence was 97, and 103 workers experienced economic violence because wages were not paid. Usually when physical violence occurs so does economic violence. Sexual violence is also not a few. There were 17 cases noted and the victim's average age was 18-21. Numbers of cases involving victims over the age of 18 are also higher, there were 81 events. There were 102 people who had experienced violence at the beginning of this year, and only two of those were male helpers. From the medical records, there were 402 events throughout 2015.⁴

Physical violence has been done to persecute and torture domestic workers. Physical violence is usually caused by user anger because the quality of work of domestic workers is lower than the standard of quality expected by users. Domestic workers are considered able to work professionally therefore making mistakes in their work is in violation of rules set by the employer. Violence can also occur to a domestic worker, who is accused of stealing, tempting their employer, has a boyfriend, hanging out with neighbors and so on.

Psychological violence can be done by limiting the domestic worker's communication with outsiders, for example a ban on having a friend, a ban on taking calls, insults and so forth. Allegations of sexual abuse committed against domestic workers often happen in the household environment. In addition to having a job that is not limited and has erratic working hours, domestic workers also have to endure physical and psychological abuse from their employers. Domestic workers are the largest group of women workers globally. Although in Indonesia the number is not certain. But this group has not been observed or their welfare protected. Salaries are not in accordance with the minimum wage due to several reasons, namely:

- a. The employer calculates the cost of housing, food, and facilities of daily needs given to domestic workers as salary. Employers assume that private sector employees earn more income because the company does not cover these needs of employees.

⁴ Tempo, "80 Persen Kekerasan Terhadap PRT Tak Terpublikasi" (February 2016)
<https://m.tempo.co/read/news/2016/02/15/064744883/80-persen-kekerasan-terhadap-prt-tak-terpublikasi>.

- b. The provisions concerning the minimum wage only touch jobs in the formal sector, while domestic workers are jobs in the informal sector.
- c. The domestic worker is not able to do the job as expected by the user, so that users feel justified in hiring domestic workers with lower wages.

Dikdik M. Arief Mansur & Elisatris Gultom said that it is not uncommon for someone suffering (physical, mental or material) as a result of a crime that happened to him, do not use the rights for which he should receive for various reasons, such as fear of the future society become aware of what happened to her (because of the incident is an embarrassment to herself and her family) so as to better the victim hid it, or the victim refuses to file for damages because it was feared the process would become increasingly lengthy and protracted which can result in the onset of prolonged suffering.⁵

The small number of reports on cases of violence against domestic workers is due to lack of access to information held by domestic workers. Many domestic workers do not know that they are protected, they do not know what their legal rights are, and do not know where to go or what to do when abused. Lack of information, limitations in the economic, educational, and legal cause of violence in domestic workers occurs continuously and repeatedly. The family is regarded as a private sphere that can not be disturbed by outsiders, so that every threat of violence experienced by domestic workers are always regarded as matters within the family and outsiders are reluctant to get involved.

Domestic workers are often victims of human trafficking committed by channeling institutions. Indonesia is a country that can not escape criminal cases of human trafficking. Human trafficking victims are subjected to violence in the form of social violence, physical, psychological, and economic. An institution in the United States, US Department of Justice has provided data, among others, are as follows:

- a. Indonesia is a source country for trafficked persons, especially women and children;
- b. Victims are generally trafficked for purposes of sexual and labor exploitation;
- c. Destination countries including Hong Kong, Singapore, Taiwan, Malaysia, Brunei, the Persian Gulf countries, Australia, South Korea and Japan
- d. The government has not fully performed earnest efforts to prevent human trafficking, although the problem has had more attention than ever before.⁶

The government has not fully performed earnest efforts to prevent human trafficking, although the problem has had more attention than ever before.⁷ The chairman of the Women's Forum Sukabumi, Elis Nurbaeti said that from January to the beginning of November 2015, she handled 18 cases and the latest is the case of human trafficking in women that happened to a woman who was a 14 year old resident of Jampang Central District.⁸ A very ironic situation that deserves the attention of various parties that man is not a commodity that should not be traded. The practice of human trafficking is against the values of human rights where human dignity should be respected, preserved and protected without discrimination in any form.

Human trafficking occurs both within and across national borders, and therefore can involve domestic workers in the country. UN Protocol is to prevent, suppress and punish human trafficking, especially women and children. The Human Trafficking Protocol prohibits trafficking and establishes a mechanism for legal protection, physically and emotionally for the victims. It also requires the government to provide proportional criminal penalties against the perpetrators. Although Indonesia has not ratified the protocol, the international community is increasingly linking law enforcement of international human trafficking with other international standards, such as those on forced and compulsory labor.

