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Giving Due Recognition: The Importance of Legislation To Improve the Status of Domestic Workers

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Abstract: *This article aims to explain the importance of domestic workers' laws to protect domestic workers' rights and to give domestic workers the recognition they deserve. This research is classified as literature research using related scientific journals as a reference source. The results of the study found that domestic workers were not substantively regulated by the Manpower Act No. 13 of 2003 because their status was different from other workers. With the data that has been provided regarding the many cases of violence, and sexual harassment, the rights of domestic workers who have not been fulfilled are strong reasons for the formulation of the Law on Domestic Workers, and this is an important matter and must be acted upon.*

INTRODUCTION

Domestic Workers (PRT), namely those who perform household tasks in someone's home as a form of their work in exchange for a salary or other payment (Pramesti, 2023). Due to the difficulty of finding a better job, some people jump into this informal world of work. A domestic worker works without the need for certain funds and skills. In Indonesia, domestic workers are commonplace and are often found, especially in big cities, but they are not uncommon in villages (Yuliastuti, 2017). Poverty and the need for labor in the household sector, which is traditionally carried out by women, are the two main reasons for the presence of domestic workers (Iryadi, 2018).

Domestic workers must be able to handle all aspects of household management. Domestic workers do not know the time when they work because they must be ready to finish work at any time. However, what needs to be considered and known is that there are still many domestic workers who are not treated fairly by their employers, the rights of domestic workers are still not properly fulfilled, and even domestic workers are often harassed by their employers (Aryawati & Sarjana, 2014). Picauly (2021) found that from 2007 to 2011, there were several serious cases that occurred to domestic workers such as violence with 726 cases, unpaid wages with 536 cases, confinement, harassment, and even a domestic worker who died with 617 cases.

According to data from the National Advocacy Network for Domestic Workers (JALA PRT), 3,255 incidents of violence against domestic workers in Indonesia were found between 2015 and 2022. This figure has also increased from year to year. In 2018, there were 434 incidents of violence against domestic workers. In 2019, the number of cases increased to 467 (Arafat, 2022). Other problems that are generally experienced by domestic workers and require protection are poor wages or even unpaid wages, unclear working hours provisions, inadequate

supporting facilities and infrastructure for domestic workers for welfare, fitness and comfort, the right to vacations, and temporary absences. , unlimited work responsibilities, physical violence which is still often experienced, and human rights as free human beings which are still being violated (Utama & Melinda, 2018). This happens because Indonesia does not have a special law that becomes a fortress and shield for domestic workers on these problems. Labor Law No. 13 of 2003 determines the basic rights for workers in Indonesia with the statement "a person who works and gets wages and or other forms of wages". This statement should also cover domestic workers, but on the contrary, it excludes domestic workers from its reach, so that domestic workers are not protected under the UUK (Muzakkir, 2023). For this reason, this article aims to explain the importance of domestic workers' laws to protect domestic workers' rights and provide proper recognition for domestic workers.

RESEARCH METHODS

The research method used in this research is library research with the methodology used is normative legal studies. Library research is a study in which data is collected from libraries or other sites that store references, and documents containing materials whose validity has been evaluated, not from the field (Sugiyono, 2019: 14). Scientific journals that are used as sources in this research are scientific journals that discuss legal studies, legislation, employment, and other facts as long as they are relevant to the research title variable.

RESULTS AND DISCUSSION

Domestic workers (PRT) in general do not receive attention, regulation, or legal protection. In fact, the labor law does not even mention the problem of domestic workers (Arista, 2022). Domestic workers are not substantively regulated by the Manpower Law No. 13 of 2003, including issues regarding their rights. Currently, there is only Permenaker No. 2 of 2015 concerning the Protection of Domestic Workers. This is all because domestic workers are not covered in labor laws because their status is different from other workers.

In the absence of an explicit law guaranteeing legal protection and proper recognition of domestic workers, there have been many examples of violence against domestic workers. One of them occurred in Bali, where Eka Febriyanti, a domestic worker, was subjected to abuse by her employer. Such is the fate of a woman from Jember, East Java, who works at Desak Made Wiratningsih's residence. One often receives abuse directly in the body and mind. He was doused with two pots of boiling hot water all over his body and was also deprived of a salary for his services to Urge Made Wiratningsih (Pribadi, Budiartha, & Arini, 2020). In another example, a woman with the initials SK from Pemalang, Central Java, was tortured by her employer and several other people in South Jakarta. SK was tortured by pouring boiling water over him until he was tied up in a dog cage (CNN Indonesia, 2022).

