

Towards a Structured Legal Framework for Protecting Home Worker's Rights in Indonesia

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Abstract

Home-based workers constitute a segment of the labor force who carry out their work from their residences, typically under informal employment arrangements, which often results in their exclusion from adequate legal protections. The definitional distinctions between home-based workers and other categories of workers, coupled with their significant numbers, underscore the urgency of recognizing and ensuring legal protections for this group. This study aims to examine the risks and challenges faced by home-based workers within industrial contexts and to enhance understanding of the labor rights that are often denied to them. This study uses a normative juridical method, with statutory and conceptual approach, based on a literature review of primary, secondary, and tertiary legal materials. The findings reveal that home-based workers encounter a range of issues, including the absence

of written employment contracts, substandard wages, excessive working hours, lack of social security coverage, and constraints on forming labor unions. Additionally, exploitative practices such as the involvement of child labor and the imposition of production costs on workers are prevalent. Addressing these challenges requires strengthening legal awareness and ensuring that home-based workers are afforded the rights and protections to which they are entitled.

Keywords

Homeworkers, Legal Protection, Informal Employment, Labour Rights.

A. Introduction

The transformation of employment dynamics in the era of globalization and digitalization has given rise to increasingly diverse forms of work, including the phenomenon of home-based workers, which has experienced significant growth in recent decades. High growth rates in the industrial sector, coupled with advances in information and communication technology, changes in consumer consumption patterns, and the need for flexibility in the workplace have created space for work-from-home models as an alternative to conventional work systems.¹ Home workers, who in Indonesian labour law terminology are known as workers who perform work for wages to perform work on the orders of their employer at home or another place of their choice, have characteristics that are fundamentally different from workers in formal employment relationships in general.²

The fragmentation of the definition of home workers is a particular problem in the context of Indonesian labour law, it can not be

¹ Ferdy Leuhery et al., "Pelatihan Keterampilan Soft Skills Bagi Pekerja Rumahan (Home-Based Workers): Meningkatkan Kualitas Kerja Dan Kesejahteraan Tenaga Kerja Informal," *Journal Of Human And Education (JAHE)* 4, no. 2 (2024): 1–7.

² Abdul Husen and Abdullah Sulaiman, "Pemenuhan Hak Penghasilan Pekerja Rumahan Sektor Usaha Alas Kaki Di Muara Baru Jakarta Utara DKI Jakarta," *Journal of Legal Research* 4, no. 3 (2022): 549–62, <https://doi.org/10.15408/jlr.v4i3.21316>.

define like a formal workers. Fundamental differences between home-based workers and formal workers lie in aspects of work location, supervision, employment relationship structure, and how payment mechanisms tend to be more flexible but often less legally protected. Not everyone who works from home falls under the category of home workers.³ Understanding the difference between domestic workers and home workers is crucial. Domestic workers are individuals who help with various household tasks such as cleaning, cooking, and childcare. These workers provide essential support for families, allowing them to manage their daily lives more effectively. Those who hire domestic workers are known as "domestic worker users" and they seek these services purely for personal, non-business-related needs. On the other hand, home workers are engaged in tasks that are directly tied to their employer's business operations. They follow specific instructions given by their employer and usually contribute to production-related activities, such as assembling products or completing tasks that are integral to the business workflow. Unlike domestic workers, home workers are essential components of the employer's economic activities. This distinction emphasizes the differing roles these workers play in household management and the broader economy. Home workers often cannot be categorized explicitly as formal workers bound by an employment relationship as stipulated in Law Number 13 of 2003 concerning Labour Law, but also cannot be fully categorized as independent workers or entrepreneurs.⁴

Their existence is in a gray area that creates legal uncertainty regarding the rights and obligations inherent in their employment status. Statistical data shows that the number of home workers in Indonesia has increased significantly, especially after the COVID-19 pandemic forced many job sectors to adapt to a work-from-home model. Based on surveys conducted by various labour research

³ Renana Jhabvala and Jane Tate, "Out of the Shadows : Homebased Workers Organize for International Recognition," *Population Council*, no. 18 (1996).

⁴ Nova Septiani Tomayahu and Dedi Sumanto, "Legal Implications for Home-Based Workers Following the Judicial Review Decision of the Constitutional Court of the Republic of Indonesia," *The Indonesian Journal of International Clinical Legal Education* 6, no. 1 (2024): 49–80.

institutions, it is estimated that millions of Indonesian workers carry out their work activities from home, both full-time and part-time, in various sectors ranging from the creative industry, information technology, to the small-scale manufacturing sector.⁵

This phenomenon creates complex legal challenges due to the mismatch between the evolving realities of employment practices and the existing regulatory framework. Current employment laws are still heavily oriented toward the traditional employment relationship model, which hinges on the physical presence of workers at the workplace designated by the employer.⁶ This situation creates a legal vacuum in providing protection to home workers, particularly in terms of social security, occupational safety and health protection, and certainty of wages and working hours.

This legal vacuum has given rise to polemics when linked to the principles of worker protection that have been internationally recognized through various International Labor Organization (ILO) conventions, including ILO Convention No. 177 on Home Work which has been adopted since 1996.⁷ Although Indonesia has not ratified the convention, the spirit of protection for homeworkers should remain a consideration in the development of a national labour law system. The unclear legal status of homeworkers has implications for their weak bargaining position in employment relationships, income uncertainty, limited access to social security, and vulnerability to exploitation.⁸ Although, on the one hand, homeworkers have requested

⁵ Suharsi Dewi Yuliandari, Khusnul Ashar, and Dias Satria, "Digital Technology: The Impact of Women's Decision to Work from Home in Informal Sector," *Futurity Economics & Law* 4, no. 4 (2024): 277–94.

