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Protection of Domestic Workers In A Comparison Of The Laws Of Indonesia And The Philippines

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Abstract: Domestic Workers (DWs) are a group that is vulnerable to rights violations and exploitation. ILO Convention No. 189 regulates protection standards for DWs, but its implementation is limited because not all countries have adopted these provisions. In Indonesia, the absence of clear regulations has led to a legal vacuum and weak protection of the rights of DWs. In contrast, the Philippines has specific regulations through the Kasambahay Law, which provides more comprehensive protection. The purpose of this study is to review the forms of legal protection for DWs in Indonesia and the Philippines and to examine the impact of the legal vacuum in Indonesia. The method used is normative juridical with a conceptual and comparative approach. The results of this study show that Indonesia still lags far behind the Philippines in providing protection for DWs. This condition reflects the need for concrete efforts by the Indonesian government to reform the existing system by adopting the best practices implemented in the Philippines to strengthen the national legal framework, reduce violations, and improve the welfare of DWs.

Keyword: Comparison, Domestic Workers, Indonesia, Legal Protection, Philippines.

INTRODUCTION

The existence of Domestic Workers (hereinafter referred to as DWs) demands serious attention through the formulation of policies that can fill legal gaps due to the high number of violations of their rights and exploitation in various countries, including Indonesia and the Philippines. DWs are defined as people who perform various types of domestic work, including cleaning houses, cooking, gardening, childcare, and other household tasks (Ono Haryono et al., 2022). Data shows that the number of DWs worldwide reaches 75 million people, with approximately 57 million women and 17 million men (Prasetyo & Azizah, 2024). Worldwide, approximately 67 million DWs face the risk of abuse, violence, and legal injustice. Thus, ILO Convention No. 189 was drafted through a meeting of 183 member countries consisting of governments, workers, and employers (ILO, 2011).

ILO Convention No. 189 is an international agreement that recognizes domestic work as a type of work equal to other types of work and acknowledges the rights of DWs so that they

are not looked down upon (ILO & IDWF, 2017). This convention highlights the crucial role of fundamental rights and principles for DWs, which ultimately encourages countries to create decent working conditions. It regulates minimum age, protection from violence and harassment, reasonable working hours, overtime compensation, minimum wages, leave, social security including maternity protection, occupational safety, prevention of unethical placement, and access to courts (Irfan, 2024). With the implementation of these provisions, DWs are expected to have adequate protection and fair working conditions.

In Indonesia, based on survey results found by Jala PRT and the University of Indonesia, there are 4.2 million DWs in Indonesia. This figure places Indonesia in second place after China in terms of the number of DWs in the world. In the same period, India recorded around 3.6 million DWs, while the Philippines had around 2.6 million DWs. This data reflects the enormous contribution of DWs in supporting household economies and the informal sector in the Asian region (Mantalean, V., & Prabowo, D, 2022). However, despite this important role, the welfare of DWs is still far from adequate. Although the right to work and live adequately is recognized in Article 27 paragraph (2) of the 1945 Constitution, conditions in the field show the opposite. Many DWs have poor working conditions, ranging from low wages and long working hours without clear limits to a lack of adequate social security and legal protection. It is also not uncommon for them to be subjected to physical and psychological abuse by their employers (Izzati, 2024).

Law No. 13 of 2003 concerning Manpower basically only regulates workers in the formal sector, while DWs who are classified as informal workers are not included. Employment relationships in the informal sector are generally formed between workers and individuals or parties running businesses without legal entity status (Sitompul, 2021). Article 1 point 15 explains that an employment agreement is an agreement that contains the work to be performed, the provision of remuneration in the form of wages, and the existence of orders from the employer. These three elements form the basis for a legal employment relationship between workers and employers (Djumialdji, 2005). However, DWs work for individual employers and the majority do not have written contracts (Muhammad, 2025). Alternative regulations such as Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2015 concerning the Protection of DWs are considered unable to provide optimal protection for DWs. Therefore, the Draft Law on the Protection of DWs (hereinafter referred to as the PPRT Bill) was drafted as a concrete step to fill the legal void and ensure the protection of DWs in Indonesia. Since its initial submission in 2004, the ratification process has been repeatedly delayed, leaving DWs vulnerable to exploitation and violations of their rights.

