

Rebuilding Justice: Reimagining Housemaid Protection through the Lens of Human Rights

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Abstract

This paper aims to explain and evaluate the safeguarding of housemaids as a human rights issue, the types of legal safeguards available to them, and the establishment of oversight mechanisms governing the interaction between housemaids and their employers. The need for robust protection arises from the current absence of comprehensive legal frameworks in Indonesia to ensure their rights are upheld. In response, a Draft Bill concerning the Protection of Housemaids is under review as part of the 2023 National Legislation Program (*Proglenas*), and this paper aims to contribute to the legislative process. Using a normative juridical approach, the research finds that protecting housemaids is a critical step in fulfilling human rights, as acts of abuse and physical violence against them are severe violations. Legal safeguards for housemaids encompass preventive measures such as regulating recruitment processes, employment

contracts, working hours, rest periods, leave, wages, overtime pay, and participation in health and work accident insurance programs. Additionally, employer-provided housing must meet health and safety standards. A human rights-based approach to managing work conditions is essential for fostering a harmonious relationship between housemaids and employers. Repressive protection includes mechanisms for resolving disputes, both through non-litigation and litigation methods. Effective legal oversight is vital, which can be conducted routinely by labor agencies and supplemented with online supervision tools, such as a complaint application. This application would allow housemaids and employers to submit complaints, integrated with supervisory staff at the labor department. The conclusion emphasizes that the legal protection of housemaids should be firmly rooted in human rights principles to ensure comprehensive and effective safeguards.

KEYWORDS *Legal Protection, Housemaid, Human Rights Protection*

Introduction

In a world that increasingly emphasizes the importance of human dignity and equality, the protection of vulnerable workers remains a pressing issue. Among the most marginalized are housemaids, individuals employed to perform household tasks, often under conditions that deprive them of basic rights and protections.¹ As social beings, humans naturally seek interaction and cooperation, and work provides a critical avenue for such connections.² However, the power dynamics inherent in domestic labor often lead to exploitation and a lack of legal safeguards for housemaids.³

¹ Piper, Nicola. "The global governance of labour mobility: the role of the International Labour Organization." In *Research Handbook on the Institutions of Global Migration Governance*. (London: Edward Elgar Publishing, 2023), pp. 63-75.

² Kunarti, Siti, et al. "Perspective of Employment Relations and Wages in Labor Law and Islamic Law." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 386-402.

³ Hariri, Achmad. "The uncertainty of legal protection for housemaids in Indonesia." *Kanun Jurnal Ilmu Hukum* 26, no. 2 (2024): 412-432; Uluwiyah, Fatimatul. "The Voice of Indonesian Migrant Workers Abroad: How is the Legal Assistance for Them?." *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 257-266.

The workforce plays a crucial role in enhancing national productivity and advancing social welfare.⁴ Government intervention through regulation is crucial to protect the interests of the more vulnerable parties within the labor market. Housemaids, who are often economically and socially marginalized, are particularly susceptible to exploitation, while employers typically hold a more privileged socio-economic position. This power imbalance aligns with John Rawls' theory of *Justice as Fairness*, which argues that justice cannot be realized if any party is unfairly disadvantaged.⁵ When housemaids are subjected to exploitation or marginalization by their employers, it constitutes a fundamental violation of justice. The challenge, therefore, is to identify a model of justice that enables a diverse society to coexist harmoniously and equitably, despite disparities in power and socio-economic status.

In the further context, in Indonesian labor law, there are no clear and effective regulations that offer protection to Housemaids.⁶ Despite the issuance

⁴ Kunarti, Siti, et al. "The Legal Politics of Outsourcing and Its Implication for the Protection of Workers in Indonesia." *Sriwijaya Law Review* 8, no. 1 (2024): 1-19; Pambudi, Kukuh. "Quo Vadis Indonesian Labor Act: How Far the Protection for Labors?." *Journal of Law and Legal Reform* 2, no. 4 (2021): 591-602; Syahwal, Syahwal. "Blocked by Neoliberalism: A Glance at the Workers Movement's Role in Achieving a Just Transition." *Indonesian Journal of Advocacy and Legal Services* 6, no. 1 (2024): 1-24.

⁵ Sunaryo, Sunaryo. "Konsep Fairness John Rawls, Kritik dan Relevansinya." *Jurnal Konstitusi* 19, no. 1 (2022): 1-22. See also Tejomurti, Kukuh, and Sukarmi Sukarmi. "The Critical Study of the Omnibus Bill on Job Creation Based on John Rawls View on Justice." *Unnes Law Journal* 6, no. 2 (2020): 187-204. Furthermore, John Rawls' theory of *Justice as Fairness* advocates for a just society built on principles that ensure fairness and equality for all. Rawls proposes two key principles: first, that each person should have equal basic liberties, such as freedom of speech and thought; and second, that social and economic inequalities are only just if they benefit the least advantaged members of society. This approach emphasizes fairness in the distribution of resources and opportunities, aiming to eliminate systemic inequalities. Rawls argues that justice is achieved when societal structures are designed to promote the well-being of those who are most vulnerable. See also Rawls, John. "Justice as fairness." *The Philosophical Review* 67, no. 2 (1958): 164-194; Rawls, John. "Justice as fairness: Political not metaphysical." *Equality and Liberty: Analyzing Rawls and Nozick*. (London: Palgrave Macmillan UK, 1991), pp. 145-173; Goldman, Barry, and Russell Cropanzano. "'Justice' and 'fairness' are not the same thing." *Journal of Organizational Behavior* 36, no. 2 (2015): 313-318.