Human trafficking is done by recruiting domestic workers with the promise to work as a housekeeper in a particular area. Recruitment is done illegally, where the victim is usually under 18 years old. Whereas the requirement to work as a domestic workers is to be at least 18 (eighteen) years old. Prospective workers are brought in by the dealer and stay temporarily in a shed / shelter is not feasible to get a job. Once they are working, domestic worker supplier agencies take a salary for the first few months as compensation for the cost of training for domestic workers. Victims are threatened by the perpetrator, if the victim dares to report, the offender will torture victims and their families. Domestic workers are not only sold in Indonesia, but also abroad.

Domestic Workers Protection as the Fulfilment of Human Rights

A domestic worker is a person who works for individuals in the household to carry out tasks around the house with a wage and / or other forms of remuneration. Essentially workers' status can be viewed from two aspects, namely in terms of juridical and

⁵ Dikdik M. Arief Mansur & Elisatris Gultom, *Urgensi Perlindungan Korban Kejahatan Antara Norma dan Realita* (Jakarta: RajaGrafindo Persada, 2007), 52.

⁶ Harkristuti Harkrisnowo, *Laporan Perdagangan Manusia di Indonesia* (Depok: Sentra HAM UI, 2003), 8.

⁷ Laraswati Ariadne Anwar, "Perdagangan Orang di Indonesia Masih Tiga Besar Dunia" (August 2015), <http://Print.Kompas.Com/Baca/2015/08/24/Perdagangan-Orang-Di-Indonesia-Masih-Tiga-Besar-Du>.

⁸ Djibril Muhammad, "2015, Perdagangan Manusia di Sukabumi 18 Kasus" (November 2015), <http://nasional.Republika.co.id/berita/nasional/daerah/15/11/03/nx8nds254-2015-perdagangan-manusia-di-sukabumi-18-kasus>.

social and economic terms. In terms of socioeconomic, workers need legal protection from the state for possible arbitrary actions of the employers.⁹ Protection of domestic workers are particularly necessary given the unbalanced position among domestic workers (having a weaker position) with employers (has a stronger position) in the working relationship.

Safeguards for domestic workers were put in place by creating a Ministry of Manpower of Republic of Indonesia Regulation No. 2 of 2015 on the Protection of Domestic Workers. The regulation was created in order to provide protection for domestic workers. The regulation also set out Channeling Institutions Domestic Workers, basic protection and empowerment for Domestic Workers while respecting the customs, culture and local customs.

Efforts to provide protection for domestic workers cannot be separated from the role of the user to grant the rights of domestic workers in accordance with terms agreed upon by the parties. Domestic workers have rights as workers. Human rights are rights inherent to the workers themselves, inborn and if these rights are separated from the workers themselves will be down the degree and dignity as human beings and not human rights in the form of workers' rights has been set in the non- human rights laws. Great attention is devoted to protect domestic workers. Domestic workers include not only women, but also children (anyone under the age of 18 years). The goal of protection of domestic workers in accordance with the mandate of Article 23 of The Universal Declaration of Human Rights.

In general, the protection of workers' human rights is set out in the Constitution of Republic of Indonesia of 1945 (that is also called the constitutional rights). The constitutional right is regulated in several articles in the Constitution of 1945. In Article 27 paragraph (2) of the Constitution it is stated "Every citizen has the right to work and a decent living for humanity." Furthermore, Article 28H paragraph (3) states "Everyone has the right to social security that allows development of his or her self as a dignified human being." The constitutional right is followed by the constitutional obligation of the state in organizing the social security as stated in Article 34 paragraph (2) of the Act of 1945 which states "the State shall develop a social security system for all citizens and empower the weak and underprivileged in accordance with human dignity."