The case above is an illustration because because there is no Law on Domestic Workers in Indonesia, there is no guarantee for domestic workers to be free from violence, arbitrary exploitation, and discrimination. As a legal nation that respects and upholds human rights, Indonesia has a legal basis which should be the basis for the development of the formation of laws with a special point of protecting domestic workers (Turatmiyah & Annalisa, 2013).

According to the ILO, domestic workers must at least receive legal protection, which includes: 1) clarity regarding daily working hours and time intervals for rest; 2) the clarity of the rules regarding night or overtime work hours, the compensation received from this; 3) establishing clear weekly rest and leave periods; 4) clarity regarding minimum salary and all

matters related to payment of salary; 5) criteria for termination of employment; 6) Child domestic workers must receive special attention (M. N. Hidayati, 2011). This legal protection should be incorporated into laws specifically designed to protect domestic workers.

The presence of the Law on Domestic Workers is very important to create legal clarity for domestic workers in accepting their rights and carrying out their obligations, recognizing the important contribution of domestic workers to the global economy, which includes increasing employment opportunities, and also considering that domestic workers are still undervalued and underrepresented (Ismiatun & Alamsyah, 2017).

So far, regulations that protect and discuss domestic workers are the Minister of Manpower Regulation Number 2 of 2015 concerning the Protection of Domestic Workers. However, if analyzed, the Permenaker PPRT still has deficiencies such as not complying with the Labor Law, not describing salary benchmarks, arrangement of working hours, weekly and annual leave, as well as the right to speak and organize (Hanifah, 2020). Furthermore, this Permenaker domestic worker is unable to defend domestic workers from acts of violence.

Some of the things that become obstacles to legal protection for domestic workers are juridical factors, especially the perception that arises that domestic workers are not considered workers and the work environment of domestic workers has a high probability of giving birth to violence. While social factors include unequal power relations, the social status of domestic workers who are poor and unappreciated, the culture of society, and the work of domestic workers is considered unproductive work (Kumala & Murtiningsih, 2013).

As part of a genuine effort to provide protection for domestic workers, the following matters should be considered:

1. Legal Reform, updating legislation based on partiality towards domestic workers with the aim of protecting empowering, and encouraging working relations between domestic workers and their employers. This legal reform was carried out in response to Law Number 13 of 2003, as a consequence of an assessment of the reality of the relationship between domestic workers and employers, as well as the challenges that accompany it,
2. Advocacy, bringing domestic workers' cases to the surface to get responses from various stakeholders and turn them into a positive change agenda.
3. Paralegals, as a means to increase legal understanding and take action in order to protect and provide proper recognition for domestic workers.
4. Establish a service center which is part of the organizational structure, in which steps are listed to initiate the formation of a special trade union organization for domestic workers (N. Hidayati, 2014).

CONCLUSION

Domestic workers, especially women, are not protected in Indonesia by existing regulations protecting workers' rights, in particular the Manpower Law. The Manpower Act itself discriminates against domestic workers and denies legal protection of their workers' rights. Domestic workers' plight often goes unreported due to the lack of legal protections relating to their profession, their poor social status, and the fact that they work in private homes.

Observing the current conditions and cases of domestic workers, both visible and hidden, it seems that legislation is urgently needed that specifically regulates legal protection for domestic workers by establishing a domestic workers law. The law serves as a legal shield for domestic workers offering legal protection. Considering that the majority of domestic workers are women, domestic workers should be given the same protection as other workers. This will help ensure that domestic workers are no longer victims of exploitation, violence, and abuse.

REFERENCES

Arafat, Y. (2022). Perlindungan Hukum Bagi Pekerja Rumah Tangga Sebagai Korban Tindak Kekerasan. *Diktum: Jurnal Ilmu Hukum*, *10*(1), 44. Retrieved from https://diktum.upstegal.ac.id/index.php/diktum/article/view/182

Arista, W. (2022). Perlindungan Hukum Terhadap Pekerja Rumah Tangga Dalam Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan. *Jurnal Hukum Uniski*, *11*(2), 118. Retrieved from http://ejournal.uniski.ac.id/index.php/JHUniski/article/view/396

Aryawati, L. P. T., & Sarjana, I. M. (2014). Kedudukan Pembantu Rumah Tangga Sebagai Pekerja Ditinjau dari Undang-Undang No. 13 Tahun 2003 Tentang Ketenagakerjaan. *Kertha Semaya: Journal Ilmu Hukum*, *2*(1), 1–15.