⁶ Indonesian labor law provides limited protection for domestic workers, such as housemaids, due to the lack of specific, clear, and effective regulations. While the *Manpower Law* (Law No. 13/2003) covers workers in formal sectors, it does not address the unique needs of domestic workers. As a result, housemaids often lack clear employment contracts, job security, fair wages, and regulated working hours. Despite some progress with the *Domestic Workers Protection Bill* (RUU Pekerja Rumah Tangga),

of Convention No. 189 by the International Labor Organization (ILO), Indonesia has not yet ratified this convention. The ILO Convention No. 189 serves as a comprehensive and holistic human rights policy framework aimed at protecting, respecting, and fulfilling the rights of Housemaids to ensure they are treated equally to other workers/laborers.⁷ Despite the existence of the Ministry of Manpower Regulation No. 2 of 2015 concerning the safeguarding of housemaid, this regulation does not stipulate legal sanctions for violations, leading to an increase in cases of violence against Housemaids. Therefore, there is a need for legal construction that provides protection for Housemaids.

Injustice against housemaids manifests through both physical and mental abuse experienced by domestic workers, whether employed abroad or within the country. The issue of housemaids, particularly migrant workers abroad, involves significant human rights violations, prompting the Indonesian government to suspend the deployment of migrant workers for domestic work through Ministerial Decree No. 260 of 2015. This decision was made in response to numerous reports of abuse against migrant workers. As of June 2022, Malaysia reported the highest number of complaints, with total 293, followed by Saudi Arabia with 201, Taiwan with 94, and the UAE with 53.⁸ However, on August 23, 2023, in Jakarta, Minister of Manpower Ida Fauziyah announced the revocation of Ministerial Decree No. 260/2015.

The National Advocacy Network for Housemaid Workers (*Jaringan Advokasi Nasional Pekerja Rumah Tangga*, hereinafter as JALA PRT)

the bill remains unenacted. This leaves housemaids vulnerable to exploitation, abuse, and poor working conditions, without adequate legal safeguards or remedies.

⁷ Ady Thea, "Komnas HAM Ingatkan Pentingnya Ratifikasi Konvensi ILO 189", *HukumOnline*, September 26, 2022. Online at <https://www.hukumonline.com/berita/a/komnas-ham-ingatkan-pentingnya-ratifikasi-konvensi-ilo-189-lt633123942ceec/>. See also Mofea, Sukhebi. "Inconsistencies in the reality of Employment Law in Indonesia in international legal conventions." *Journal of Ecohumanism* 3, no. 4 (2024): 57-69; Situmorang, Theresia Rizka Ully, Chairul Bariah, and Arif Arif. "Perlindungan Hukum Pekerja Rumah Tangga Indonesia Ditinjau dari Konvensi ILO No. 189." *Sumatra Journal of International Law* 4, no. 2 (2016); Cheung, Sherlyn Nathalia, Yuwono Prianto, and Sheren Hardjono. "The Urgency of Legal Protection for Domestic Workers as Informal Workers." *Unnes Law Journal* 9, no. 1 (2023): 149-162; Pramesti, Fahrinda Khansa, and Nabiatatus Sa'adah. "Access to Safety for Domestic Workers in Indonesia." *Pandecta Research Law Journal* 19, no. 1 (2024): 178-197.

⁸ Rodani, Agus. "Perlindungan Hukum Pekerja Migran Indonesia di Luar Negeri". *Article Online Ministry of Finance Republic of Indonesia*, 2022. Available at <https://www.djkn.kemenkeu.go.id/kanwil-kalbar/baca-artikel/15248/Perlindungan-Hukum-Pekerja-Migran-Indonesia-di-Luar-Negeri.html>

documented at least 2,637 cases of violence against housemaid from 2017 to 2022, highlighting that state protection for Housemaids is still far from satisfactory.⁹ Data from JALA PRT underscore the need for comprehensive legal protection for Housemaids. Housemaid may live in their employer's home or live separately. The role of law is crucial in changing societal behavior towards better practices for all parties involved. As Jeremy Bentham stated, "*the purpose of law is to ensure happiness*."¹⁰ Therefore, law should evolve to protect housemaid, fostering societal behavior towards better treatment. The role of law as social engineering, as advocated by Roscoe Pound, aims to transform legal theory into practical reality.¹¹

Building upon the previous discussion, the gaps identified in existing research highlight the urgent need for a more comprehensive legal reconstruction that specifically addresses the protection of housemaids in Indonesia. While prior studies have acknowledged the inconsistent governance of housemaid labor and the absence of clear legal frameworks, they have not provided a detailed and cohesive analysis of how to bridge these gaps. This is particularly important given that housemaids, who are predominantly women and often minors, are vulnerable to exploitation and abuse, yet are frequently overlooked in the broader discourse on labor rights.

One of the most significant findings in earlier studies is the regional variation in regulations governing housemaid labor. These differences, driven by local customs and traditions, result in a fragmented legal landscape that leaves housemaids at risk of inconsistent treatment and exploitation. The lack of a uniform national policy ensures that the protections afforded to housemaids are often minimal and, in many cases, inadequate.¹² These inconsistencies, coupled with the absence of clear definitions regarding working hours and

⁹ Kusumabrata, Alvino. "RUU PPRT, Perjuangan yang Harus Dituntaskan". *INDO Progress*, September 20, 2023. <https://indoprogress.com/2023/09/ruu-pprt-perjuangan-yang-harus-dituntaskan/>. See also Parvez, Abel, Andi Vallian Superani, and Imas Novita Juaningsih. "Rekonstruksi RUU PPRT Sebagai Upaya Perlindungan Hukum dalam Penanggulangan Kekerasan Terhadap PRT Perempuan dan Anak." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 2, no. 2 (2022): 232-250; Cheung, Sherlyn Nathalia, Yuwono Prianto, and Sheren Hardjono. "The Urgency of Legal Protection for Domestic Workers as Informal Workers." *Unnes Law Journal* 9, no. 1 (2023): 149-162.

¹⁰ Bentham, Jeremy. *The collected works of Jeremy Bentham: An introduction to the principles of morals and legislation*. (Oxford: Clarendon Press, 1996).

¹¹ McManaman, Linus J. "Social Engineering: The Legal Philosophy of Roscoe Pound." *St. John's Law Review* 33, no. 1 (2013): 1-48.