⁶ Fajar Adi Nugroho, "Analisis Efektivitas Sistem Hukum Jaminan Sosial Di Indonesia: Evaluasi Perlindungan Bagi Pekerja Sektor Informal," *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 1, no. 1 (2021): 21–33.

⁷ Shohib Muslim et al., "ILO Conventions and Migrant Workers: Construction of Protection in National Labor Law," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 2 (2024): 297–316.

⁸ Dewi Sulistianingsih, Muhammad Shidqon Prabowo, and Martitah Martitah, "How Legal Protection of Women in Home Workers Improving Family

judicial review, The Constitutional Court filed a lawsuit against the definition of workers in Law Number 13 of 2003 in 2022. One of the arguments in the petition was that this condition contradicts the principles of social justice and human rights protection in the context of employment relations and could hinder sustainable and inclusive economic development.

The urgency to review and develop a comprehensive legal framework for the protection of home workers is becoming increasingly urgent given the trend of digital economic development and changing work paradigms that are increasingly encouraging flexibility in employment relations.⁹ Without adequate legal certainty, in this study, the author further examines the potential of home-based workers can make optimal contributions to the national economy. However, limitations in fulfilling their rights and protecting them, create the risk of ongoing social injustice and hinder the achievement of inclusive economic justice.

The literature review in this study was conducted by examining various national and international sources concerning home-based workers, non-formal employment relations, and relevant labour regulations. This review aims to provide a comprehensive understanding of the definition, characteristics, and position of home-based workers within the labour system, while also identifying recurring issues they face, such as the absence of written contracts, substandard wages, excessive working hours, and limited access to social security and the right to organize.

Several studies have examined the protection of home-based workers one of which was conducted by Dewi Sulistianingsih et al., who found that in practice, although Indonesian labor laws regulate both the formal and informal sectors, legal protection for workers in the informal

Welfare?,” *Indonesian Journal of Advocacy and Legal Services* 3, no. 1 (March 15, 2021): 1–12, <https://doi.org/10.15294/ijals.v3i1.40721>.

⁹ I Gde Sandy Satria, “Perlindungan Hak Pekerja Gig Economy Melalui Perspektif Hukum Ketenagakerjaan,” *Nomos: Jurnal Penelitian Ilmu Hukum* 5, no. 1 (2025): 127–34, <https://doi.org/10.56393/nomos.v5i1.2723>.

sectors, particularly female workers, remains difficult to obtain.¹⁰ Low wages, long working hours, and the lack of health insurance force women to strive to improve their families' well-being in various ways. Guidance and oversight regarding legal protections for workers in the informal sector, particularly female home based workers, need to be provided by various parties in order to improve the well-being of home-based workers' families. Research conducted by Nova Septiani Tomayahu and Dedi Sumanto found that based on Constitutional Court Decision No. 75/PUU-XX/2022, which reviewed Law No. 13 of 2013 regarding Manpower against the 1945 Constitution, the government should provide legal protection for home based workers through specific regulations to accommodate every type of work in Indonesia.¹¹

In their study, Adnan Hamid and Adilla Meytiara Intan also identified a legal vacuum regarding the protection of informal-sector workers, highlighting the need for regulations that provide such legal protection and, in essence, also set out detailed provisions regarding employment agreements between employers and informal workers.¹² In their study examining workers in the industrial sector from the perspective of intermediaries in the supply chains, commonly referred to as "middle persons," Dinda Maurizka Azura and Siti Hajati Hoesin found that these middle persons often face uncertainty in the wage system due to income fluctuations. Additionally, they lack a thorough understanding of labor regulations, both of which force these workers

¹⁰ Sulistianingsih, Prabowo, and Martitah, "How Legal Protection of Women in Home Workers Improving Family Welfare?"

¹¹ Tomayahu and Sumanto, "Legal Implications for Home-Based Workers Following the Judicial Review Decision of the Constitutional Court of the Republic of Indonesia."

¹² Adnan Hamid and Adilla Meytiara Intan, "Legal Protection for Informal Sector Workers in Employment Development in Indonesia: Challenges and Opportunities," *International Journal of Research in Business and Social Science* (2147- 4478) 13, no. 5 (August 20, 2024): 880–92, <https://doi.org/10.20525/ijrbs.v13i5.3630>.

to seek additional work to make ends meet.¹³ I Gde Sandy Satria, who is conducting research on the protection of informal workers, a topic that has become increasingly relevant in today's era, where the workforce is increasingly focused on flexibility and efficiency, giving rise to various types of jobs such as digital work, for example, online ojek drivers and freelancers.¹⁴ Labour laws have not yet provided legal protection for workers in this sector, so there is a need for legal reforms that are more responsive to the dynamics of Indonesia's labour market.

Contrary to previous studies, this research offers practical solutions that various stakeholders can implement to improve protections for home-based workers, rather than focusing solely on specific groups of home-based workers. This study positions home-based workers as formally recognized workers who are often not recognized as formal workers in practice because their work is not based on a written employment contract or is conducted through an intermediary or middle person. This study offers solutions that can be implemented by various stakeholders within their respective authorities, with a focus on empowering home-based workers' unions. Furthermore, this study also explains a comparison of home-based worker protection regulations with those of the Netherlands. As the fourth country to ratify Convention 177, the Netherlands has been one step ahead in providing protection to its people, especially with regard to homeworkers. Considering that until now there are still many laws and regulations in Indonesia that draw on Dutch legal heritage and the long history between Indonesia and the Netherlands, this can serve as a basis for conducting research on legal protection for home workers in both countries.

