

A Brief Perspective on the Existence of Indonesian Domestic Worker

M Dian Hikmawan^{1*}, Gilang Ramadhan¹

¹Government Department, Universitas Sultan Ageng Tirtayasa

*Correspondence Email: dian.hikmawan@untirta.ac.id

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Abstract: *This study tries to elaborate on the dynamics that are happening to domestic workers (PRT) in the Indonesia. Very basic issues for female domestic workers include sexual violence, social welfare and child labor. The most serious is the work of underage girls, which makes research very important to do. By using a qualitative method with a political ethnographic approach. This research is expected to map the dynamics and provide a comprehensive picture of what challenges can be used as policies for Indonesian public discourse especially in Banten province in order to overcome these problems.*

Keywords: *Domestic Worker, Female Worker, Policies*

Introduction

Domestic workers in Indonesia are very interesting and important to discuss, in addition to a developing issue, namely the law on domestic workers, which is still in the process of tug-of-war in the DPR. The only regulation that regulates the protection of domestic workers that exists is the Minister of Manpower Regulation No. 2 of 2015, and even then, there are still many shortcomings in its implementation in the field. The first is related to the facilities received by domestic workers, such as housing, health, religious facilities, and social security, which must be fulfilled by employers and which are difficult to track and review considering that domestic workers live together under the same roof in the employer's house. Then the next question is how to calculate the income earned by domestic workers because they occupy the employer's residence. In general, domestic workers receive salaries without thinking about their basic or primary needs because they

are considered to have been fulfilled by the employer, such as food and bed needs, so the context of the formulation of salaries based on a decent living requirement approach cannot be applied here. The last is how efforts to prevent domestic workers from violence by employers have not been explicitly regulated so that the impression of the presence of the state in this regulation is still merely lip service.

Domestic workers legally in Indonesia have the same rights as other professions because Indonesia has a constitution that prohibits slavery. However, their social status sociologically places them in the lowest social strata of society and makes them vulnerable to discrimination and violence. The low level of education means domestic workers have no bargaining power when faced with their rights. So far, the relationship between domestic workers and employers has rules of the game that are only played by both parties, so it will be difficult to find a balance of rights and obligations and the

values of justice are difficult to achieve. Unlike the relationship between workers (labor) and employers in industrial relations as regulated in Law No. 13 of 2003 concerning Manpower, domestic worker relations have more complex challenges (Hidayati, 2014).

The complexity of domestic workers' relationships does not only apply to employers but also to the government as a regulator. Often, domestic workers are not recognized as jobs that fall into the informal sector category, which already has its own regulations. The government defines the informal sector as small and medium enterprises, caregivers, and so on. Meanwhile, domestic workers in Indonesia are often still considered domestic helpers, so the consequence is that no law regulates the work sector.

Domestic workers do not have legal protection and guarantees as part of professional workers. In Indonesia, domestic workers have only become a discourse in the protection of the state. As a worker, they do not have legal protection like other protected workers such as laborers and other private workers. To the data submitted by the ILO (International Labor Organization) that in 2015 the number of domestic workers in Indonesia reached 4.2 million people (Network et al., 2017). Of course, this figure is bigger than the fact because until now even the central statistics agency does not yet have an exact figure. From the data presented, it is interesting to see that out of 34 provinces in Indonesia, the ten cities that have the highest percentage of using the services of domestic workers are Banten province.

Table 1
Ten Cities with the Most Use of Domestic Workers in Indonesia

The 10 Largest Cities			
1	Jakarta Jakarta Province	6	Tangerang Banten Province
2	Surabaya East Java Province	7	Depok West Java Province
3	Bekasi West Java Province	8	Semarang Central Java Province
4	Bekasi West Java Province	9	Palembang South Sumatera Province
5	Medan North Sumatra Province	10	Makassar South Sulawesi Province

Source : (Network et al., 2017)

From this data, it is interesting to see the dynamics of cities in Banten using the services of domestic workers in their daily domestic activities. If you look further, the number may now increase with the addition of cities in Banten such as Serang and Cilegon.

What is crucial to understand is the dynamics of welfare and violence that occur for domestic workers in Banten. If you look at the national figures, domestic

workers are not only problems regarding welfare and violence but are underage workers who should still have an education but are forced to become domestic workers in cities to support the family economy.

Therefore, because of the issue of problematization that exists, this study will focus its research on mapping the problems that exist for domestic workers in Banten. Not only knowing the important

issues faced by domestic workers but also looking at the current and future problems that pose a challenge for the province of Banten, especially the problem of domestic workers in urban areas. In addition to welfare issues, violence is also an issue of underage labor. This study seeks a comprehensive picture that can be the basis for policies, sustainable development, and social networks for domestic workers in the Banten area.