¹² Hanifah, Ida. "Kebijakan Perlindungan Hukum Bagi Pekerja Rumah Tangga Melalui Kepastian Hukum." *Jurnal Legislasi Indonesia* 17, no. 2 (2020): 193-208.

wages, contribute to the vulnerability of housemaids. Previous studies have pointed out that the lack of legal clarity in these areas further perpetuates the cycle of exploitation, especially for those living with their employers, whose working hours remain undefined, thus preventing them from receiving fair compensation for overtime work.

Moreover, prior research also highlights the failure of existing Ministerial Regulations to impose criminal penalties on dishonest agents, instead only levying administrative penalties against placement agencies. According to Law No. 12 of 2011, ministerial regulations cannot enforce sanctions, which significantly limits their efficacy in curbing exploitative practices.¹³ As previous studies have shown, the lack of criminal sanctions for employers and agents who commit crimes against housemaids further underscores the inadequacy of the current legal system. This legal gap leaves housemaids without the protection they need, particularly in the face of abuse and exploitation. Although Islamic teachings, as noted by Yasirwan et al., provide clear guidelines on the fair treatment of housemaids, these principles have yet to be fully incorporated into enforceable legal measures, further exacerbating the vulnerability of this group of workers.¹⁴

In addition to the legal shortcomings, prior studies have also emphasized the social factors that contribute to the vulnerability of housemaids. Many of these workers come from rural areas with limited access to education and are often driven by economic necessity. This makes them particularly susceptible to exploitation, as they may not fully understand their rights or the risks associated with domestic labor. Previous research has categorized housemaids who suffer from employer violence as “*completely innocent victims*” or “*ideal victims*,” highlighting their lack of agency and awareness. The neglect of housemaids, especially within families, has been identified as a form of omission that perpetuates their marginalization and exploitation.¹⁵

Furthermore, previous studies have critiqued the ineffectiveness of the conventional labor inspection system, which fails to prioritize domestic work as a critical area for oversight. The system's inability to focus on specific sectors or

¹³ Azhari, Muhammad Yafi, and Abdul Halim. "Hak-Hak Pekerja Rumah Tangga dan Perlindungan Hukum di Indonesia." *Media Iuris* 4, no. 2 (2021): 173-188.

¹⁴ Yasirwan, Yasirwan, Muhammad Hafiz Ikhsan, and Nikmah Dalimunthe. "Perlindungan Pekerja Rumah Tangga (PRT) Melalui Kepastian Hukum di Indonesia dan Hukum ISLAM." *Jurnal EL-QANUNIY: Jurnal Ilmu-Ilmu Kesyariahan dan Pranata Sosial* 9, no. 1 (2023): 48-63.

¹⁵ Mulyani, Leni Widi. "Perspektif Viktimologis Bagi Pekerja Rumah Tangga Dalam Hal Kelayakan Bekerja." *Litigasi* 19, no. 2 (2018): 163-191.

to enforce labor laws effectively has contributed to the continued exploitation of housemaids. Scholars have suggested that adopting an online-based technology system could provide a more efficient means of monitoring and enforcing labor protections. Such technological solutions could address the systemic weaknesses identified in previous studies, offering a more streamlined and transparent approach to safeguarding the rights of housemaids.¹⁶

Therefore, while previous research has made significant contributions to understanding the challenges faced by housemaids in Indonesia, it has also revealed substantial gaps in the legal protections and enforcement mechanisms currently in place. These gaps have left housemaids vulnerable to exploitation, abuse, and neglect. To effectively address these issues, it is crucial to draw upon the insights from prior studies and develop a legal reconstruction that incorporates clearer regulations, stronger enforcement mechanisms, and practical solutions that specifically address the unique needs of housemaids. Such reforms are essential for ensuring that housemaids are afforded the protection, dignity, and rights they deserve in the workplace.

This study holds significant importance, as it explores and examines the Draft Bill concerning Legal Protection for Housemaids, which is a key component of the 2023 National Legislation Program (*Prolegnas*).¹⁷ The need for legal reform for housemaids is pressing, as it requires the development of comprehensive policies focused on legal protection, empowerment, and the cultivation of healthy employment relationships.¹⁸ This paper aims to contribute valuable insights to the legislative process, particularly in the deliberations concerning the legal protection of housemaids, with an emphasis on ensuring justice and legal certainty. Erlinda, a Senior Expert at the Presidential Staff Office (KSP), has strongly advocated for the swift enactment of the Draft Bill on the Protection of Housemaids (RUU PPRT) into law.¹⁹ To

¹⁶ Nuraeni, Yeni, et al. "Menciptakan Layanan Pengawasan Ketenagakerjaan Secara Profesional, Modern, dan Bermartabat Berbasis Teknologi Digital." *Jurnal Teknologi Informasi dan Ilmu Komputer* 9, no. 1 (2022): 181-190.

¹⁷ BPHN. "Tok! DPR RI Tetapkan 42 RUU Masuk dalam Prolegnas Perubahan Prioritas 2023". *Online News*, August 29, 2023. <https://bphn.go.id/publikasi/berita/2023082915175697/tok-dpr-ri-tetapkan-42-ruu-masuk-dalam-prolegnas-perubahan-prioritas-2023>.

¹⁸ Nirmalah, Nirmalah. "Perlindungan Hukum Terhadap Asisten Rumah Tangga Ditinjau Dari Undang-Undang Cipta Kerja." *Sol Justicia* 4, no. 2 (2021): 194-204.

¹⁹ Anugrahadi, Adi. "Buntut Kasus Penyiksaan PRT di Jaksel, KSP Dorong RUU PPRT Segera Disahkan", *LIPUTAN* 6, December 15, 2022. <https://www.liputan6.com/news/read/5154312/buntut-kasus-penyiksaan-prt-di-jaksel-ksp-dorong-ruu-pprt-segera-disahkan>. See also Chin, Christine BN. "Walls of silence and

achieve these objectives, this research adopts a normative juridical approach, analyzing relevant legislation, articles, legal concepts, principles, and doctrines.