This study employs a qualitative research that views social reality as something holistic, complex, dynamic, and meaningful, and where

¹³ Dinda Maurizka Azura and Siti Hajati Hoesin, "Carut - Marut Pelaksanaan Sistem Pengupahan Pekerja Pada Home Industry Kategori Middle Person," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 4 (March 29, 2025): 3265–73, <https://doi.org/10.38035/jihhp.v5i4.4389>.

¹⁴ Satria, "Perlindungan Hak Pekerja Gig Economy Melalui Perspektif Hukum Ketenagakerjaan."

relationships between phenomena are interactive.¹⁵ This study examines the evolving conditions of the subject matter as a whole, using a normative legal research method to analyze the risks and challenges faced by home-based workers, to enhance understanding of the labor rights that are often denied to them, and to analyze the coherence of legal norms, principles, and regulations governing the protection of home-based workers. This study employs a statutory approach and a conceptual approach¹⁶ to achieve a comprehensive analysis. The statutory approach involves a detailed examination of relevant legislation in both jurisdictions to understand the current regulatory framework. The conceptual approach is used to analyze the concept of protection for home-based workers. The research draws upon secondary data, which is classified into three categories of legal materials such as primary and secondary, and tertiary legal materials.¹⁷ Primary legal materials consist of binding legal documents includes ILO Convention No. 177, which addresses the rights of home workers, ILO Convention No. 184, which provides guidelines related to home work recommendation, and Law No. 13 of 2003 concerning Labour Law as amended in Law No. 6 of 2023. Secondary legal materials include academic journals, law books, authoritative reports from international organizations such as the ILO and nongovernmental organizations which provides explanations of primary legal materials. Tertiary legal materials include the official website and social media of nongovernmental organizations, ILO, and Indonesian government. Through these approach, the study seeks to assess the extent to which the existing legal framework is capable of providing adequate protection, as well as to identify legal gaps that contribute to the vulnerability of home-based workers. By integrating a literature review with a normative study, this research establishes a strong conceptual and

¹⁵ Sugiyono Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D*, 26th ed. (Bandung: Alfabeta, 2017).

¹⁶ Peter Mahmud Marzuki, *Penelitian Hukum*, 1st ed. (Jakarta: Prenada Media Group, 2008).

¹⁷ Soerjono Soekanto, *Pengantar Penelitian Hukum*, UI Publishing (Jakarta: UI Publishing, 2020).

juridical foundation for analyzing the risks, challenges, and legal protection needs of home-based workers, while also formulating recommendations for more equitable and inclusive labor policies.

B. Risks and Challenges of Home Workers in the Indonesian Industrial Circle

A home worker is a worker who works in their own place or another place that they choose other than the employer's place to get paid for the work they do by producing a product, either goods or services, as determined by the employer. Home-based workers are connected with businesses of various scales, from small, medium, large, and transnational or multinational companies. The work performed also varies, from sewing gloves, clothes, or shoes, processing glue, packing products, developing software, creating documents and designs, translating, etc. The author has found no official data on the number of homeworkers in Indonesia by 2025. However, in 2018, it was reported that there were 12 million female homeworkers and 7 million male homeworkers in Indonesia. Homework represents a transformational development resulting from the booming industrialization in Indonesia, but has largely escaped the attention of policymakers. Homework represents a significant segment of the modern workforce structure that faces various systemic and structural problems.¹⁸ In the context of economic globalization and digital transformation, home workers experience a paradox between the promised flexibility and the reality of ongoing uncertainty and vulnerability. This situation creates an unequal employment relationship dynamic that requires in-depth analysis to understand the complexity of the issues faced.

Firstly, the problem of written work agreements, namely the absence of a comprehensive written work agreement is the root of the

¹⁸ Adnan Hamid and Adilla Meytiara Intan, "Legal Protection for Informal Sector Workers in Employment Development in Indonesia: Challenges and Opportunities.," *International Journal of Research in Business & Social Science* 13, no. 5 (2024).

fundamental problem in home work relationships.¹⁹ Data collected by MAMPU (Australia-Indonesia Partnership for Gender Equality and Empowerment), in conjunction with the International Labour Organization (ILO) and the SMERU Research Institute, paints a worrying picture of the workforce dynamics in Indonesia, 92% of home workers operated without written contracts, leaving them with no legal documentation of their employment terms. This situation creates uncertainty regarding the rights and obligations of each party, which results in ongoing legal uncertainty. Home workers often rely solely on verbal agreements or simple contracts that do not cover crucial aspects such as work duration, quality standards, payment mechanisms, and dispute resolution procedures. The implications of this lack of formal contracts include difficulties in proving the employment relationship in the event of a dispute, ambiguity regarding the employer's responsibility for production risks, and minimal legal protection in the event of unilateral termination.

Furthermore, this situation creates an information imbalance that disadvantages homeworkers, with employers having the discretion to change working conditions without adequate consultation. The employer-dominated structure of the home-based employment relationship creates a power asymmetry. Homeworkers, who often work individually and in isolation, lack the collective power necessary to negotiate on equal terms. High economic dependence on a particular employer reinforces the subordinate position of homeworkers. This situation is exacerbated by the abundant labour supply in the informal sector, which allows employers to easily replace workers who demand better working conditions. Competition among homeworkers for jobs often results in "race to the bottom" in terms of wage standards and working conditions, workers are increasingly forced to accept

¹⁹ Alya Sani Pratiwi, Endah Pujiastuti, and Zaenal Arifin, "Implikasi Bentuk Perjanjian Kerja Terhadap Perlindungan Hukum Bagi Pekerja Pada Usaha Mikro Dan Kecil," *Jurnal USM Law Review* 7, no. 3 (2024): 1897–1910.