In the Philippines, the Labor Force Survey (LFS) recorded that there are approximately 1.9 million DWs, most of whom are women over the age of 15 (ILO, 2013). Recognizing the vulnerability faced by DWs, the Philippine government ratified ILO Convention No. 189 and passed the Kasambahay Bill on January 18, 2013, making it the first Asian country to have regulations protecting DWs (Ogaya, 2020). The Kasambahay Law has succeeded in protecting DWs and reducing female poverty (Luviana, 2020). This regulation guarantees the right to minimum wages, working hours, leave, social security, and clear employment contracts, with supervision from a special agency and the provision of complaint channels in case of violations. The effectiveness of this regulation is demonstrated by the fact that violations of DWs rights in the Philippines are much lower than in other Asian countries.

Research conducted by Baby Ista Pranoto in 2022 shows that protection for DWs should be regulated in specific regulations through the enactment of the PPRT Bill, which serves to guarantee the rights of DWs as informal workers and encourage the creation of jobs that have economic value. Similar to this study, the research also discusses the issue of legal protection for DWs, while the difference lies in the comparative approach used by comparing conditions in Indonesia which does not yet have specific legal protection, with the Philippines which has

implemented Republic Act No. 10361 (Kasambahay Law) as a result of the ratification of ILO Convention No. 189. Research conducted by Chiho Ogaya in 2020 shows that the ratification of ILO Convention No. 189 and the enactment of the Kasambahay Law are important milestones in the formal recognition of DWs as workers in the Philippines. Similar to this study, the research also discusses the legal protection and rights of DWs, particularly in relation to limitations and the importance of formal recognition through specific regulations. The difference lies in the emphasis not only on the Philippines which already has a comprehensive legal framework through Kasambahay Law, but also compares it with Indonesia which is still in the process of legislating the PPRT Bill and analyzes cases of violations and the mechanisms for handling them as a result of legal vacuums. A similar study by Fajrianto in 2023 shows that regulations on the protection of DWs are urgently needed. The absence of regulations in this area has led to violations of the rights inherent to every citizen, such as the right to equality before the law, the right to employment, and the right to remuneration. Similar to this study, the research also discusses about the legal vacuum in the protection of DWs due to the failure to pass the PPRT Bill, while the difference lies in a more in-depth discussion of the increasingly alarming social reality for DWs in Indonesia and highlights the concrete impacts that arise continuously due to the absence of an adequate legal framework.

The Philippines success in implementing the Kasambahay Law demonstrates the importance of government responsibility in establishing a comprehensive protection system for DWs. By comparing conditions in Indonesia and the Philippines, this study aims to provide a clearer picture of relevant policy formulations to strengthen protection for DWs in Indonesia. The focus of the study is on analyzing the forms of legal protection for DWs in Indonesia and the Philippines, as well as the impact of legal vacuums resulting from the absence of specific regulations on the legal protection of DWs in Indonesia. This paper is expected to encourage the creation of policies that are more equitable, inclusive, and oriented towards improving the welfare of DWs, both in Indonesia and on a broader level.

METHOD

The normative legal method was applied in conducting this research by focusing on the analysis of laws and regulations, legal doctrines, legal documents, and relevant court decisions (Wiraguna, 2024). In addition, the approaches used include a conceptual approach to describe and analyze issues arising from legal gaps (Diantha, 2016), as well as a comparative approach to compare the provisions enforced in Indonesia and the Philippines. The data sources consist of primary legal materials, including the 1945 Constitution of the Republic of Indonesia, Law No. 13 of 2003 on Manpower, Regulation of the Minister of Manpower of the Republic of Indonesia No. 2 of 2015 on the Protection of Domestic Workers, ILO Convention No. 189 on Decent Work for Domestic Workers, and Kasambahay Law. Secondary legal materials include the PPRT Bill, books, and scientific works, while tertiary legal materials include dictionaries and encyclopedias. All data were obtained through literature study and described qualitatively by applying descriptive-analytical methods.

