



Legal Protection Policy for Domestic Workers Through Legal Certainty

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| Info Articles | Abstract |
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| Article History Received: 2025-08-05 Revised: 2025-08-21 Published: 2025-09-30 Keywords: <i>Legal Protection for Domestic Workers; Legal Certainty; Special Regulations</i> | This study examines the legal protection of domestic workers (PRT) in Indonesia through the aspect of legal certainty. The study results indicate that legal protection for domestic workers remains very weak, due to the absence of specific regulations that explicitly regulate their status, rights, and obligations. Existing regulations, such as the Manpower Law, do not directly accommodate the needs of domestic workers because the long-initiated Domestic Worker Protection Bill has not yet been passed. This condition creates an uncertain legal position for domestic workers and makes them vulnerable to various forms of rights violations, exploitation, and violence. International comparisons show that Indonesia still lags behind in building a fair and inclusive protection system for domestic workers. Therefore, strategic steps are needed to develop comprehensive regulations and provide legal certainty to effectively protect the basic rights of domestic workers. This research is expected to contribute to the development of more just and sustainable legal policies for domestic workers in Indonesia. |

I. INTRODUCTION

Domestic workers (PRT) are part of the informal labor force that significantly contributes to supporting domestic activities in Indonesia. In practice, domestic workers not only assist with household chores such as cleaning, cooking, and childcare, but also play a crucial role in maintaining the sustainability of household life as a whole. Despite their crucial role, domestic workers often experience injustice, ranging from unclear working hours and uncertain wages to physical and psychological violence from employers. Unfortunately, this problem is systemic due to the weak legal protections available to domestic workers, which keeps them marginalized in the national employment system (Anwar et al., 2022).

Several previous studies have highlighted this problem. A study by the International Labour Organization (ILO) noted that Indonesia is one of the countries with a high number of domestic workers, but with weak legal protection. Research by the Domestic Workers Protection Coalition

(KPPRT) also showed that most domestic workers work without written employment contracts and do not have access to social security or employment protection.

Several other academic studies have highlighted the gap between existing legal norms and the social realities faced by domestic workers. Despite efforts by various institutions to push for the passage of the Domestic Worker Protection Bill (RUU PPRT), the legislative process remains stalled.

The main issue focused on in this research is the lack of legal certainty in policies governing domestic workers in Indonesia. The unclear legal status of domestic workers results in a lack of guarantees for the protection of their basic rights as workers. In this context, the legal protection that the state should provide remains fragmented and inadequate to address domestic workers' needs for justice and certainty (Parvez et al., 2022).

Therefore, this study limits the discussion to how existing, or should-be-existing, policies can

provide legal certainty regarding the existence and rights of domestic workers in Indonesia. Legal certainty is a central element in the protection of human rights and social justice. In a state governed by the rule of law, every citizen, without exception, has the right to equal legal protection. Domestic workers, as part of the working class, should also be protected by clear and enforceable laws (Muzakkir, 2023).

Legal certainty is not only about the existence of written regulations, but also about how those regulations can be implemented effectively and provide a sense of security and justice for vulnerable groups. The urgency of providing legal certainty for domestic workers is growing with the rise in cases of violence and rights violations against them. Without legal regulations specifically governing the employment relationship between domestic workers and their employers, domestic workers remain vulnerable. This not only violates the principle of justice but also undermines the state's commitment to ensuring protection for all levels of society.

Therefore, concrete and targeted policy interventions are needed to create an inclusive legal system for domestic workers. This study aims to analyze and evaluate legal protection policies for domestic workers in Indonesia, emphasizing the importance of legal certainty as the primary foundation of such protection.

By reviewing various regulations, legislative barriers, and prevailing legal practices, it is hoped that this research can provide academic and practical contributions in encouraging the establishment of a fair and sustainable legal protection system for domestic workers in Indonesia.

II. RESEARCH METHODS

This research employs a normative legal research method, employing a library research approach. Normative legal research aims to examine applicable legal norms, legal principles, and legal theories relevant to the issues discussed. In the context of this research, the normative approach is used to analyze legal protection policies for Domestic Workers (PRT) through a

review of applicable laws and regulations and the concept of legal certainty in legal theory.

The type of data used in this study is secondary data, obtained from various library sources, such as laws and regulations, legal textbooks, scientific journals, previous research results, institutional reports (ILO, KPPRT, and others), and official documents related to domestic worker policies in Indonesia. Other implementing regulations.