increasingly worse conditions in order to maintain their source of income.²⁰

Law No. 13/2003 on Labour, commonly referred to as Law 13/2003, is a comprehensive legislative framework that governs the rights and obligations of workers and employers within the labour market. The law explicitly defines a worker or labourer in Article 1, point 3, stating that it encompasses any individual who engages in work in exchange for wages or other forms of compensation. This broad definition ensures that various categories of individuals, including those working in informal settings, are recognized as workers. In Article 1, point 15, the law further delineates the essential components that constitute a working relationship namely, work, wages, and orders. Each of these elements plays a crucial role in establishing the dynamics between an employer and a worker. For instance, “work” refers to the tasks and duties assigned, “wages” pertain to the payment received, and “orders” encompass the directives given by the employer. When examining the specific case of home workers, individuals who produce goods or services from their homes for remuneration, it becomes significant to note the nature of their work arrangements. Home workers often fulfill orders either directly from a company or through intermediaries, which demonstrates their engagement in productive labour in return for compensation. Therefore, based on the definitions provided within Law 13/2003, home workers should be classified as workers, thereby entitling them to the protections and rights stipulated in the law. However, despite this clear classification, home workers frequently face misclassification in real-world applications. This issue primarily stems from the language used in Article 1, point 15, which specifies that a working relationship is between an “employer” and a “worker/labourer” based on a formal work agreement. The term “employer” can lead to confusion when it comes to home workers

²⁰ Intan Fatma Dewi and Fentiny Nugroho, “Bargaining Power Perempuan Pekerja Rumahan Dengan Sistem Putting-Out System Dalam Pemenuhan Hak Sosial-ekonomi (Studi Deskriptif Pada Perempuan Pekerja Rumahan Pengelam Alas Kaki, Kelurahan Penjarangan),” *Jurnal Pembangunan Manusia* 1, no. 2 (2020): 6.

because, in many instances, the entity providing work to them is not their direct employer. Instead, it is often a larger company or another intermediary that places orders. This discrepancy creates a legal ambiguity, home workers may be viewed as lacking a formal employment relationship because they do not interact directly with an employer as defined by the law. Such misinterpretations serve as a loophole that employers can exploit, enabling them to deny homeworkers their rightful entitlements. This results in significant gaps in the protections that should be afforded to these workers, making it vital to address and rectify these misclassifications to ensure that all workers, regardless of their working conditions, receive fair treatment and protections under the law.

Second, the disparity in wage determination below the Regency/City Minimum Wage (UMK) is a systemic phenomenon among home workers. The wage policy in Indonesia is governed by Government Regulation Number 36 of 2021 concerning Wages, commonly referred to as PP 36/2021.²¹ This regulation outlines that wages based on piece rates are determined through mutual agreements between workers and their employers. However, it is important to note that home workers who receive wages on a piece rate basis often find themselves in a challenging position. They typically lack strong bargaining power in negotiations with employers, mainly because they fear that requesting a higher, more reasonable wage could jeopardize their job security. This lack of leverage can lead to situations where homeworkers feel compelled to accept lower wages than they deserve, which ultimately affects their overall livelihood and economic stability.

Numerous examples have emerged from various research studies highlighting the initiatives undertaken by home-based workers within the community. These examples show the diverse ways in which individuals are contributing to their households and local economies through home-based enterprises:

²¹ Pemerintah Republik Indonesia, “Peraturan Pemerintah Nomor 36 Tahun 2021 Tentang Pengupahan” (2021).

1. Murti, a 40-year-old housewife with four children, works as a home-based seamstress for a pearl company, sewing nets (warning). She uses her sewing machine to complete jobs on a piecework basis, but the pay is not guaranteed. If her work does not meet the employer's standards, it can be rejected, and she may have to redo it. Additionally, there is a time limit for completing the work; if it is, it still needs to be finished on time, and she does not get paid. Her arrangement is based solely on an oral agreement with the pearl company, with no formal employment relationship established;
2. Iswati (36 years old) knits shoes and bags at home, typically from 8 a.m. to 12 p.m. and then again until 11 p.m. She got a job from her neighbour and navigated which factories accepted her products. Her knitted items can be found in various clothing stores, highlighting the characteristics of homeworkers, such as working independently and facing uncertainties in the supply chain;
3. Lina works from home in the Bukirsari area of Malang City, processing waste yarn for a multinational company that produces jeans, hems, and jackets. She receives work from about 25 other women from a collector who has been operating for three years. The collector started as a homemaker for his brother, a factory foreman, and learned embroidery from a factory representative. Currently, Lina and her coworkers produce around 2,000 pieces per week. The factory delivers work to the collector's home every morning and must be completed within three days. They earn Rp. Three hundred per piece for cargo trousers/shorts, Rp. 200 for pocket trousers/shorts, and Rp. 300 for jackets. Payment is made upon delivery of the completed work. However, they do not receive work, social, health insurance, or any festive bonuses, except for a small parcel from the collector during the Festive Celebration. The workers can face quiet periods, particularly in April and May, with up to one week of no work in a month. They must provide their tools, such as thread-cutting scissors.²²

²² Weng Yiqi and Ahmad Rifai, "Kedudukan Hukum Pekerja Rumahan Sebagai Pekerja Pihak Ketiga Dalam Perjanjian Kerja Lisan," *Unizar Recht Journal* 1, no. 4 (2022).

This reflects not only a violation of labour regulations but also demonstrates the system's inability to ensure effective implementation of wage standards in the informal sector. Factors contributing to this wage disparity include unclear employment status, minimal oversight by labour authorities, and bargaining power. The impact of low wages is multidimensional, encompassing the inability to meet basic family needs, limited access to education and health services, and the perpetuation of intergenerational cycles of poverty. This situation is further exacerbated by the income instability characteristic of home-based work, where fluctuations in demand can result in significant income variations over time.