Hanifah, I. (2020). Kebijakan Perlindungan Hukum Bagi Pekerja Rumah Tangga Melalui Kepastian Hukum. *Jurnal Legislasi Indonesia*, *17*(2), 199.

Hidayati, M. N. (2011). Upaya Perlindungan Pekerja Rumah Tangga Sebagai Kelompok Masyarakat yang Termarjinalkan di Indonesia. *Jurnal Al-Azhar Indonesia Seri Pranata Sosial*, *1*(1), 14. Retrieved from https://jurnal.uai.ac.id/index.php/SPS/article/view/8

Hidayati, N. (2014). Perlindungan Terhadap Pembantu Rumah Tangga (PRT) Menurut Permenaker No. 2 Tahun 2015. *Ragam: Jurnal Pengembangan Humaniora*, *14*(3), 215–216.

Indonesia, CNN. (2022). ART Pemalang Disiksa di Jakarta, Disiram Air Panas hingga Dikandangkan. Retrieved June 23, 2023, from https://www.cnnindonesia.com/nasional/20221212181512-12-886481/art-pemalang-disiksa-di-jakarta-disiram-air-panas-hingga-dikandangkan

Iryadi, I. (2018). Kedudukan Akta Otentik dalam Hubungannya dengan Hak Konstitusional Warga Negara. *Jurnal Konstitusi*, *15*(4), 796–815.

Ismiatun, & Alamsyah, B. (2017). Perlindungan Hukum Terhadap Pekerja Rumah Tangga Menurut Peraturan Menteri Ketenagakerjaan Nomor 2 Tahun 2015 Dalam Perspektif Hukum Positif Hukum Indonesia. *Legalitas: Jurnal Hukum*, *9*(1), 115. Retrieved from http://legalitas.unbari.ac.id/index.php/Legalitas/article/view/144

Kumala, R. M., & Murtiningsih, V. (2013). Tinjauan Perlindungan Hukum Pekerja Rumah Tangga (PRT) dalam Kasus Kekerasan Dalam Rumah Tangga (KDRT). *Recidive: Jurnal Hukum Pidana Dan Penanggulangan Kejahatan*, *2*(3), 221. Retrieved from https://jurnal.uns.ac.id/recidive/article/view/32698

Muzakkir. (2023). Perlindungan Hukum Pekerja Rumah Tangga Dalam Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan. *Legalite: Jurnal Perundang Undangan Dan Hukum Pidana Islam*, *8*(1), 22. Retrieved from https://journal.iainlangsa.ac.id/index.php/legalite/article/view/5913

Picauly, J. H. A. (2021). Perlindungan Hak Perempuan Sebagai Pekerja Rumah Tangga Yang Menjadi Korban Kekerasan. *Jurnal Sains, Sosial Dan Humaniora*, *1*(2), 98–106.

Pramesti, M. M. (2023). *Kebijakan Terhadap Rancangan Undang-Undang Tentang Perlindungan Pekerja Rumah Tangga: Urgensi Dan Dinamika* (eprints.ums.ac.id). eprints.ums.ac.id. Retrieved from https://eprints.ums.ac.id/id/eprint/112414

Pribadi, L. E., Budiartha, I. N. P., & Arini, D. G. D. (2020). Perlindungan Hukum Pekerja Rumah Tangga dalam Hubungan Kerja Penuh Waktu. *Jurnal Interpretasi Hukum*, *1*(1), 91. Retrieved from https://www.ejournal.warmadewa.ac.id/index.php/juinhum/article/view/2192

Turatmiyah, S., & Annalisa, Y. (2013). Pengakuan Hak-hak Perempuan Sebagai Pekerja Rumah Tangga (Domestic Workers) Sebagai Bentuk Perlindungan Hukum Menurut Hukum Positif Indonesia. *Jurnal Dinamika Hukum*, *13*(1), 50. Retrieved from

http://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/155

Utama, G. I., & Melinda, V. (2018). Pengaturan dan Perlindungan Hukum Bagi Pekerja Rumah Tangga di Indonesia. *Arena Hukum*, *11*(1), 139–162.

Yuliastuti, A. (2017). Profil Pekerja Rumah Tangga (PRT) di Indonesia dan Strategi Perlindungannya. *Jurnal Ketenagakerjaan*, *12*(2), 108–125.