RESULTS AND DISCUSSION

Legal Protection for Domestic Workers in Indonesia and the Philippines

Legal protection for DWs varies from country to country, including between Indonesia and the Philippines, each of which has different legal bases, status recognition, rights guarantees, regulatory powers, and oversight mechanisms (Nugroho, 2025). These differences reflect the social, economic, and cultural contexts of each country, where DWs are often vulnerable to exploitation due to the informal nature of their work and minimal state oversight (Dalimunthe & Fadilah, 2025). As fellow countries located in the Southeast Asian region, Indonesia and the Philippines share geographical proximity as well as cultural similarities and

social conditions that make them relevant for comparison, particularly in terms of how regulations and law enforcement systems for DWs are implemented.

In Indonesia, legal protection for DWs is still minimal because there are no specific provisions that explicitly regulate their status and rights. Although Law No. 13 of 2003 on Manpower provides guidance on establishing employment relationships between employers and workers, its substance does not cover DWs as part of the formal workforce. Consequently, this law cannot be used as a basis for providing adequate legal protection for DWs (Afandi, Thalib & Moha, 2024). Article 1 number 2 defines a worker as an individual who performs work and receives wages, without mentioning domestic work as part of its scope. Furthermore, Article 1 number 4 explains that an employer is an individual, partnership, or legal entity that operates a company. This definition clearly does not include individual employers in a household environment who do not run a company.

In addition, Article 1 number 15 emphasizes that an employment relationship is formed through an employment agreement between the employer and the worker. However, this provision is not relevant to the conditions of DWs, because in practice most employment agreements between employers and DWs are verbal and not written. Thus, the employment relationship between DWs and employers is viewed more as a family relationship than an industrial relationship subject to labor law (Nirmalah, 2021). As a result, DWs are caught in a legal vacuum that makes it difficult for them to obtain their fundamental rights, including social security, minimum wages, proportional working hours and rest periods, and protection from unilateral termination of employment.

Then, Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2015 concerning the Protection of DWs was issued to fill the legal void. This regulation, which consists of 30 articles, regulates various important aspects ranging from the requirements to become a domestic worker, the obligation to make an employment agreement, to the rights and obligations of DWs and their employers. Under its provisions, DWs are entitled to obtain information about their employers, be treated humanely, receive wages based on their employment agreements, be provided with adequate food, sufficient rest time, leave, freedom to practice their religion, receive holiday allowances, and obtain social security.

In addition, this regulation also governs the existence of Domestic Worker Placement Agencies (LPPRT) and their supervisory mechanisms. In the event of a violation, administrative sanctions such as written warnings, suspension of business operations, or revocation of licenses may be imposed. However, the regulation is not comprehensive enough because it is hierarchically subordinate to the law, is non-binding, and does not contain strict sanctions. Theoretically, ministerial regulations that are drafted without the delegation of authority from higher regulations fall into the category of *beleidsregel*, which are provisions that have limited binding force. Thus, these regulations are more in the nature of recommendations without legal force and therefore cannot provide maximum protection for DWs (Hayati & Tinambunan, 2020).

Therefore, the Draft Law on the Protection of DWs (PPRT Bill) is seen as the main hope that can strengthen the protection of DWs in Indonesia. The bill, which was submitted in 2011, contains 34 articles with fairly progressive content, covering provisions on principles and objectives, recruitment mechanisms, full-time and part-time working hours, the scope of domestic work, employment agreements, termination of employment, education and training for prospective DWs, and the role of placement agencies. In order to guarantee the rights of DWs, this regulation provides protection for the right to worship, humane working hours, leave entitlements, holiday allowances, decent wages, social security, and the right to terminate employment in the event of a violation. In addition, this regulation also prohibits employers from engaging in discriminatory acts, threats, harassment, or violence against DWs, and

provides a dispute resolution mechanism through deliberation and mediation as a form of fair settlement (Pangestika, 2024).