In fact, the paradox of flexible working hours in home workers is reflected in the fact that working hours often exceed normal standards without adequate compensation.²³ Payment system based on output or piece rate. This pushes workers to work extensively to achieve the minimum income targets set by their employers. This situation creates an unhealthy work intensification, where the author believes that home workers are forced to sacrifice rest time, social interaction, and family activities. Furthermore, health aspects are also impacted, reflected in long working hours that include chronic fatigue, stress, and various physical health disorders related to unergonomic working postures. The absence of clear working time boundaries also results in an imbalance between work and personal life, negatively impacting the quality of life of workers and their families.

Third, volatility in job security is an intrinsic characteristic of home-based workers, creating instability. Fluctuations in market demand, changes in consumer preferences, and the dynamics of global competition can result in sudden reductions or terminations of orders, especially as homeworkers adapt to the demands of their employers. This unpredictability forces home workers to live in constant uncertainty, without the ability to plan for their economic future. Furthermore, this income instability often forces home workers to

²³ Yeremias T Keban, Ari Hernawan, and Arif Novianto, *Menyoal Kerja Layak Dan Adil Dalam Ekonomi Gig Di Indonesia* (IGPA Press, 2021).

engage in multiple income streams which is unsustainable, which can ultimately reduce work efficiency and quality.

Fourth, home work environments that are not designed for productive activities often do not meet adequate occupational health and safety standards. The lack of direct supervision or monitoring and well-defined safety standards creates unidentified health risks. Often, homeworkers use equipment purchased or provided by themselves, work in inadequate lighting conditions, and are exposed to chemicals or dust without proper protection.²⁴ Furthermore, the long-term impacts of these unhealthy working conditions include impaired vision, respiratory diseases, and various other chronic health conditions. The lack of health insurance and work-related accident compensation forces home workers to cover healthcare costs out-of-pocket, which are often unaffordable and can lead to ongoing health deterioration.

Fifth, how are gender issues, maternal protection, and gender inequality addressed in home-based workers. Home-based workers are predominantly women, who often choose home-based work as a strategy to overcome limited mobility and domestic responsibilities. However, the concentration of women in this sector is often accompanied by gender discrimination, including lower wages, skill inconsistencies, and limited access to training and capacity building.²⁵ Women's dual role as productive workers and primary caregivers in the family creates a disproportionate workload. The lack of support for childcare and domestic work causing home-based women workers to face time poverty. They face serious challenges, requiring them to allocate time for productive, reproductive, and community activities simultaneously. The reproductive rights of home-based women workers are often not adequately recognized or protected. The lack of paid maternity, paternity, and breastfeeding leave forces women to choose between reproductive health and economic survival. This situation not

²⁴ A N Romas and Charisha Mahda Kumala, "Kajian Aspek Keselamatan Dan Kesehatan Kerjasi Sektor Informal Pembuat Batu Bata," *PREPOTIF: Jurnal Kesehatan Masyarakat* 8, no. 1 (2024): 892–900.

²⁵ Bahrul Ulum Rusydi, A M Heriani, and Siradjuddin Siradjuddin, "Menyoal Marginalisasi Dan Kesejahteraan Pekerja Perempuan Sektor Informal," *EcceS: Economics Social and Development Studies* 5, no. 1 (2018): 139–53.

only harms the health of mothers and children but also creates systemic discrimination against women in the labour market.

The implications of this lack of maternal protection include high health risks during pregnancy and postpartum, limited access to prenatal and postnatal care, and perpetuation of the cycle of poverty through negative impacts on children's health and education.²⁶ Furthermore, the lack of support for breastfeeding and childcare may result in early termination of breastfeeding which impacts children's long-term health. The informal structure of home work creates barriers to accessing effective and accessible dispute resolution mechanisms.

The absence of formal channels for resolving conflicts of interest between workers and employers results in a power imbalance that disadvantages home workers. Home workers often lack access to the industrial justice system or other mechanisms mediation that can provide a fair and fast solution.²⁷ Limited legal knowledge and access to affordable legal services further exacerbate this situation. Home workers are often unaware of their rights or the procedures they can take if they experience violations. This situation creates impunity for employers who commit violations and perpetuates exploitative working conditions.

On the other hand, the involvement of children in home production activities is a serious ethical issue that reflects the economic conditions that desperate from families of home workers. Economic pressures and high production targets often force families to involve children in productive activities, which can disrupt their education and normal development.²⁸ This condition not only violates children's rights, but also perpetuates a cycle of poverty and powerlessness between generations. The long-term impact of child labor problems in

²⁶ Nadhira Wahyu Adityarani, "Hak Cuti Melahirkan Bagi Pekerja Perempuan Sebagai Penerapan Hukum Hak Asasi Manusia Dan Perlindungan Hukum Bagi Perempuan Di Indonesia," *Jurnal Fundamental Justice*, 2020, 28–45.

²⁷ Husen and Sulaiman, "Pemenuhan Hak Penghasilan Pekerja Rumahan Sektor Usaha Alas Kaki Di Muara Baru Jakarta Utara DKI Jakarta."

²⁸ Choirutun Nisa and Pambudi Handoyo, "Eksplorasi Pekerja Anak Dalam Home Industri Sarung Tenun," *Paradigma* 7, no. 2 (2019).

home-based work include limited access to formal education, limited skills development, and the reproduction of exploitative labour conditions. The absence of effective oversight and regulation in the home-based work environment allows for the practice of child labour. The situation of home workers has significant implications and gaps in protection and the fight to secure the rights they deserve. The lack of adequate social protection can result in a high fiscal burden in the long term, as governments must provide healthcare and social protection services to vulnerable populations.²⁹ Furthermore, low productivity due to inadequate working conditions can reduce the long-term competitiveness of the national economy. Income instability for home workers can also impact domestic consumption and macroeconomic stability. High income volatility can reduce propensity to consume and hinder sustainable economic growth.