Meanwhile, secondary legal sources include literature supporting conceptual analysis, such as the views of legal experts, theories of justice, and progressive legal approaches. The approach used in this research is conceptual and statutory, examining the concepts of legal certainty, human rights protection, and justice in employment law.

In addition, this study also uses a limited comparative approach, by reviewing the legal protection policies of domestic workers in several countries as a comparison, in order to obtain an ideal picture of the form of legal protection that can be adopted in Indonesia.

The data analysis technique was conducted qualitatively, by reviewing, classifying, and summarizing the data based on the main themes, namely legal protection for domestic workers and legal certainty. The results of the analysis were then linked to the social realities faced by domestic workers and the current regulatory environment. This approach is expected to identify legal loopholes that cause uncertainty, as well as normative solutions that can serve as future policy recommendations.

Using this method, the research aims to provide theoretical contributions to the development of labor and human rights law, as well as provide practical input for lawmakers in formulating fairer and more inclusive legal protection policies for domestic workers.

III. RESULTS AND DISCUSSION

Domestic workers (PRT) have not yet received explicit recognition in Indonesia's formal labor law system. Law No. 13 of 2003 concerning Manpower does not explicitly state the status of domestic workers as workers with legally guaranteed rights and obligations (Mulyanto, 2018). This creates legal uncertainty regarding

the position of domestic workers in employment relations, particularly regarding employment contracts, working hours, wages, leave, and social security.

In practice, employment relationships between domestic workers and employers tend to be informal and trust-based, lacking written employment agreements or adequate labor protection standards. As a result, many domestic workers experience injustices, ranging from indefinitely long working hours, substandard wages, to physical and psychological violence that are difficult to prosecute legally due to their lack of formal protection.

Existing policies to protect domestic workers are also limited and lack sufficient legal force. Minister of Manpower Regulation No. 2 of 2015 concerning the Protection of Domestic Workers is purely administrative and not legally binding like a law (Subekti, 2018).

Legislative efforts through the Draft Law on the Protection of Domestic Workers (RUU PPRT) which have been proposed since 2004 have yet to be passed, reflecting the weak political commitment in placing the issue of domestic workers as a priority agenda. In fact, the PPRT Bill includes important aspects such as the right to leave, social security, dispute resolution, and decent work standards which can provide a strong legal basis.

Without this legal framework, domestic workers will continue to exist in a legal gray area and be vulnerable to rights violations. In this context, legal certainty is a crucial element in ensuring protection for domestic workers. Legal certainty concerns not only the existence of legal norms but also the assurance that these laws can be enforced fairly and equitably.

Legal certainty should protect every individual, especially vulnerable groups like domestic workers, from abuse of power and inequality in employment relations. Ideal law is responsive to social needs and ensures substantive justice. Therefore, firm and implementable regulations are absolutely necessary to prevent exploitative practices in domestic employment (Subekti, 2018).

International comparisons show that other countries have made more progress in providing legal protection for domestic workers. The Philippines, through the Domestic Workers Act (Batas Kasambahay), has provided a legal basis for the protection of domestic workers, including the right to an employment contract, reasonable working hours, paid leave, and social protection.

Uruguay has also made domestic workers part of the national employment system and granted them the same rights as workers in other sectors, including the right to form unions. Indonesia should learn from the country's practices in designing and implementing effective policies. Furthermore, Indonesia has not yet ratified ILO Convention No. 189 on Decent Work for Domestic Workers, even though such ratification could provide an important legal and political foundation for strengthening domestic protection. This situation highlights the need to develop an ideal legal policy, one that not only reflects written norms but also addresses the challenges of implementation on the ground.

The ratification of the Domestic Workers Bill is a crucial step in building an inclusive and just legal system. In addition to developing comprehensive regulations, domestic worker protection policies must also include strengthening oversight institutions, providing legal education to employers and the public, and empowering domestic workers through access to information and legal assistance.

Legal certainty can only be achieved if regulations are enforced, institutions function effectively, and society has a high level of awareness of the importance of fair treatment for domestic workers (Kasanda & Adjie, 2022). Therefore, within the framework of social justice as stipulated in the Preamble to the 1945 Constitution, the state has a moral and constitutional responsibility to protect all its citizens without discrimination, including domestic workers.

Certain and impartial legal protection for domestic workers is not only a legal requirement, but also a form of commitment to the values of humanity, equality, and the dignity of work that

must be upheld in every aspect of national and state life.