In the PPRT Bill, criminal provisions are formulated as an effort to reinforce legal certainty while strengthening protection for DWs. Article 30 stipulates that employers who commit discriminatory acts, threats, harassment, or physical or non-physical violence against DWs are subject to criminal sanctions in the form of imprisonment for up to 8 (eight) years or a fine of up to IDR 125,000,000.00 (one hundred twenty five million rupiah). Furthermore, Article 31 states that if a domestic worker agency provides false information about its company or about prospective DWs to employers, it may be subject to imprisonment for a maximum of 6 (six) years or a fine of up to IDR 100,000,000 (one hundred million rupiah). Meanwhile, Article 32 states that if an agency commits acts of intimidation or violence against prospective DWs or DWs, it shall be subject to imprisonment for up to 8 (eight) years or a maximum fine of IDR 125,000,000 (one hundred twenty-five million rupiah) (Mutiarra, 2025). The formulation of these criminal sanctions reflects the state's commitment to providing strong legal protection while integrating DWs into the national labor system in a more comprehensive manner. However, because this bill is still in draft form and has not been passed, the provisions therein do not yet have binding legal force. As a result, the slow legislative process means that DWs remain in a position where they do not yet have adequate legal protection (Pratama, 2025).

Unlike Indonesia, the Philippines has shown a strong commitment to protecting and ensuring the welfare of DWs through the enactment of Republic Act No. 10361 or the Kasambahay Bill. The regulation, which was approved by President Benigno S. Aquino III on January 18, 2013, is an important step in implementing comprehensive legal protection for DWs while ensuring that their rights are recognized and fulfilled in a more fair and dignified manner (Asuncion, 2025). The regulation also serves as official recognition of DWs as part of the formal sector workforce with rights equal to those of other workers, thereby providing them with greater legal and social protection. The Kasambahay Law applies to all DWs in the Philippines, whether they live in their employer's residence or not, including general domestic helpers, nannies, cooks, gardeners, laundry workers, or anyone who regularly performs household work (Cheng et al., 2025).

In addition, the regulation stipulates provisions on the recruitment and placement of DWs, the rights and obligations of workers and employers, standards for child workers, post-employment provisions, as well as training, assessment, and certification of skills by the Technical Education and Skills Development Authority (TESDA). Not only that, this regulation also includes rescue and rehabilitation mechanisms for DWs who are victims of violence, labor dispute resolution, and provisions regarding unlawful acts, sanctions, and other rules that ensure more comprehensive legal protection and welfare for workers. Through clear and firm regulations, the Kasambahay Law serves as an effective legal instrument in protecting the rights and ensuring the welfare of DWs in the Philippines while affirming their position as part of the formal employment sector.

In essence, the Kasambahay Law divides protection into several interrelated aspects. In contractual terms, this regulation requires a written employment contract between DWs and employers that clearly stipulates the duties, wages, and duration of work. The provisions also set the minimum age for workers at 15 years for light work and 18 years for full-time work, as an effort to prevent the exploitation of minors. In addition, this regulation emphasizes that DWs must be treated with respect by their employers and other members of the household, and protected from all forms of physical, verbal, and psychological abuse. On the other hand, this regulation also guarantees the basic rights of DWs to adequate rest time, including a minimum of 24 consecutive hours of weekly leave and five days of annual leave after one year of service.

As a form of compensation for work exceeding the specified hours, DWs are entitled to overtime compensation of 30% higher than their normal wages.

In economic terms, DWs are entitled to receive the minimum wage as set by the government. Based on this regulation, the minimum wage for DWs cannot be less than ₱2,500 (two thousand five hundred Philippine pesos) for those working in the capital region, ₱2,000 (two thousand Philippine pesos) for those working in first-class cities and municipalities, and ₱1,500 (one thousand five hundred Philippine pesos) for those working in other municipalities (Fauzi & Rayandi, 2025). This wage must be paid by employers every month without arbitrary deductions, thereby providing economic certainty and protection of decent income for DWs for their work.

In terms of health and social security, the Kasambahay Law provides social security and health insurance that must be covered by employers as a form of comprehensive protection. Based on Article 9, every domestic worker who has worked for at least one month is entitled to protection through the Social Security System (SSS), Employees' Compensation Commission (ECC), PhilHealth, and Pag-IBIG Fund with benefits regulated in accordance with the provisions of each institution. The SSS program provides various forms of protection for DWs, including sick pay, maternity leave, disability, retirement, death, and funeral expenses. Meanwhile, PhilHealth plays a role in providing health services that include inpatient and outpatient care. All social security premiums are borne by the employer, except if the worker receives a salary of ₱5,000 (five thousand Philippine pesos) or more, in which case the contributions are paid equally between the worker and the employer (Andrian Liem et al., 2024,). Any additional contributions arising from the use of Pag-IBIG Fund loan facilities are the sole responsibility of the worker. This provision demonstrates the government's commitment to ensuring the welfare and social protection of DWs, so that they receive social security benefits comparable to those of workers in other formal sectors.