C. Main Steps in The Review of Legal Protection for Home Workers

The complexity of the problems facing home workers reflects structural inequalities in the economic system, which tends to favor the formal sector and neglect the contributions of the informal sector. This situation is exacerbated by the lack of attention from various parties, including the government, academics, and civil society organizations, to the importance of the protection and empowerment of home workers as an integral part of a sustainable economic ecosystem. The identified issues are closely related to home workers' access to and involvement in various aspects that support their capacity building, performance, and competitiveness in facing ever-changing market dynamics. This condition reflects an increasingly complex situation where home workers have not received adequate and equal opportunities to improve their skills, both in terms of operational techniques, business management, and technology adaptation. This limited access not only impacts individual productivity and income levels but also affects the

²⁹ Sidiq Hari Madya, "Jaminan Sosial Pekerja Informal: Studi Webnografi," *Jurnal Jamsostek* 2, no. 2 (2024): 118–40.

collective competitiveness and long-term sustainability of homeworkers. The roots of these access and involvement issues can be traced to various structural, systemic, and institutional factors that interact and reinforce each other.

First, the lack of comprehensive supporting infrastructure for home workers capacity development, such as geographically and financially accessible vocational training centers, sustainable business mentoring programs responsive to the specific needs of home workers, and effective and inclusive distribution and marketing networks.³⁰ It is often the case that the tools needed to support home-based workers' activities must be provided by the workers themselves, and the safety of their use cannot be further reviewed.

Second, there's a lack of accurate, up-to-date, and easily understood information regarding the various development opportunities available, whether from central and regional governments, non-governmental organizations, the private sector, or international institutions working in the field of economic empowerment. The impact of this limited access and involvement can be examined from various perspectives. From an economic perspective, home workers experience prolonged stagnation in income growth due to an inability to improve product quality, diversify their businesses, or adopt technological innovations that could increase production efficiency. From a social perspective, the isolation experienced by home workers can lead to missed opportunities to build strategic and beneficial networks for their business development, as well as reduce their access to market information and consumer trends.³¹ Psychologically, the condition of limited access can generate feelings of frustration and

³⁰ Leuhery et al., "Pelatihan Keterampilan Soft Skills Bagi Pekerja Rumahan (Home-Based Workers): Meningkatkan Kualitas Kerja Dan Kesejahteraan Tenaga Kerja Informal."

³¹ M Asif Nur Fauzi, Zuyyinatul Wardah Qismi, and Siti Maizul Habibah, "Pemenuhan Hak Pekerja Rumah Tangga Dalam Konsep Rumah Produksi Pada Home Industry Kerupuk Tahu Di Pasuruan," *Jurnal Ketenagakerjaan* 17, no. 3 (2022): 238–53.

helplessness, while also diminishing intrinsic motivation to continuously develop and expand workers' potential.

Third, the lack of understanding among home workers regarding their fundamental rights as workers, which are protected by various national and international legal instruments. This situation reflects an information gap between what home workers should receive under applicable labour regulations and the reality they experience in their daily practices. This lack of understanding not only harms home workers individually through the loss of economic and social rights, but also has the potential to perpetuate exploitative practices in employment relationships, ultimately damaging the overall labor climate.³² The low level of understanding of workers' rights can be caused by a variety of complex and interrelated factors. First, the inherent complexity of labour regulations, which are often written in technical and legal language that is difficult for the general public to understand, especially those with limited formal education or lack of access to legal consultation services. Second, the lack of sustained outreach programs from the government and relevant organizations regarding the rights of home workers, including available complaint mechanisms and law enforcement.

The consequences of a lack of understanding of workers' rights are devastating for the lives of homeworkers. They become vulnerable to various forms of economic exploitation, such as wages set far below minimum standards, non-transparent or delayed payment systems, and lack of compensation for overtime or work on holidays.³³ Furthermore, home workers also face the risk of exploitation in the form of excessive working hours without consideration for occupational health and safety aspects, the lack of adequate social and health insurance, and working

³² Tri Rahayu Utami, Naila Amrina, and Maimunah Maimunah, "Perlindungan Hukum Bagi Pekerja Rumahan Yang Bekerja Secara Putting Out System Melalui Optimalisasi Peran Badan Usaha Milik Desa," *Administrative Law and Governance Journal* 2, no. 2 (2019): 365–79.

³³ Dinda Maurizka Azura and Siti Hajati Hoesin, "Carut - Marut Pelaksanaan Sistem Pengupahan Pekerja Pada Home Industry Kategori Middle Person," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 4 (2025): 3265–73, <https://doi.org/10.38035/jihhp.v5i4.4389>.

conditions that do not meet occupational safety and health standards, which can harm their physical and mental health in the long term. Home workers will chase their assigned work targets, in order to meet production figures and often even export targets that must be shipped immediately from Indonesia.

The problems felt by homeworkers are not only in Indonesia but also around the world. In 1996, the ILO established the Home Work Convention, Convention Number 177, which is expected to provide problem-solving and legal protection for homeworkers. Considering the vulnerable conditions felt by homeworkers because they can be disguised and misclassified and the unequal bargaining power between homeworkers and employers can reduce their rights and, worse, may be lost due to the absence of legal protection, Convention 177 was made. In addition, the substandard working conditions experienced by homeworkers worldwide led to the convention. However, to this day, out of 187 ILO member countries, only 13 countries have ratified Convention 177, which are Finland, Ireland, Albania, the Netherlands, Argentina, Bulgaria, Bosnia and Herzegovina, Belgium, North Macedonia, Tajikistan, Slovenia, Antigua and Barbuda, and Spain.³⁴ As the fourth country to ratify Convention 177, the Netherlands has been one step ahead in providing protection to its people, especially with regard to homeworkers.