Legal Protection for Housemaid as a Basis For Human Rights Fulfillment

The idea of human rights is fundamentally based on the inherent entitlements of each individual, which require both fulfillment and safeguarding. By signing the Universal Declaration of Human Rights (UDHR) in 1948, Indonesia has acknowledged the principle of human rights as a constitutional obligation, affirming that these essential rights are inherent from birth. This dedication to human rights is evident in the incorporation of the UDHR into the Human Rights Law and the subsequent revisions to the 1945 Constitution. Additionally, Indonesia has shown its commitment to protecting women's rights through its compliance with international agreements like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Declaration, as well as various regional and global instruments that together form the legal framework for the protection of human rights.

Discrimination against women is common, especially if they belong to a minority racial, cultural, or religious group, have low socioeconomic status, or lack necessary education, compelling them to labor in low-paying positions in the informal sector.²⁰ This background drives many women to work as Housemaids or even become migrant workers, but they remain vulnerable to violence and harassment.²¹ CEDAW, ratified through Law No. 7 of 1984, aims to provide anti-discrimination protection to women. Despite this, and the

late twentieth century representations of the foreign female domestic worker: the case of Filipina and Indonesian female servants in Malaysia." *International Migration Review* 31, no. 2 (1997): 353-385; Blackett, Adelle. "Introduction: Regulating decent work for domestic workers." *Canadian Journal of Women and the Law* 23, no. 1 (2011): 1-46.

²⁰ Kasuma, Iva, and Sulistyowati Irianto. "CEDAW Convention and Engendering Faculty of Law's Curriculum Reinforcement: A Lesson Learnt from Indonesia." *Indonesian Journal of International Law* 20, no. 2 (2023): 143-172.

²¹ Kasuma, and Irianto. Even the Faculty of Law at the University of Indonesia, along with other universities, has incorporated courses on Law and Gender into their curricula. Additionally, there exists an association of law and gender educators, further reflecting the growing academic recognition of the intersection between law and gender issues.

inclusion of gender and law courses in many universities, violence against female Housemaids continues to rise.

Physical or sexual violence against housemaids can be categorized as severe human rights violations. Severe human rights violations, as regulated, are adjudicated by the Human Rights Court within the General Judiciary.²² To guarantee the fulfillment of human rights, an institution overseeing human rights enforcement is necessary, known in Indonesia as the National Commission on Human Rights (Komnas HAM).

Numerous cases of cruelty against housemaids highlight the failure to effectively enforce human rights in this sector. To ensure the fulfillment and enforcement of these rights, legal norms rooted in justice and legal certainty are essential. Efforts to enforce human rights for housemaids include several key actions: assisting as witnesses in human rights enforcement processes, supporting victims of violations with compensation and rehabilitation, refraining from obstructing court proceedings, providing crucial information to law enforcement officials or organizations handling human rights violations, and promoting resolution through mediation where applicable. These measures are vital in ensuring that housemaids receive the protection and justice they deserve.²³ In addition to formal institutions, protection for Housemaids can also be provided by the community in the employer's neighborhood or the Housemaid's environment. This falls under Law No. 23 of 2004 concerning the Eradication of Domestic Violence, as Housemaids are viewed as members of the employer's household in line with the conditions of the employment agreement.²⁴

Ken McPhail and Carol A. Adams outline three main guidelines for a country to be responsible for human rights: "*respecting, implementing, and*

²² See Article 104, Paragraph (1) of Law Number 13 of 1999 on Human Rights states serious human rights violations include genocide, arbitrary/extra judicial killing, torture, enforced disappearance, slavery, and systematic discrimination.

²³ See Landman, Todd. *Protecting human rights: A comparative study*. (Washington DC: Georgetown University Press, 2005); Huda, Khoiril, and Ridwan Arifin. "Human Rights in Indonesia: Between Protection, Fulfillment, and Law Enforcement." *Lex Scientia Law Review* 2, no. 2 (2018): 119-122; Wibowo, Seno Adhi. "Child Sexual violence and the violation of human rights: The darkest side of law enforcement in Indonesia." *The Indonesian Journal of International Clinical Legal Education* 2, no. 4 (2020): 421-434.

²⁴ See Article 9, Paragraph (1) of Law No. 23 of 2004 on the elimination of Domestic Violence states that no one within a household may be neglected, including those bound by law, contract, or agreement to provide care, maintenance, or livelihood for that person. This means a Housemaid cannot be neglected because they are individuals who have an employment contract with their employer.

protecting human rights."²⁵ For human rights fulfillment, all legal norms must not contradict human rights concepts and must be enforced. Law enforcement is a process carried out to ensure that legal norms function as behavioral guidelines in legal relations within society and the state.²⁶ In Indonesia, the recognition of human rights is enshrined in the 1945 Constitution (UUD 1945), which serves as the highest source of law in the country. As such, all laws and regulations beneath the Constitution must align with its provisions and cannot conflict with it. Legal experts have developed various concepts of legal protection, one of which is Satjipto Rahardjo's definition. According to Rahardjo, "*Legal protection means providing human rights-based protection for those harmed by others, and this protection is granted to society to ensure that individuals can fully enjoy all the rights afforded by law.*"²⁷ This definition emphasizes the role of the law in safeguarding human rights and ensuring that individuals are able to exercise their rights without fear of harm or injustice.²⁸ Legal protection must be reinforced in legislation to provide legal certainty and facilitate law enforcement.

Legal protection is a right for every Indonesian citizen provided by the 1945 Constitution and legislation. Legal protection functions to provide legal certainty so that a person's rights can be guaranteed. The constitutional rights of workers are assured by Article 27(2) and Article 28D(1) of the 1945 Constitution. Article 27 affirms that each individual is entitled to secure employment and earn a reasonable income. Article 28D(1) states the

²⁵ Arifin, Saru. "Human Rights and Business: Human Rights Violations in the Outsourcing Industry in Modern Business Indonesia." *Journal of Indonesian Legal Studies* 6, no. 1 (2021): 35-52. See also McPhail, Ken, and Carol A. Adams. "Corporate respect for human rights: meaning, scope, and the shifting order of discourse." *Accounting, Auditing & Accountability Journal* 29, no. 4 (2016): 650-678.