Last, in terms of law enforcement and protection, the Kasambahay Boundary provides a complaint mechanism through the Department of Labor and Employment (DOLE), which is authorized to handle reports of violations and resolve disputes through mediation or judicial proceedings (Disini et al., 2002). Violations of these provisions are subject to strict penalties, ranging from administrative fines of up to ₱200,000 (two hundred thousand Philippine pesos) to imprisonment for a maximum of 6 (six) months. The application of these sanctions reflects the Philippine government's commitment and seriousness in enforcing the law and ensuring that the rights of DWs are fully protected in accordance with the principles of justice and welfare at work.

Based on an analysis of the legal systems in Indonesia and the Philippines, it can be seen that the form of legal protection for DWs shows significant differences in terms of the hierarchy of norms, effectiveness of implementation, and the direction of legal reform. To provide a more systematic and structured overview, the comparison is presented in the following table.

Table 1. Comparative Analytical Matrix of Legal Protection for DWs in Indonesia and the Philippines

Aspect	Indonesia	Philippines	Analysis
Ius Constitutum	Minister of Manpower Regulation No. 2 of 2015 concerning the Protection of Domestic Workers.	Republic Act No. 10361 (Kasambahay Law)	Based on the principle of <i>lex superior derogat legi inferiori</i> , there is a fundamental difference in the hierarchy and legal force between regulations in Indonesia and the Philippines. In Indonesia, protection for DWs is only regulated through ministerial regulations, which have a lower status than laws. In contrast, in the Philippines, protection for DWs is regulated through the Kasambahay Law, which is a national law with higher legal force. This law functions as <i>lex</i>

			<i>specialis</i> because it specifically regulates and protects DWs.
Nature of Regulation	Not fully binding, as it does not contain criminal sanctions.	Contains administrative and criminal sanctions, and must be implemented by employers and placement agencies.	Based on the principle of <i>lex specialis derogat legi generali</i> , the Kasambahay Law in the Philippines functions as a special law that explicitly and bindingly provides protection for DWs through the application of administrative and criminal sanctions. This regulation is mandatory and has strong legal force, making it effective in guaranteeing the implementation of DWS. In contrast, in Indonesia, Minister of Manpower Regulation No. 2 of 2015 is only administrative in nature and serves more as an appeal because it does not contain criminal sanctions or support from higher laws and regulations. As a result, regulations in Indonesia have weaker legal force and are not yet able to provide optimal protection for DWS as is the case in the Philippines.
Status of Domestic Workers	Not yet recognized as formal workers and employment relationships are still familial in nature.	Recognized as part of the formal sector with rights equal to other workers.	Based on the principle of <i>lex specialis derogat legi generali</i> , the Philippines has specific regulations that explicitly recognize DWs as part of the formal sector with rights and protections equal to those of other workers. These regulations provide legal certainty while strengthening the position of DWs in employment relationships that are clearly regulated by law. Meanwhile, in Indonesia, the status of DWs has not been recognized as formal workers due to the absence of specific laws that comprehensively regulate them. As a result, the relationship between DWs and employers is still familial in nature and does not reflect a professional industrial relationship. This situation shows that the strength of norms and legal protection for DWs in the Philippines is higher than in Indonesia, both legally and socially.
Basic Rights Protection	Regulates basic rights in general (wages, rest, social security) but without clear national standards.	Sets a national minimum wage, social security (SSS, PhilHealth, Pag-IBIG), annual leave, and protection from violence.	Based on the principle of <i>lex specialis derogat legi generali</i> , the Kasambahay Law in the Philippines provides more concrete and binding protection for DWs, as it explicitly sets clear standards and limits for the fulfillment of basic rights such as the national minimum wage, especially provisions regarding minimum wages that are regulated in detail based on region or city, thereby providing certainty and equality for workers. In contrast, in Indonesia, Minister of Manpower Regulation No. 2 of 2015 only regulates basic rights in general terms without setting definite national standards. There is no standard minimum wage and wages are only determined based on agreements between DWs and employers, making implementation relative and potentially leading to inequality. This difference shows that <i>ius constitutum</i> in the Philippines is operational and measurable, while in Indonesia it is still normative and limited to the administrative level.