By the year 2023, it is anticipated that around five million individuals, representing a striking 52 percent of the Dutch workforce, will be engaged in remote work.³⁵ This remarkable statistic positions the Netherlands as a leader in home-based employment within the

³⁴ International Labour Organization, "Ratification of C177 Home Work Convention, 1996 (No.177)," Information System on International Labour Standards, 2024, https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312322.

³⁵ Statistics Netherlands (CBS), "Over Half of Dutch People Work from Home Sometimes," CBS, 2024, <https://www.cbs.nl/en-gb/news/2024/11/over-half-of-dutch-people-work-from-home-sometimes>.

European Union. The majority of these remote workers find themselves in dynamic sectors such as Information and Communication Technology (ICT) as well as creative and linguistic professions, dedicating an average of 15 hours each week to their home-based tasks. It's essential to distinguish between "work-from-home" workers and the definition of "home workers" as stipulated in ILO Convention No. 177. The nuances between these classifications highlight the varying nature of remote work across different contexts. A comprehensive study conducted by Women in Informal Employment: Globalizing and Organizing (WIEGO), in partnership with the International Labour Organization (ILO) and Home Net International, sheds light on the global landscape of homeworkers. This research reveals that there are roughly 260 million homeworkers around the world, with about 35 million residing in developed countries. Notably, a staggering 93 percent of these workers in developed regions are engaged in non-agricultural fields. In Europe, there are approximately 16 million homeworkers, a demographic that includes 7 million women and 9 million men.³⁶

The findings further indicate that the proportion of homeworkers in the Netherlands represents about five to ten percent of the overall workforce. This stands in sharp contrast to developing countries like Indonesia, where the majority of homeworkers are typically involved in traditional sectors such as textiles, garments, and footwear. In the Netherlands, however, a significant number of homeworkers are employed in cutting-edge fields, including electronic assembly and data processing. Additionally, the geographical distribution of homeworkers in Europe reveals intriguing patterns, with 28 percent residing in rural areas and a substantial 72 percent living in urban settings. This distribution reflects the diverse living environments that shape the experiences of homeworkers across the continent. In developing and emerging nations, home-based workers typically endure longer workweeks compared to those in developed countries. In developing country in Europe, for instance, a significant 52% of home-based workers are engaged in their jobs for 35 to 48 hours each week. Among

³⁶ Florence Bonnet et al., "Home-Based Workers in the World: A Statistical Profile," 2021.

female homeworkers, a noteworthy 53% have achieved tertiary education, indicating a robust level of academic attainment, while 43% have completed secondary education. The remainder of the female workforce includes those who possess no formal education, have only primary education, or hold other qualifications. On the other hand, male homeworkers show a slightly different educational landscape, with 48% having completed secondary education and 46% achieving tertiary education.

As an ILO member country, the Netherlands participates actively through various activities and is number 1 on the list of contributors to the ILO voluntary fund for 2022-2023. As an active country in the ILO, the Netherlands has ratified various Conventions such as ILO Convention 177 and Recommendation Number 184 in 2002. The regulations and policies made by the Dutch Government protect homeworkers. For example, in response to comments from the trade unions FNV, CNV and VCP, the Government confirmed that homeworkers are entitled to the same maternity protection coverage under the labour legislation as other wage earners.³⁷ The Dutch Government strives to ensure fair, healthy, and safe work and social security for everyone. This can be proven by various existing regulations, especially those related to home workers such as *De arbeidsomstandighedenwet* on working conditions, *Arbeidsomstandighedenwet: Gevaarlijke stoffen* on hazardous substances in working conditions, *Arbeidstijdenwet* on working hours, *Wet allocatie arbeidskrachten door intermediairs* on the allocation of labour by intermediaries, and *Wet flexible werken* concerning flexible work.

The actions taken by the Netherlands can be applied to some extent in Indonesia, as long as there is strong political will on the part of policymakers to provide protection for home-based workers. As mandated by Constitutional Court Decision No. 75/PUU-XX/2022,

³⁷ International Labour Organization, "Working from Home From Invisibility to Decent Work," 2021, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_protect/%40protrav/%40travail/documents/publication/wcms_765806.pdf.

which calls for specific regulations governing the protection of home-based workers so that, at the very least, they are recognized as formal workers with rights that cannot be excluded. Such recognition can be achieved not only through the enactment of a special law but also through amendments to the Labour Law or, at the very least, through local regulations.

Regarding the incorporation of protections for home-based workers into local regulations, a step that can be taken is through discussions between policymakers and labor unions, which can be intensified. For example, on January 27, 2023, the Semarang Legal Aid Institute (LBH) together with the Annisa Swasti Foundation (Yasanti) and female home workers held an audience with the Central Java Province Office of Women's Empowerment, Child Protection, Population Control, and Family Planning (DP3AP2KB).³⁸ This hearing is part of a series of advocacy sessions aimed at encouraging the development of specific protection policies for home workers, particularly women. This initiative was driven by the fact that home workers, despite their heavy workloads and significant contributions to the household economy and the informal sector, have not received adequate legal protection. To date, there are no regulations specifically governing and protecting the rights of home workers, making women home workers even more vulnerable to exploitation, discrimination, and violence. In fact, Central Java Provincial Regulation Number 2 of 2021 concerning the Implementation of Women's Protection mandates to establishment of a special protection mechanism for home workers through a Governor's Regulation. However, the implementation of this mandate has not yet been realized. During the hearing, the DP3AP2KB acknowledged the absence of such a special protection mechanism and emphasized the importance of further exploring the substance of protection while involving home workers in women's empowerment programs. These advocacy activities and hearings reflect the active role of civil society in encouraging the formation of gender-responsive

³⁸ LBH Semarang. (2023, January 27). Audiensi bersama Yasanti dan Perempuan Pekerja Rumahan di DP3AP2KB Provinsi Jawa Tengah [Foto]. Instagram. <https://www.instagram.com/p/Cn6g2Y7PTJP/>

policies, which have significant potential to increase legal awareness and knowledge of the rights of women home workers. Furthermore, these efforts create a strategic participatory space to strengthen women's empowerment in the informal sector and encourage the state to be present in protecting vulnerable work groups.