²⁶ Arifin, Ridwan, and Lilis Eka Lestari. "Penegakan dan Perlindungan Hak Asasi Manusia di Indonesia dalam Konteks Implementasi Sila Kemanusiaan Yang Adil dan Beradab." *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12-25; Aswandi, Bobi, and Kholis Roisah. "Negara Hukum dan Demokrasi Pancasila dalam Kaitannya dengan Hak Asasi Manusia (HAM)." *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (2019): 128-145.

²⁷ Rahardjo, Satjipto. *Penegakan Hukum Progresif*. (Jakarta: Penerbit Buku Kompas, 2010).

²⁸ Nurhayati, Siti. "Social inclusion for persons with disabilities through access to employment in Indonesia." *Prophetic Law Review* 2, no. 1 (2020): 1-21. See also Mangku, Dewa Gede Sudika, Ni Putu Rai Yulianti, and I. Wayan Lasmawan. "Legal Protection for People with Disabilities in Indonesia in the Perspective of Justice Theory." *Unnes Law Journal* 8, no. 2 (2022): 245-262; Idris, Maulana Fahmi. "Access to Justice for Disability in the Perspective of John Rawls Theory (Case of Demak Regency Indonesia)." *Journal of Law and Legal Reform* 2, no. 3 (2021): 391-400.

constitutional right to legal protection based on justice and legal certainty. Article 28I elaborates on the obligations of the state regarding human rights. The constitutional rights of Housemaids align with those of all workers, including essential rights such as the right to a safe and secure working environment, the right to life, the right to establish a family and have children, the right to education, the right to be free from discrimination, the right to join associations, the right to equal treatment under the law, the right to gainful employment, the right to fair and sufficient remuneration, as well as the right to acknowledgment, safeguards, protection, and legal assurance.

Every piece of legislation is dogmatic and must be based on legal principles. The principles in the Draft Bill on Housemaids' Protection include: family principles, justice principles, welfare principles, legal certainty principles, and human rights principles. The bill's explanatory section also clarifies these principles. The family principle emphasizes a good relationship between employers and Housemaids, where the employer considers the Housemaid as part of their family, aiming to maintain a harmonious relationship. Employers should know the Housemaid's address and family to anticipate unwanted situations. The management style of employers who provide rewards, positive responses, and loyalty to Housemaids can foster a sense of motivation among the workers. Partnership management, where there is a sense of ownership over their work, is crucial.²⁹ In Singapore, the urgency of micro-management underscores that Housemaids need their employers, and conversely, employers need Housemaids.

The principle of justice in legislation serves as the goal of law and should be implemented in legislation. Upholding the principle of fairness in Indonesian society will significantly influence the fate of this nation in the future.³⁰ Regulations that are not based on justice will face rejection from the legal subjects they govern, and such reactions often garner criticism upon the enactment of laws.

John Rawls's theory of justice has two objectives: a. Firstly, the theory articulates how general principles of justice are grounded and explained by various moral concepts that are also consistent with the specific circumstances of society. Moral decisions, as envisioned by John Rawls, aim towards a reflective moral evaluation. b. Secondly, John Rawls developed a theory of social justice that is superior to utilitarianism. For Rawls, justice in the social sphere

²⁹ Kantachote, Krittiya. "Micromanagement of foreign domestic workers in Singapore: The influence of state regulations and laws." *Helikon* 9, no. 7 (2023).

³⁰ Sunaryo, "Konsep *Fairness* John Rawls, Kritik dan Relevansinya."

aims to maximize benefits and utility.³¹ Despite significant socio-economic differences between Housemaids and employers, regulations are needed that benefit all parties involved. In other words, no party should feel disadvantaged by the applicable laws.

The concept of well-being involves ensuring the right to a satisfactory standard of living. This implies that the interaction between Housemaids and their employers is designed to foster both prosperity and security for the workers and their families. Housemaids work towards securely fulfilling their own needs and those of their families. As defined by the Indonesian Dictionary, well-being signifies a condition that is safe, peaceful, and prosperous.³² The well-being of a community is demonstrated through the satisfaction of essential needs such as sufficient housing, clothing, and nutrition, alongside accessible and high-quality education and healthcare. It represents a state in which each person can optimize their resources within a specific financial limit, ensuring that both their physical and emotional needs are addressed.³³

The principle of comfort and security ensures that employers engage Housemaids so they can perform higher-quality work safely. This allows Housemaids to work peacefully. Just like a career woman busy enhancing her profession, household affairs are delegated to Housemaids because they share the status of employees. Career women rely on Housemaids to ensure their safety in performing their professions. In the working relationship between employers and Housemaids, both parties feel safe and comfortable, fostering a harmonious relationship. To ensure Housemaids' comfort at work, they have the right to keep their own documents as part of their privacy rights.³⁴ It is prohibited to stipulate that privacy documents be kept by the employer as a guarantee of continued employment, such as original documents like the Identity Card, Passport, Diploma, Transcript of Records, Family Card, Certificate, Birth Certificate, Marriage Certificate, and other personal privacy rights.

³¹ Lingga, Leo Sugianto, and Mathias Adon Jebaru. "Konsep Keadilan John Rawls terhadap Peran Wanita dalam Dunia Politik di Indonesia." *Jurnal Analisis Sosial Politik* 7, no. 1 (2023): 48-56. See also Tama, Rifqi Anugrah, et al. "The Role of Legal Empowerment Based Advocacy for Rural Communities on Structural Social Inequality." *Indonesian Journal of Advocacy and Legal Services* 5, no. 2 (2023): 161-180.

³² Badan Pengembangan dan Pembinaan Bahasa, Kementerian Pendidikan, Kebudayaan, Riset, dan Teknologi Republik Indonesia. *Kamus Besar Bahasa Indonesia*. <https://kbbi.kemdikbud.go.id/entri/sejahtera>

³³ Sukmasari, Dahliana. "Konsep Kesejahteraan Masyarakat dalam Perspektif Al-Qur'an." *At-Tibyan* 3, no. 1 (2020): 1-16.