Ius Operatum	There is no mechanism for monitoring, reporting, and resolving cases that are difficult to access. Civil law tends to be used in resolving such cases.	Cases can be reported to the Department of Labor and Employment (DOLE) through mediation and sanctions mechanisms.	In the context of <i>ius operatum</i> , the Philippines has a more effective law enforcement system through the Department of Labor and Employment (DOLE), which has the authority to receive complaints, conduct mediation, and impose sanctions for violations against DWs. This mechanism demonstrates structured and centralized supervision, enabling more effective legal protection. In contrast, Indonesia does not yet have a strong national oversight mechanism, so case resolution still depends on the initiative of individuals or agencies. In addition, the resolution process in Indonesia tends to use general civil law because existing regulations do not provide for strict or severe sanctions for violators. Based on the principle of <i>lex superior derogat legi inferiori</i> , the effectiveness of law enforcement in the Philippines is higher because it is supported by national legislation, while in Indonesia it remains weak due to its legal basis, which is only at the ministerial regulation level.
Ius Constituendum	The Domestic Workers Protection Bill has been submitted since 2004 but has not yet been passed.	Legal reform has been achieved through the passage of specific laws since 2013.	In the context of <i>ius constituendum</i> , Indonesia is still in the process of formulating an ideal legal framework for the protection of domestic workers through the Draft Law on the Protection of Domestic Workers (PPRT Bill), which was submitted in 2004 but has not yet been passed. This situation shows that legal protection for DWs in Indonesia is still conceptual and does not yet have a solid legal basis. In contrast, the Philippines has implemented significant legal reforms through the enactment of the Kasambahay Law in 2013, which provides a specific legal basis for the protection of domestic workers. Based on the principle of progressive law-making, the Philippines has succeeded in creating a concrete and equitable protection system, while Indonesia is still in the process of developing regulations that are expected to provide legal certainty and equal protection for DWs in the future.

Based on the table, there is a clear fundamental difference between the legal systems in Indonesia and the Philippines in terms of providing protection for DWs. The Philippine legal system is at a higher level in the hierarchy because it is regulated by a specific law, namely the Kasambahay Law, while in Indonesia, the protection of DWs is still administrative in nature through ministerial regulations. Based on the principles of *lex superior derogat legi inferiori* and *lex specialis derogat legi generali*, the legal position in the Philippines is stronger both normatively and in terms of implementation. Conceptually, Indonesia is still in the stage of *ius constituendum* because it does not yet have a law that explicitly regulates the protection of DWs, while the Philippines has reached the ideal stage of *ius constitutum* with the implementation of comprehensive protection of the rights of DWs.

However, both countries share a common awareness of the importance of providing legal protection and recognition of the fundamental rights of DWs. The challenge for Indonesia lies in its weak legal basis, the absence of effective monitoring mechanisms, and the lack of clear national standards regarding minimum wages, working hours, and social security, so that implementation often depends on the policies of individual employers. Meanwhile, in the

Philippines, the challenges are more related to technical supervision in remote areas and the economic limitations of some employer families. Thus, the Kasambahay Law in the Philippines can be used as a best practice for Indonesia in strengthening national regulations to be able to realize fair, comprehensive, and equitable legal protection for DWs.

The Impact of Legal Vacuum Due to the Absence of Specific Regulations on Legal Protection for Domestic Workers in Indonesia

To date, Indonesia still does not have a law that specifically and comprehensively regulates DWs. The absence of such regulations has created a legal vacuum in the national labor system, meaning that their rights are not comprehensively regulated and therefore unable to ensure a decent standard of living (Azhari & Halim, 2021). Currently, the protection of DWs only depends on the provisions contained in the Civil Code, Law Number 13 of 2003 concerning Manpower, and Minister of Manpower Regulation Number 2 of 2015 concerning the Protection of DWs. However, these three regulations do not explicitly regulate the employment relationship between DWs and employers, and therefore do not provide adequate legal protection. This situation weakens the legal position of DWs and leaves them vulnerable to violations of their fundamental rights as workers.