Movement as a Defensive System Struggle

In a theoretical framework, cases and issues involving domestic workers or domestic workers can be understood as an effort to create a movement capable of influencing policy. In this case, the position of domestic workers, in this case, seeks to encourage the realization of the draft law on domestic workers as a form of protection as professional workers. Of course, just like the journey and struggle of

workers in fighting for recognition as a working class (Hikmawan, 2017; Hikmawan et al., 2021; Kroes, 2019; Riswanda et al., 2021), the theoretical framework as a paradigm building for understanding domestic workers is very closely referenced. In seeing the dimensions of the workers' struggle. Theoretical frameworks such as (Behrent, 2015) in post-marxism which see labor as a form of the subject of this issue are transformed into issues of protection for domestic workers.

In addition, if we refer to the formulation of the labor movement as a basis or foothold in seeing domestic workers, it must be in the form of a community in the name of professional recognition. Therefore, in this case, the theoretical framework, as well as the issue of domestic workers, becomes a big design in understanding human rights and democracy.



Domestic workers (PRT) theoretically seek to fight for legal recognition in the eyes of the state as an effort to protect both human rights and to protect them in association, bondage, and avoid all forms of violence as well as in daily public discussions in a democratic country. They are recognized as professional workers just like other workers.

Cultural Stigmatization and Opponents

Several existing studies, including research conducted by (Ida Hanifah, 2020,

try to discuss the importance of legal protection for domestic workers in Indonesia, which has not yet found a common ground so that protection of domestic workers can be achieved. This research also illustrates the urgency of legal protection and demonstrates that domestic workers in Indonesia have not yet reached the ideals of the organization formed through JALA PRT that domestic workers are essentially the same as other workers. The main problems that must be protected starting from the number of working hours, which can reach 18 hours

per day or more as well as the issue of vulnerability to violence due to the imbalance of existing power relations.

In addition, research conducted by Sudirman (2016) illustrates that domestic workers in Indonesia are still considered cultural workers who belong to the family network. In this case, the cultural dimension becomes the basis of the workings of the power of most domestic workers. In an unequal and unequal position, domestic workers are in a subordinated position where there is a relationship between the terms “employer” and “helper” so that the power relation of this model places domestic workers not having the ability to be in an equal scope as workers. This also causes their self-acceptance to be related to an aristocratic power system in the royal era.

Furthermore, interesting research was also conveyed by (Winarni, 2018). This study focuses on a vulnerability experienced by domestic workers in Indonesia. The various forms of violence that exist are due to inequality in power relations and the absence of legal protection for domestic workers in Indonesia. More deeply, this study describes the vulnerability to violence that occurs in domestic workers not only physically but also verbally and what is more worrying is the formation of cultural subordination (Banting & Kymlicka, 2013; Butler, 2011; Hannam, 2012; Kymlicka, 2011). Therefore, domestic workers are in a vulnerable situation and have no bargaining power in their work system.

Of all the literature that became a reference. This research will also focus its research on how to map domestic workers in Banten, especially in big cities in Banten province. Not only maps the dynamics they face but also illustrates the urgency of local government intervention in

protecting domestic workers in the Banten area.

Method

This study will use qualitative methods as an instrument in understanding and unraveling the problematization in this research. To find out more about the operationalization of this research, the researcher uses political ethnography as an approach. Ethnography is the interpretation of a culture or social group system. the researcher tested the group and studied behavior patterns, habits, and ways of life. Ethnography is a process and the result of research (Siddiq & Salama, 2019). As a process, ethnography involves a fairly long observation of a group, in which the researcher is involved in the daily life of the respondent or through one-on-one interviews with members of the group. Researchers study the meaning or significance of each behavior, language, and interaction in groups.

The researcher feels that the ethnographic method will be very suitable to find out the meaning of what is happening in the dynamics faced by domestic workers (Herdiana, 2013). With all the problematization and dilemmas where legally and culturally they face tremendous challenges as workers. Therefore, to get the deepest meaning of what happened. Ethnography is able to bring researchers to a deep conclusion about this phenomenon.

Result and Discussion

The Struggle for Legal Recognition

Often, regulatory issues between domestic workers and employers are left to both parties without any intermediary efforts that will fight for the values of justice. So far, domestic workers have a

weak position in their relationship with employers who have more power. The rules of the game so far can only be carried out in the form of advocacy from domestic workers' distributors with employers in the form of work agreements to protect the interests of domestic workers. This advocacy still has many shortcomings because it is still curative and not preventive, such as empowering domestic workers in managing finances and requirements and how to report when experiencing violence at work.