³⁴ See Article 9, Paragraph (3) of ILO Convention No. 189

The principle of well-being entails the fulfillment of both the primary and secondary needs of Housemaids. The measure of well-being is relative, as stated by Suharto: "*social well-being encompasses three basic conceptions: (1) the fulfillment of physical, spiritual, and social needs; (2) involving social welfare institutions and various humanitarian professions; (3) active activities or efforts organized to achieve well-being.*"³⁵ Classical development economists (early post-World War II) agree that well-being can be represented by income levels. Well-being can be interpreted as the achievement of self-interest, the fulfillment of basic physical needs, or related to individual happiness.³⁶ Well-being here includes the fulfillment of both primary and secondary needs, whether material or immaterial.

The principle of legal certainty means that the legal basis is clear, so that the legal norms do not give rise to multiple interpretations or misinterpretations. Legal certainty, according to Lon Fuller, involves: 1) A legal framework comprised of rules that are not founded on mistaken judgments for specific issues; 2) These rules are made known to the public; 3) They do not apply retroactively, as this could undermine the system's integrity; 4) They are articulated in a manner that is comprehensible to the general populace; 5) There are no conflicting rules; 6) They do not require actions that exceed what is feasible; 7) They are not subject to frequent alterations; 8) There should be alignment between the rules and their everyday application..³⁷ Legal certainty is a constitutional right granted by Article 28D of the 1945 Constitution. To realize legal certainty in protecting Housemaids, legislation for the Protection of Housemaids is required.

Ratifying ILO Convention No. 189 is crucial for Indonesia to protect Housemaids. This convention embodies essential human rights standards in the

³⁵ Ngutra, Theresia. "Pemenuhan Hak Kesejahteraan Sosial Bagi Masyarakat Miskin di Kota Makassar." *Thesis*. (Makassar: Universitas Negeri Makassar, 2017). *See also* Erdianti, Ratri Novita, Wasis Wasis, and Sholahuddin Al-Fatih. "Child Friendly Villages as an Effort to Prevent a Child as Victims and as Perpetrator Crimes." *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement)* 5, no. 2 (2022): 317-336.

³⁶ Basofi, Ahmad. "Analisis Pengukuran Kesejahteraan di Indonesia." *Jurnal Ilmiah Mahasiswa FEB* 5, no. 2 (2017). *See also* Grootaert, Christiaan. *Social capital, household welfare and poverty in Indonesia*. No. 6. (Washington DC: World Bank Publications, 1999); Aini, Yulinda Nurul, Yanti Astrelina Purba, and Ruth Meilianna. "Trade globalization and its impact on welfare in Indonesia." *Journal of Indonesian Social Sciences and Humanities* 8, no. 1 (2018): 59-73.

³⁷ Nur, Zulfahmi. "Keadilan Dan Kepastian Hukum (Refleksi Kajian Filsafat Hukum dalam Pemikiran Hukum Imam Syâtibî)." *Misykat Al-Anwar Jurnal Kajian Islam dan Masyarakat* 6, no. 2 (2023): 247-272.

workplace, focusing on the elimination of forced or involuntary labor, the complete eradication of child labor, the encouragement of freedom of association, the recognition of collective bargaining rights, and the abolishment of discriminatory practices related to employment and occupation. Furthermore, any instances of physical violence, confinement at the workplace, or discriminatory actions against Housemaids represent significant violations of human rights, as outlined in Article 104, paragraph 1 of Law No. 13 of 1999.

Cases of abuse and exploitation against housemaids, particularly migrant workers, highlight severe violations of human rights that demand urgent attention. One particularly harrowing case involves the abuse of Meriance by her former employers, Ong Su Ping Serene and Sang Yoke Leng. They are accused of inflicting brutal violence on her, resulting in grave injuries, including fractures in her head, swollen bruises on her face, broken ears and teeth, and widespread pain throughout her body. This case exemplifies the extreme vulnerability that housemaids face, especially when their rights are not protected and they are subjected to inhumane treatment by those in positions of power.³⁸

Similarly, the tragic story of Adelina, a migrant worker from Nusa Tenggara Timur (NTT), underscores the devastating consequences of neglect and abuse. Adelina suffered from malnutrition in her final month of work, with physical wounds that appeared to have been caused by animal bites. Her condition continued to deteriorate until she ultimately died, a death that could have been prevented had her rights been upheld and her welfare taken into consideration. This case paints a grim picture of the conditions many migrant workers face, where their basic needs are ignored, and their suffering goes unaddressed.³⁹

The scale of abuse against migrant workers is further demonstrated by the revelation of alleged arrests of around 300 Indonesian migrant workers in Saudi Arabia. This incident, along with the violations committed by several Placement and Training Agencies for Indonesian Workers Overseas (PPTKIS), highlights systemic failures in protecting migrant workers. Despite the moratorium on the placement of informal sector migrant workers in the country, insufficient

³⁸ Lumbanrau, Raja Eben. "Terdakwa kasus penyiksaan 'keji' terhadap Meriance Kabu di Malaysia 'penuhi unsur kejahatan perdagangan orang' - Apa maknanya bagi perlindungan PMI?". *BBC News Indonesia*, July 30, 2024. <https://www.bbc.com/indonesia/articles/cd1x0y2w5eeo>

³⁹ Suastha, Riva Dessthania. "Diduga Tewas Disiksa, TKI Kekurangan Gizi Sebelum Meninggal". *CNN Indonesia*, February 12, 2018. <https://www.cnnindonesia.com/internasional/20180212231919-106-275747/diduga-tewas-disiksa-tki-kekurangan-gizi-sebelum-meninggal>.

oversight and control have allowed these abuses to continue.⁴⁰ Moreover, many migrant workers, seeking work in Saudi Arabia, were reported to have left using tourist passports, an indication of the fraudulent practices of some recruitment agencies and the risks that workers face when they are forced to rely on illegal methods to seek employment abroad.⁴¹

These cases of abuse, exploitation, and even slavery are among the most serious human rights violations faced by housemaids, particularly those working as migrant workers. The prevalence of such incidents calls for stronger protections and a more systematic approach to safeguarding the rights of housemaids. One vital step in addressing these issues is the establishment of bilateral agreements between countries, ensuring the legal and human rights of migrant workers are protected. Such agreements would not only facilitate cooperation between governments but also strengthen monitoring and enforcement mechanisms, providing greater legal recourse for victims of abuse. Ultimately, these measures are crucial in preventing further violations and ensuring that housemaids are treated with the dignity and respect they deserve.