The absence of specific regulations has serious implications for the legal protection of DWs in Indonesia. The weak legal basis makes the status of DWs unclear because employment relationships are generally verbal and not set out in written agreements (Nasution, Suhaidi & Marzuki, 2021). As a result, they often find it difficult to claim their basic rights, such as fair wages, rest periods, leave, and social security. This situation also increases their vulnerability to exploitation and violence, as many DWs work long hours, receive below-standard wages, and even experience physical, psychological, and economic abuse from their employers. It is also not uncommon for employers to unilaterally deduct wages when DWs are sick and unable to work, further worsening their position in an already unequal employment relationship (Prawira et al., 2024). Weak regulations mean that many cases of violations against DWs often do not receive fair legal treatment, allowing perpetrators to escape accountability. This situation reflects the still weak legal protection for DWs and shows that the state's role in ensuring the fulfillment of their human rights is not yet optimal.

This situation is clearly illustrated in Supreme Court Decision Number 1118 K/Pdt/2016 between Asmain Heluth and Sien Ely and Rustam Hafiedz. This case reflects the exploitation and serious violation of DWs' rights. In this case, Asmain worked as a domestic worker for seven years without receiving any wages. During her employment, she shouldered the workload of three people at once, worked without days off, including on holidays, and was forced to work even when she was sick, causing her to suffer from physical exhaustion and rheumatism. She was also denied her right to rest, proper medical care, and her employer's promises of wages, gifts, and the cost of the hajj pilgrimage. To meet her daily needs, Asmain was even forced to borrow Rp4,000,000 (four million rupiah) from her employer, while her employer's child borrowed money from her without repaying it in full. She also experienced inhumane treatment when she was injured while working but was still told to continue working. After deciding to quit, Asmain repeatedly came to claim her rights, but was ignored and even falsely accused of theft. Based on the court's decision, the employer was found guilty of unlawful acts and was ordered to pay wages amounting to Rp62,000,000.00 (sixty two million rupiah) as compensation for Asmain's rights that had been ignored all this time (Fadillah, Fauziah & Fahrudin, 2024).

In its consideration, the Supreme Court ruled that Sien Ely and Rustam Hafiedz had committed an unlawful act as stipulated in Article 1365 of the Civil Code because their actions caused harm and violated the principles of humanity and justice that should protect every worker. The judge interpreted the employment relationship between the employer and the DWs

through an approach based on social justice and customary fairness, setting a wage of IDR 750,000.00 (seven hundred and fifty thousand rupiah) per month as a reasonable amount in line with the general conditions at that time. Furthermore, the Supreme Court emphasized that the employment relationship gave rise to a legal obligation to provide fair wages and treat workers humanely in accordance with the principles of justice and community norms. This consideration demonstrates the judge's orientation toward protecting the weaker party and applying the principle of social justice by seeking a balance between the rights and obligations of the parties. This decision has important implications for the formation of national law because it shows how general civil law is used to fill legal gaps related to the protection of DWs. In the absence of specific regulations, this decision serves as substitute jurisprudence which confirms that courts can provide legal protection for informal workers even without an explicit regulatory basis, while also providing a new direction for the formation of regulations that explicitly guarantee the rights of DWs in Indonesia. This case reflects the fragile legal position of DWs due to the absence of specific laws protecting them. Although justice can ultimately be upheld through civil proceedings, the lengthy and complex legal process shows that this mechanism requires extraordinary courage and is difficult for most DWs to pursue. This situation underscores the urgency of establishing specific regulations that can provide fair, certain, and comprehensive legal protection for DWs in Indonesia.

In addition, the absence of a clear dispute resolution mechanism further exacerbates the conditions of DWs in Indonesia. In practice, many DWs do not know where to report when they experience violence, exploitation, or rights violations. Most DWs have limited access to education, information, and adequate legal assistance. The impact of this situation is that DWs tend not to report or take legal action when their rights are violated (Rahmawati, 2020). Law enforcement officials find it difficult to handle cases involving DWs because there is no legal basis that clearly regulates their position in the national labor system. This ambiguity creates confusion in determining whether a case falls under labor, criminal, or civil law. This makes the law enforcement process complicated, lengthy, and often ends without a fair outcome for DWs. It is not uncommon for cases to be resolved informally through unilateral agreements that are detrimental to workers or even ignored because they are considered a private matter between employers and workers. This situation shows that the absence of a structured dispute resolution mechanism with legal certainty limits DWs access to justice and undermines the principle of legal protection that they should receive equally before the law.