Based on the results of a literature study, it was found that to date there has been no clear legal recognition of the status of Domestic Workers (PRT) as part of the formal workforce in Indonesia. Law No. 13 of 2003 concerning Manpower does not explicitly include domestic workers among the scope of workers who receive legal protection, either in terms of employment contracts, minimum wages, or social security.

This ambiguity causes the employment relationship between domestic workers and employers to tend to be informal and not bound by applicable employment standards, so that the legal status of domestic workers is ambiguous and highly vulnerable to exploitation (Sari et al., 2020).

Furthermore, at the time of this research, Indonesia did not yet have a specific law comprehensively regulating legal protection for domestic workers. A draft Domestic Worker Protection Bill (RUU PPRT) was initiated in 2004 but has yet to be passed.

This uncertainty leaves domestic workers' legal standing without a strong basis for protection (Anwar et al., 2022). Without specific, binding regulations, domestic workers' basic rights remain unsecured, and various forms of violations of these rights are difficult to prosecute.

Current policy instruments, such as Minister of Manpower Regulation No. 2 of 2015, are purely administrative in nature and lack the force of law. These regulations also fail to specifically address essential rights such as working hour limits, leave, social security, and protection from violence.

As a result, protection for domestic workers remains normative and tends to be ineffective in practice. Regulations that should provide substantive protection fail to address the complex issues faced by domestic workers in a concrete manner. Furthermore, the principle of legal certainty, which should guarantee justice for every citizen, remains merely symbolic in the context of domestic worker protection.

The law has not fully supported this vulnerable group, as there are no clear norms, strict sanctions, or oversight mechanisms to ensure the enforcement of their rights. In this situation,

domestic workers remain in a weak social and legal position, despite the state's constitutional guarantee of equal legal protection without discrimination for all Indonesians (Susiana & Wardah, 2020).

In comparison, other countries such as the Philippines and Uruguay have made more progress in formulating and implementing legal protections for domestic workers. The Philippines has a Domestic Workers Act (Batas Kasambahay) that fully recognizes the rights of domestic workers, while Uruguay has integrated domestic workers into its national labor law system.

This fact indicates that Indonesia is still lagging behind in terms of regulation and implementation in providing legal guarantees to domestic workers. Therefore, accelerated legislation and policy reform based on the principles of social justice and legal certainty are needed to ensure that domestic workers in Indonesia receive adequate and dignified protection (Dewi & Teuku, 2018).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on research conducted through a literature review, it can be concluded that legal protection for domestic workers (PRT) in Indonesia remains very weak and does not meet the principle of legal certainty. The absence of specific regulations explicitly addressing the status, rights, and obligations of domestic workers places them in a legal precarious position. The Manpower Law does not yet comprehensively cover this group, while the Domestic Worker Protection Bill, which was expected to provide a legal framework, has yet to be passed.

Legal certainty, which should guarantee the protection of domestic workers' basic rights, has not been effectively realized, either in terms of legal substance, institutions, or policy implementation. This has resulted in domestic workers being vulnerable to exploitation, violence, and social injustice. Comparative studies with other countries show that Indonesia lags behind in developing a just and inclusive legal system for domestic workers.

B. Suggestion

Based on research findings from a literature review, it can be concluded that legal protection for domestic workers (PRT) in Indonesia remains very weak and does not meet the principle of legal certainty. The absence of specific regulations that clearly define the status, rights, and obligations of domestic workers leaves them in a legal position of uncertainty and vulnerable to exploitation.

The current Manpower Law does not provide adequate protection for domestic workers, while the long-proposed Domestic Worker Protection Bill (RUU PPRT) has yet to be passed. This has resulted in a lack of real protection and the injustices experienced by domestic workers. Comparative studies with several other countries also show that Indonesia is lagging behind in developing a fair and inclusive legal system for domestic workers.

The government and the House of Representatives are advised to immediately pass the Domestic Workers Bill (RUU PPRT) as a form of the state's commitment to guaranteeing the basic rights of domestic workers, including decent work standards, written employment contracts, minimum wages, social security, and dispute resolution mechanisms. In addition to regulatory approval, effective implementation mechanisms such as labor supervision in the domestic sector, training of law enforcement officials, and access to legal aid and protection for domestic workers are also needed.

A shift in social paradigms is also crucial through education and campaigns to ensure domestic workers are seen as workers with equal rights and dignity. Finally, Indonesia should consider ratifying ILO Convention No. 189 as a foundation for strengthening policies and legal protections that meet international standards for domestic workers.

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