Forms of Legal Protection for Housemaids

Protection encompasses a broad range of areas and can be divided into two primary categories: preventive and repressive protection. Preventive protection

⁴⁰ BBC. "TKI disekap di Arab Saudi, kebijakan moratorium 'kebobolan'", *BBC News Indonesia*, April 5, 2017. [Thttps://www.bbc.com/indonesia/indonesia-39487767](https://www.bbc.com/indonesia/indonesia-39487767)

⁴¹ In an interview conducted in Saudi Arabia on July 12, 2023, Aii shared her harrowing experience as a migrant worker in the country. She explained that her initial understanding of working abroad was based on the assumption of formal employment at a company, with no training provided. However, her reality was far from what she had envisioned. While working for her employer, Aii was subjected to severe mistreatment. She was confined to a room, not allowed to leave, and frequently scolded by her employer for not understanding her instructions. The abuse escalated when her employer ironed her hand and slapped her for perceived imperfections in her work, further illustrating the cruelty she endured. One significant turning point in Aii's story occurred during an iftar gathering at her employer's relative's house. There, she unexpectedly encountered another migrant worker from East Nusa Tenggara (NTT), which provided her with a brief but crucial opportunity to escape. Seizing this chance, Aii fled from her employer's house and eventually remained in Saudi Arabia, determined to seek work independently. Her account not only highlights the extreme exploitation faced by many migrant workers but also underscores the courage and resilience required to break free from such abusive situations.

is implemented through regulations designed to avert violations, whereas repressive protection focuses on safeguarding the resolution of disputes. Legislation aimed at preventive protection includes measures that ensure the safety of Housemaids both within the country and on an international scale.

A. Forms of legal protection for Housemaids domestically

Philipus M. Hadjon identifies two categories of legal protection: preventive and repressive. Preventive legal protection seeks to avert infringements of human rights. In order to safeguard the rights of Housemaids, it is essential to establish legal standards that govern them. On the other hand, repressive protection pertains to addressing conflicts arising from past violations of human rights.⁴² Repressive protection can be resolved through non-litigation or litigation. Non-litigation dispute resolution is done outside the court. Non-litigation dispute resolution can be conducted through Bipartite Institutions, Mediation, Conciliation, and Arbitration, while litigation resolution can be submitted to the Industrial Relations Court as the first step, and cassation legal efforts to the Supreme Court.⁴³ Non-litigation resolution can create good industrial relations, as long as the deliberations are conducted voluntarily, without coercion. Forms of protection that should be regulated in legislation include:

a. Job recruitment

Protection for Housemaids, allowing them to be recruited directly by employers, but employers or Housemaids must register with the local Manpower Office through the Online Single Submission (OSS) application or may also come directly to the local Manpower Office, to facilitate

⁴² Hendriana, Rani. "The Problematics of Legal Protection Towards Victims of Domestic Physical Violence in Indonesia." *The 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)*. Atlantis Press, 2020.

⁴³ Mantili, Rai. "Konsep Penyelesaian Perselisihan Hubungan Industrial Antara Serikat Pekerja dengan Perusahaan Melalui Combined Process (Med-Arbitrase)." *Jurnal Bina Mulia Hukum* 6, no. 1 (2021): 47-65. See also Dewi, Mentari Berliana Kemala. "Analisis Dampak Permintaan Naiknya Upah Minimum Terhadap Perekonomian, Hukum dan Kesejahteraan Nasional." *Indonesian State Law Review (ISLRev)* 2, no.1 (2019): 3017-321; Mahasin, Zahra Zara, Firqotun Naziah, and Ridwan Arifin. "Wage problems in Indonesia in the human rights perspective (Case of inappropriate wages for pot workers in Tangerang)." *The Indonesian Journal of International Clinical Legal Education* 2, no. 1 (2020): 1-14.

government supervision, and the government also provides complaint application accounts. Every Housemaid who is looking for a job or already working is advised to first register with the responsible agency in the field of labor, to make it easier for the government to supervise and nurture. The government, as a regulator, will make rules for the recruitment process. At the time of registration, the type of job skill must also be registered. There must be a classification of types of Housemaids' jobs based on skills. In Italy, there are two types of classification of Housemaids' jobs, namely as family assistants covering childcare, or elderly care, and family helpers covering housekeeping, cooking, laundry, and ironing clothes.⁴⁴ The purpose of this classification is to place Housemaids according to the employer's needs; the working hours and wages are also different. Labor supply companies are only allowed to supply labor formally and informally, make employment agreements with employers, and not make employment agreements with Housemaids. When signing employment contracts, workers must understand the contents of the employment contract. In the Philippines, known for its best protection of its migrant workers, agency managers allow Housemaids to question their understanding of the contents of the employment contract and recruitment agreement and ask about their rights.

b. Labor supply companies

Labor supply companies or domestic labor agencies must be registered with the local manpower office.⁴⁵ The distribution area matches the legal jurisdiction of the district/city where the company is registered. The aim is to facilitate government supervision and prevent human trafficking. The legal relationship between the labor supply company and the prospective employer is called a job placement agreement, while between the labor supply company and the prospective Housemaids, it is a placement agreement. The rights and obligations of the parties in the placement agreement, generally, labor supply companies have the right to a service fee as a labor supplier, and they are obliged to inform the names and identities of registered Housemaids in their company.