Furthermore, discrimination based on employment status is a serious problem for DWs in Indonesia. DWs are often not recognized as formal workers because their employment relationships are personal and not recorded in the national employment system (Putri & Hanjani, 2025). As a result, they are not automatically enrolled in social security programs, so they do not receive protection in the event of a work accident, illness, or retirement. Furthermore, DWs do not receive job training, competency certification, or workforce empowerment programs that should be provided by the government. This situation results in low recognition of their skills, even though DWs require specific skills in managing a household.

This inequality places DWs in a weak position towards their employers and reinforces the social stigma that domestic work is not a decent and dignified job. In fact, DWs play a crucial role in supporting family and community activities as a whole. Through their services, various household tasks can be completed properly so that family members can engage in productive activities outside the home without being burdened by housework. Therefore, DWs make an important contribution to maintaining a balance between home life and work, as well as supporting productivity and economic growth, even though this role is often overlooked and lacks formal and social recognition (Naben, 2023). Given this important role, DWs should

receive recognition and legal protection equal to that of workers in the formal sector as a form of applying the principles of justice and respect for human dignity in the workplace.

The existence of this legal vacuum reflects that the Indonesian legal system is not yet fully capable of guaranteeing comprehensive protection for all forms of work, as guaranteed in Article 27 paragraph (2) of the 1945 Constitution. This condition also confirms that Indonesia is not yet fully in line with ILO Convention No. 189 of 2011 concerning Decent Work for DWs, which demands equal rights between DWs and workers in other sectors. The weak legal protection for DWs not only reflects social inequality, but can also be evidence that justice and welfare in Indonesia have not yet been realized.

Therefore, the ratification of the PPRT Bill is an urgent step to address the legal vacuum that has long been inadequate. Currently, injustice against DWs is increasingly rampant, marked by numerous cases of rights violations that have not been resolved fairly. The presence of this law is expected to provide legal certainty, guarantee decent treatment, and prevent harmful practices of exploitation. The ratification of the PPRT Bill is also a tangible form of the state's recognition of DWs as part of the workforce who have rights, dignity, and human value equal to workers in other sectors. Without specific regulations to protect them, DWs will continue to be in a weak and marginalized position in the national labor system. Thus, injustice against DWs will continue and violations of their rights will continue to occur without strict law enforcement and adherence to the principles of social justice.

CONCLUSION

Legal protection for DWs in Indonesia and the Philippines shows striking differences in terms of legal basis, recognition of status, and implementation mechanisms. In Indonesia, protection for DWs remains weak because there is no specific law that explicitly regulates their rights and status. Minister of Manpower Regulation No. 2 of 2015 is administrative in nature and does not have binding legal force, so DWs remain in a vulnerable position and do not receive effective protection. In contrast, the Philippines, through the enactment of the Kasambahay Act, has given full recognition to DWs as formal workers with clear rights guarantees, accompanied by a strict monitoring and sanction system. This shows that the Philippines has a more comprehensive and structured protection mechanism for DWs. The absence of specific regulations that comprehensively regulate DWs in Indonesia has created a legal vacuum that has a serious impact on the protection of their rights. Without a clear legal basis, the status of DWs is uncertain and the generally verbal nature of their employment relationships makes it difficult for them to demand their rights to fair wages, rest periods, social security, and humane treatment. This situation makes DWs vulnerable to exploitation, violence, and discrimination, while also hindering law enforcement officials in handling disputes due to the absence of a definitive resolution mechanism. Therefore, the government needs to immediately pass the DWs Bill as a strategic step to address the legal vacuum and strengthen the position of DWs in the national labor system. This regulation needs to include strict provisions regarding legal status, social security, minimum wages, and easily accessible dispute resolution and monitoring mechanisms. In addition, the government must conduct national data collection, strengthen the capacity of officials, and carry out continuous socialization to raise awareness that DWs are a respectable profession that plays an important role in social and economic balance.

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