Talking about domestic workers is always associated with a broad polarity of interests, not many domestic workers are members of a strong organization that can protect them from unequal positions in their relationship with employers. Just as workers have many alliances and organizations that overshadow their profession so that many demands can be met by employers and their human rights as workers are maintained, such as leave rights, allowance rights, severance pay, and so on. Organizing domestic workers can strengthen the bargaining position of employers while also encouraging policymakers at the regional to a national level to issue policies that favor domestic workers in the form of laws and other regulations. A strong organization will be able to become a driver and initiator and move the change in the fate of domestic workers both normatively and empirically.

In Banten province, there are at least 10 domestic worker organizations organized by JALA PRT as of February 2017. In these 10 organizations, an average of 547 members with 126 active members are spread across the Greater Tangerang area, including Pondok Cabe, South Tangerang. 150 domestic workers with 46 active members. The Reni Jaya

area of South Tangerang has 150 domestic workers with 30 active members. And the Vipamas Pamulang area, South Tangerang, has a membership of 247 domestic workers with 50 active members. Unfortunately, for the Serang and Cilegon areas, there is no data on the organization of domestic workers compiled by JALA PRT.

Domestic worker's organizations have succeeded in meeting with the DPR on the national day of domestic workers on February 15, 2016. There are at least five unions of domestic workers organizations demanding the resolution of 103 cases of violence against domestic workers. There are several demands put forward by the union of domestic workers' organizations addressed to the DPR and the government, including (1). form public opinion to support the employment of domestic workers and eliminate child domestic workers. (2). The next goal is how 5000 domestic workers (adults and children) can have the opportunity to access their rights and obligations and access information services through ICT. (3). Establishment of a Learning Activity Center or training center for domestic workers covering 5 regions in Indonesia will provide education and training for domestic workers, including education and training to increase awareness, behavior, and critical skills as workers in organizing, advocacy, job skills, financial literacy, and life skills based on the protection and perspective of domestic workers, workers, women, children, and human rights. (4). The next goal is vocational skills training that is held centrally in one place. (5). Establishment of domestic workers' organizations in 5 provinces, which include Banten, DKI Jakarta, West Java, South Sulawesi, and Lampung, which have a large number of

members and the capacity for organizational development and advocacy for the protection of domestic workers. (6). Domestic workers, both adults, and children, can access legal services openly for those involved in cases. (7). The last thing that domestic workers demand is the ratification of the instrument (a draft academic draft and legal draft from ILO C 189 and the revision of the remuneration of domestic workers that has been approved by civil society. Later on, the ratification of the instrument can be used as a basis for policy advocacy that can improve the protection of domestic workers (Network et al., 2017).

The formation of a solid and strong organization is followed by an inventory of the problems experienced by domestic workers in work relations to gain advocacy and broad public attention. In Banten during 2021, there were at least 194 cases of violence against women reported by the Feminist Study Circle (LSF). These cases happened to female students, female domestic workers, housewives, and adult women. There are 27 cases of domestic violence. Female students get cases of violence in dating (KDP) and online gender-based violence (KBGO) as many as 77 cases, cases of violence against domestic workers as many as two cases, violence against adult women as many as 19 cases, and other violence as many as 15 cases (Dara, 2022).

Meanwhile, regarding the right to social security, of the 868 domestic workers surveyed, 82 percent of them did not get national health insurance. Domestic workers who earn only 20 to 30 percent of the provincial minimum wage cannot afford national health insurance on their own; therefore, a guarantee from the employer is required. Meanwhile, almost 100% of domestic workers do not

participate in employment social security or old age security and are not registered by the employer, which will undoubtedly harm the domestic worker if they have a work accident, die, or retire from work (Andriansyah, 2022).

Advocacy is carried out to encourage the publication of the Draft Law on Protection for Domestic Helpers (RUU PPRT), which is still in the process of being discussed in the DPR. This includes encouraging the issuance of other regulations, such as regional regulations (Perda) and efforts to change the perspective of judges in giving decisions regarding cases of domestic workers who have litigation in court. In terms of changing the perspective of judges, it is guided by legal reform as a legal reform that encourages the implementation of policies in favor of domestic workers in the framework of protection, empowerment, and development of working relations.