The proposed solution to address the access and engagement issues is also by organizing comprehensive dissemination activities through the active involvement of existing home worker groups or unions. This approach was chosen based on strategic considerations regarding the sustainability of the home workers capacity development program. Dissemination activities will be conducted through existing organizational structures that established has the potential to create a sustainable impact and scalable in enhancing the technical, managerial, and networking capacities of home workers. Dissemination activities through home worker groups or unions have several significant strategic advantages. First, this approach utilizes the existing organizational structure, which holds strong legitimacy among home-based workers and has already established a solid trust relationship with its members. This reduces resistance to the program and enhances the level of active participation. Second, this method facilitates a more effective transfer of knowledge and skills, as it is carried out within a familiar context, is relevant to the specific needs of home-based workers, and employs communication approaches that have been proven effective within the community.

Thus, the author believes that the monitoring and evaluation work program to be implemented must be designed by considering the diverse needs, demographic characteristics, types of businesses, and levels of business development of various segments of home workers in accordance with the needs of the home workers themselves. This includes technical aspects such as improving product quality through process standardization, implementing quality control, and adoption of technology that appropriate. Non-technical aspects that are no less important include the development of soft skills such as business communication, negotiation, leadership, and networking skills which

can help home workers in building strategic partnership and access broader business opportunities. The program must also integrate development components entrepreneurial mindset which can encourage home workers to think more loudly about the rights that home workers should have.

The recommended solution to address the problem of understanding workers' rights is the development and distribution of comprehensive information regarding home workers and workers' rights through information that is user-friendly. This approach was chosen based on considerations regarding accessibility, affordability, and sustainability. From the workers' rights education program, it is proposed that it has enormous potential to strengthen and complement each other and have a synergistic impact exponentially. The impact is greater when implemented in an integrated and coordinated manner. Activities through groups or unions of home-based workers can be a very effective platform for distributing, discussing, analyzing, and internalizing information on workers' rights. This collective discussion platform allows clarification to complex information, sharing interpretation, and collective sense-making which can increase understanding further deep.³⁹ This is a very important reference valuable to support activities by providing comprehensive information and standardized to be common ground for discussion and collective learning. The combination of these two approaches can create learning ecosystem where home workers do not only receive information passively, but are also involved in the process active learning and critical thinking. The integration of these two solutions does not escape strict coordination and strategic alignment between various stakeholders involved. The government at various levels starts from the sector closest to the world of employment, namely the Manpower Office at the Regency or City level, non-governmental organization, the private

³⁹ Adi Nugraha and Ferdiansyah Agung Pratama, "Building Legal Awareness in Village Communities through the Legal Literacy Program (LLP)," *Journal of Community Service in Science and Engineering (JoCSE)* 2, no. 1 (2023): 12–15.

sector has corporate social responsibility programs, and academic institutions with research capacity.⁴⁰

Implementing these solutions is not without significant challenges that need to be mitigated. The main challenge is limited financial resources chronic, both from the government and civil society organizations, which are needed to run the program sustainably. The second challenge is scarcity from human resources which qualified and experienced in implementing the home worker empowerment program.

The problems faced by home workers in terms of access and involvement and understanding of their fundamental rights require holistic solutions, evidence-based, and sustainable. Success in increasing this understanding depends heavily on political will, institutional commitment, and collaborative spirit from various parties to work together in a synergistic, coordinated, and sustainable manner. By providing access equitable by having access to resources and information, and ensuring the protection of rights, home workers can contribute optimally to national economic development while still obtaining the workers' rights that home workers should receive.

D. Conclusion

The complex challenges faced by home workers in accessing information and understanding their fundamental rights require systematic and sustained intervention. Implementing two main strategies a dissemination program through workers' organizations and the development of information media, is a complementary strategic solution to address structural knowledge gaps. In the context of inclusive economic development, empowering homeworkers through increased access to information and protecting their legal rights is a strategic investment aligned with the national development agenda. Transforming home workers from a marginalized to an empowered

⁴⁰ YaRakha Muyassar et al., "Strengthening Islamic Legal Literacy for Indonesian Migrant Workers in Kuching: Efforts to Ensure Legal Protection and Certainty through Community Service Activities," *Jurnal Pengabdian Masyarakat* 3, no. 1 (2025): 414–30.

position requires a holistic approach that integrates legal, social, and economic aspects. With proper implementation, this program will not only improve the welfare of home workers but also create precedent positive for handling informal employment issues in Indonesia more broadly.

Based on the analysis conducted, several strategic recommendations need to be implemented in a phased and coordinated manner to ensure the effectiveness of the home workers empowerment program. The government needs to allocate a work program for supervision, monitoring, and evaluation to support information and the development of educational materials for home workers. The establishment of special work units at the ministerial and regional levels responsible for coordinating all home workers empowerment programs is also an urgent need. Furthermore, the development of more comprehensive regulations is needed to provide a strong legal framework for protecting home workers' rights in accordance with international standards. Workers' organizations and labor unions must strengthen institutional capacity through facilitator training, the development of contextualized learning materials, and the establishment of effective communication networks among homemaker groups. Collaboration with higher education institutions and civil society organizations needs to be intensified to develop research-based training modules that are aligned with real-world needs.

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