Protection of workers as mentioned in the preamble of Act Number 13 of 2003 on Manpower is intended to guarantee the basic rights of workers / laborers and ensure equality of opportunity and treatment without discrimination on any ground for the welfare of workers / laborers and their families with regard to the progress of the business world. Labor protection are better directed to the improvement of wages, terms of employment, working conditions and labor relations, occupational safety and health and other social security.¹⁰

Regarding the protection of these workers, Zainal Asikin argued that protection for workers is necessary given their weak position. Legal protection given from the employer's ability will be fulfilled if legislation in the areas of labor that require or compel the employer to act as the legislation is actually implemented by all parties, because the enforceability of the law can not only be measured legally, but measured sociologically and philosophically.¹¹ Imam Supomo as quoted by Asri Wijayanti, states that providing protection of workers covers five areas of labor law, namely:

- a. the field of mobilization / placement of workers;
- b. the field of labor relations;
- c. the field of occupational health;
- d. the field of job security;
- e. the field of social security of workers.¹²

Domestic workers are placed in a family environment with a different culture and background from them. This condition requires the adaptation of domestic workers and employers. For example, in a family environment of employers who are accustomed to using electronic devices, while the domestic workers have never known an electronic device in the area of origin, the domestic workers need to learn to operate the electronic device. If not, then the domestic worker will damage electronic devices, and it will cause harm to the employer. Failure to adapt will cause conflicts between employers and domestic workers.

The working relationship between employers and domestic workers is usually guided by faith alone. Whereas under Article 5 of Regulation of the Minister of Labour it is stated that users and domestic workers are required to make a written or oral Labor Agreement which contains the rights and obligations and can be understood by both parties and by the Chairman of the Neighborhood or with another name. The agreement should contain at least the following: a. the identity of the parties; b. the rights and obligations of the parties; c. the validity period of employment agreement; and d. place and date that the employment agreement was made. Obscurity working relationship between employers and employees due to the culture of shame to discuss salary. The discussion of the rights and obligations is still perceived as taboo (morbid and disrespectful). The relationship between employers and employees is based on kinship and mutual help. Employers also tend to think that not many rules apply to domestic workers.

Domestic workers do not get the protection of occupational health, safety and social security. Protection is only granted on the basis of sincerity of the employer. Employers do not have a legal obligation to register domestic workers in the health program

⁹ Asri Wijayanti, *Hukum Ketenagakerjaan Pasca Reformasi* (Jakarta: Sinar Grafika, 2009), 8.

¹⁰ Carlton Clymer Rodee et.al, *Pengantar Ilmu Politik* (Jakarta, RajaGrafindo Persada, 2009), 206.

¹¹ Abdul Khakim, *Pengantar Hukum Ketenagakerjaan Indonesia, Berdasarkan Undang-Undang Nomor 13 Tahun 2003* (Bandung: PT. Citra Aditya Bakti, 2003), 61.

¹² Asri Wijayanti, *op.cit.*, 11.

organized by the government. As a result, the protection of domestic workers is only done by the mercy of the employer. If they are lucky, they will get the employer to bear all medical expenses, but if not, domestic workers must pay for medical expenses from their salary. If domestic workers do not have the money, then the employer will pay for medical expenses first, then this is counted as debt, where the debt is to be paid in the next month to employers.

Worker protection can be achieved either by providing guidance or by improving the recognition of human rights, protection of the physical and technical as well as social and economic through prevailing norms in the workplace.¹³ Protection of domestic workers is done by regulating the rights of domestic workers as referred to in Article 7 of the Regulations of the Minister of Labour of Republic of Indonesia Number 2 of 2015 on Protection of Domestic Workers which states:

Domestic workers have the right to:

- a. obtain information about the user;
- b. get good treatment from users and their family members;
- c. earn accordance Employment Agreement;
- d. get healthy food and drink;
- e. get adequate rest periods;
- f. obtain leave entitlements in accordance with the agreement;
- g. get the opportunity to worship in accordance with religious beliefs espoused;
- h. get holiday allowance; and
- i. Communicate with her family.

The working relationship is a relationship that regulates / contains rights and obligations between workers / laborers and employers are measuring must be balanced. Therefore, the essence of "the right of workers / laborers are obligations of the employer" and instead "the right of employers is the obligation of the worker / laborer".¹⁴ In Article 8 of Regulation of the Minister of Labour of the Republic of Indonesia Number 2 of 2015 on Protection of Domestic Workers it is stated that domestic workers have the obligation: a. duties and responsibilities in accordance with the Employment Agreement; b. finish the job properly; c. maintaining ethics and manners in the family; and d. inform users within a reasonable time when she will stop working.