There are several policy components that need to be issued in order to encourage legal reform for justice for domestic workers, including the first is the existence of a regional regulation that becomes the legal umbrella that can regulate relations between domestic workers and employers, such as taking action against perpetrators of violence. Second, there is supervision of the implementation of the regulation by civil society, academics, NGOs, and other stakeholders who have an interest in the case. Third, the presence of the media in supporting socialization and disseminating information related to regulations that protect domestic workers so that all parties understand these regulations, as well as broad support from stakeholders in implementing these regulations. Because many domestic

workers have low education, they often lose before fighting when confronted with an employer who has a strong legal position. To anticipate this, political education for domestic worker organizations is important as an effort to encourage domestic workers to understand their rights and position in the eyes of the law. Political education aims to teach domestic workers how to act as a strong organization in promoting public policies that benefit them, how to use the coalition pattern to strengthen bargaining power, and how to use the methods and instruments they use to promote democratization. In parliament, the PPRT Bill, which has been running for 18 years but has not yet been ratified, there are several things that cause the bill to not be ratified, including that policymakers have not positioned themselves as protectors of the community; they are still positioning themselves as employers who will be affected. If the bill is passed, at least two of the political parties in parliament will still reject the importance of the PPRT bill, namely the PDI-P and the Golkar party (Afifah, 2018).

Status Disagreement between "Worker" and "Helper"

As with other jobs, domestic workers are also a type of work that has the same rights and obligations as other jobs. However, the profession as a domestic worker has a long history of social status struggles that have been introduced since the 14th to 18th centuries, including during the Dutch colonial era in Indonesia. This makes the human subconscious consider the domestic workers in their homes as their property, which has the right to be treated as other items in their homes. As well as the definition of modern slavery which is

defined as the condition of a person who treats other people as his property, thereby depriving that person of the freedom that is owned by that person with various exploitations as well as the treatment of goods in general. Yunan Nasution in (Nugraha, 2015) reveals that there are several new systems introduced in modern slavery, namely: (1). Political slavery, namely slavery based on political interests, results in dependence between the state (individual) and other states (individuals), thus giving rise to subtly hidden pressure from one another. (2). Social slavery, or social slavery that includes human trafficking, the provision of disguised sexual labor, and the commercial sale of minors and infants (3). Industrial slavery is slavery as a result of industrial progress, such as factory workers, mining, and other industries with modest wages and no social security.

Modern civilization does not necessarily get rid of slavery that has existed for centuries. The modernization that took place shifted slavery into another stage with a more refined image. Like the outbreak of COVID-19 in Banten, it turned out to reveal a variety of systematic problems experienced by domestic workers due to the absence of legal guarantees and the fact that domestic workers are not required to be protected by social security networks. This problem arises because of one case that never ends, namely the debate about the status of domestic workers. Ongoing polemics are always related to the question of whether they are workers or only as domestic helpers. Because this has serious implications, such as the meaning in the draft PPRT Bill on Domestic Workers, the minimum wage that must be paid by the employer, days of leave, or benefits that are entitled to be received by domestic

workers. All of these rights will be easily obtained if there is a clear definition and status for domestic workers, namely as workers who in the PPRT Bill are described as doing domestic work, such as cooking, washing clothes, cleaning the house, caring for children, taking care of the sick or with special needs, driving, taking care of the house, taking care of pets.

A weak status as a worker also has implications for the position of female domestic workers in the employer's family. Employers can treat domestic workers as slaves or servants and not as workers. This is prone to violence, including sexual violence. Because of this status, the police are often still negligent in participating in protecting victims of violence and have their own perspective on victims of violence when investigating cases like this. The absence of screening of information submitted to the public as well as perpetrators of violence with high social status who are often still free and there are no legal remedies against them.

The Banten Province Witness and Victim Protection Agency (LPSK) reported that there were at least 83 reports of acts of violence that came in during 2018. The low number of requests for protection against violence in Banten compared to the national figure of around 373 victims in 2019 and 501 victims in 2020 indicates the large number of victims of violence. who do not know LPSK, law enforcement officers, and other relevant agencies. In addition, the presence of the state in overcoming acts of violence against domestic workers has not shown a positive direction, so that cases like this are still an iceberg phenomenon that has never been revealed to the public clearly (Husen & Arif, 2021).

There are several reasons why the PPRT Bill, as the backbone of the protection of domestic workers, has not yet been ratified. Among them is the intense debate about the legal status of the domestic worker supplying organization, which must be a legal entity. With the legal entity status of the domestic worker supplying organization, domestic workers will be recognized as workers, the same as other professions in Indonesia. In addition to the status issue, there are other issues that are still the reason for the invalidity of the bill, such as the technical reason for the absence of a letter from the President attaching the Problem Inventory List, which has not yet been issued because the PPRT Bill is an initiative of the DPR.

Conclusion

Domestic workers in the dynamics of the struggle for social and economic rights have become a long struggle that is still being fought for until now. Domestic work is a job where the state must be able to protect them as an acknowledgement of their existence as a job. The PPRT Bill is still in the political process and has not yet become a joint agenda. This makes this issue an ongoing issue that has not been completed and always presents forms of a joint public agenda so that it becomes a common interest. Therefore, this research will continue to develop as this dynamic continues to become a public agenda that must still go through political agendas.

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