Implementation of the reasonable rights and obligations in the employment relationship will benefit both parties. For workers, the fulfillment of the basic rights of their workers / laborers while increasing prosperity also increases employee motivation, "motivation is a state in the person of someone who drives the desire to undertake certain activities in order to achieve the goal" In providing legal protection for domestic workers, ILO recommends the Matrix of Model Provisions:

The Matrix of Model Provisions¹⁵

No.	Issue	Minimum contents
1.	Definition of "Domestic Worker"	Determines job categories of DW Distinguishes between permanent or self-employed Defines household, working hours, hazardous work, minimum age etc.
2.	Employment contract	Must include description of duties and conditions of work Must be entered into freely, in written form, in language understandable to both parties, signed by both parties and a copy be given to each party
3.	Minimum wage	DW to be included under provincial minimum wage or new minimum wage to be set for DW as a specific sector
4.	Deductions	No deductions to be made except those allowed by law and with prior written

¹³ Zaenal Asikin dkk, *Dasar-Dasar Hukum Perburuhan* (Jakarta: Rajawali Pers, 2010), 96.

¹⁴ Abdul Khakim, *op.cit.*, 26.

¹⁵ International Labour Office, *The Regulation of Domestic Workers in Indonesia Current Laws, International Standards and Best Practice*, International Labour Organization June 2006.

		consent of the DW
5.	Benefits	Determines rate of overtime payment, annual bonus At least three adequate meals at proper times of the day
6.	Working hours	Shall not exceed eight hours a day for six days a week Determines minimum period for continuous rest and minimum length of meal breaks
7.	Leave	Determines length of paid annual leave and official paid holidays Determines rights to paid maternity and paternity leave after minimum length of service, in accordance with labour law
8.	Facilities	Specifies minimum facilities for live-in DW (room, furniture and utilities)
9.	Probation	Prohibits the practice of probation period with lesser/no pay
10.	Termination	Prohibits unilateral termination without just cause Specifies meaning and extent of just cause for termination by employer, DW or recruitment agency (ill health, illegal acts, inhumane treatment, bad conduct, neglect of duties, etc) Clarifies obligations of each party in case of termination with just cause, especially payment of compensation, arrears of wages, and right to press charges
11.	Standard of treatment	Determines minimum standard of treatment, explicitly prohibiting use of any form of violence or acts that violate the DW's dignity Right to privacy and access to outside communication, freedom to carry out religious practices, freedom of movement, freedom to organise
12.	Responsibilities	Sets minimum responsibilities of both employer and DW
13.	Recruitment	Clarifies that DW is not responsible for paying any recruitment fees
14.	Sub-contracting	Prohibited, DW shall only work for employer at his/her one residence
15.	Medical costs	Determines access to minimum medical treatment Requires enrolment in social security, health and accident insurance at employer's cost
16.	Bonded labour	Prohibits bonded labour
17.	Dispute settlement	Determines access to lawful third-party mediation Specifies the right of the DW to access the legal system
18.	Right to information	Clarifies the DW's right to receive complete and accurate information about employer and working conditions from recruitment agency Clarifies the employer's right to receive complete and accurate information about DW and his/her skills from the recruitment agency
19.	Night work	Prohibits night work by DWs under age of 18
20.	Sanctions	Sets minimum fines and imprisonment for violation of clauses

Economic protection is done by providing decent wages to domestic workers. The regulations in Indonesia do not set minimum standards regarding the payment of wages for domestic workers. The provisions concerning the minimum wage are only applied to the formal employment sector. The lack of the wages earned by domestic workers is due to the assumption that the user has to provide wages in other forms such as dwelling place, food and beverages, as well as the daily needs of domestic workers. Payroll systems are not always given every month. Some users give salary at the time that domestic workers will return home. For example, domestic workers have already worked for a year, and then when they return to their hometown, they will receive salary payments for 12 months. Social security programs that have been implemented have not touched on informal sector workers. As a result, many domestic workers are not protected.

Conclusion

Domestic workers are workers in the informal sector who are often faced with poor working conditions. They range to be victims of domestic violence, namely physical violence, psychological violence, sexual and economic violence committed by users. The number of reported cases is very few. This is due to the inability of the victim to report to law enforcement. Domestic workers also have a tendency to become victims of human trafficking. Channeling institutions recruit them illegally (under 18 years). Salary obtained taken by channeling institution as compensation for training costs incurred by the channeling institution for domestic workers do not get a job.

The high violence that occurs in domestic workers is due to the lack of legal protection against domestic workers. Until now, there has been no legislation governing the protection of domestic workers. Protection against domestic workers is only done by the Minister of Labour of the Republic of Indonesia Regulation No. 2 of 2015 on the Protection of Domestic Workers who cannot manage criminal sanctions against the perpetrators of violence. The protection should be provided to the domestic worker is legal protection, protection of economic, social protection and technical protection. Such protection shall be regulated by act.

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