In the implementation of labor distribution, the company is responsible for the availability of prospective Housemaids. The parties can agree that "if prospective Housemaids cancel the employment agreement with the employer before the end of the employment agreement period, the supplier can replace the Housemaids, without payment." The importance of

⁴⁴ Degani, Paola. "Domestic/care work and severe exploitation. The limits of Italian migrant regularization schemes." *Frontiers in Human Dynamics* 4 (2022): 818351.

⁴⁵ See Article 21 of the Draft Law on the Protection of Housemaids

this agreement is to protect employers from the bad intentions of suppliers who have received service fees. There have been cases of Housemaids who have made employment agreements, before the end of the employment agreement period (2 weeks), the Housemaids terminated the employment relationship, causing losses to the employer because they have paid a service fee to the labor supply company. This incident often occurs in the same labor supply company.⁴⁶ To prevent any bad faith from the supplier, it is essential to include a clause in the agreement that ensures the ongoing employment relationship between the employer and the Housemaids.⁴⁷ Labor recruitment companies must have a business license and are prohibited from charging recruitment and training fees to Housemaids, but they can charge recruitment and training process fees to the employer as compensation for their services.

c. Job training

Job training is a born right due to the obligation of the central and regional governments.⁴⁸ Efforts for job training are the government's duty as a service to citizens. For citizens, it is a constitutional right to education, which can be implied as the right of Housemaids to receive training. Education and training include: a. knowledge about Employment; b. training to enhance the skills and competence of workers and c. Education about social and cultural norms that prevail in the community according to the context of the workplace.⁴⁹ Training can be facilitated by employment agencies or conducted by the government. The government, through the Job Training Centers (BLK), can provide training funded by the state budget (APBN).⁵⁰ The government's role in providing services to its citizens entails the authority and obligation to provide administrative services. The government's function in empowerment is closely related to providing educational facilities and skill training for every prospective Housemaid. This can be compared to Adam Smith's theory of government functions, which states that the government has roles in maintaining security, administering justice, and providing public goods.⁵¹ Employment agencies are allowed to

⁴⁶ Interview with Marsisnim, October 2, 2022

⁴⁷ See Article 23 of the Draft Law on the Protection of Housemaids

⁴⁸ See Article 18 of the Draft Law on the Protection of Housemaids.

⁴⁹ See Article 18 paragraph (3) of the Draft Law on Housemaids' Protection.

⁵⁰ See Article 19 paragraph (2) of the Draft Law on Housemaids' Protection.

⁵¹ Putra, Dwi Candra. "Peran Pemerintah dan Swata dalam Perekonomian." *J-CEKI: Jurnal Cendekia Ilmiah* 1, no. 6 (2022): 805-808. See also Setiawan, Sarno, et al. "Community Empowerment on Establishment of Friendly-Village for Women and

conduct training as long as it is coordinated with the government. Employment agencies conducting training must obtain permission from the government and are not allowed to charge training fees to Housemaids. The specific requirements for employment agencies will be further regulated by Government Regulations.

d. Regulation of Work Hours and Rest Time

The regulation of work hours for Housemaids is necessary to protect them from the selfish attitudes of employers. This aligns with the constitutional right to be treated humanely and the right to a comfortable living. The concept of work hours in Article 1, Point 9 of the Draft Law on the Protection of Housemaids states, "*Work Hours are the time to perform household tasks based on the agreement between the employer and the Housemaid.*"⁵² This concept does not provide legal certainty to protect workers, as work hours are based solely on an agreement. It should be amended to include "*applicable laws and regulations.*" This means that the work hours agreement should not be based solely on contractual freedom but should adhere to the limitations set by law.

Work hours are the time during which the worker is present to start their duties until they take a rest. The duration of work hours is based on the agreement between the employer and the Housemaid and must not conflict with existing laws and regulations. Several aspects need attention regarding work hours: the classification of Housemaids as family assistants differs from family helpers. Work hours for family assistants are highly dependent on the irregular nature of caregiving, especially when caring for children or elderly individuals who are often sick. This makes it difficult for Housemaids to rest. Therefore, rest periods and wage rates should be agreed upon with the employer.

There are two types of work arrangements: live-in Housemaids and those who do not reside at the employer's home. For Housemaids who do not reside with their employers, their working hours align with those of other formal employees: 7 hours daily for 6 days a week, or 8 hours a day for a 5-day workweek.⁵³ The total work hours can be detailed based on mutual agreement.

Children." *Indonesian Journal of Advocacy and Legal Services* 1, no. 1 (2019): 5-22; Waspiyah, Waspiyah, et al. "Peningkatan Pemahaman Hak Alimentasi Terhadap Kelompok Lanjut Usia Melalui Legal Counseling Approach." *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement)* 4, no. 1 (2021): 112-122.

⁵² See Article 1 number 9 of the Draft Law on the Protection of Housemaids.

⁵³ In accordance with Article 7 of Law No. 13 of 2003 on Manpower

For workers allowed to work for multiple employers, the daily work hours should be adjusted according to the agreement, and wages should be based on an hourly system. This system can be utilized for specific tasks such as washing clothes, ironing, cooking, or cleaning the house. Once the work is completed, the worker can either go home or work for another employer.

In Singapore, weekly rest days for Housemaids are regulated.⁵⁴ Weekly rest days are crucial for Housemaids to rejuvenate physically and mentally after a week of continuous work. Article 10 (2) of ILO Convention No. 189 stipulates a weekly rest period of 24 hours after six consecutive days of work.⁵⁵

e. Regulation of Wage Protection

Wages are a constitutional right for decent work along with a right to receive fair and appropriate remuneration and treatment. Therefore, in principle, wages must be fair and appropriate. Fairness implies a balance between the interests of Housemaids and the conditions of employers. It would be unjust to set wages beyond the employer's means, but employers should also not exploit Housemaids. The term *menzalimi* or to tyrannize derives from *zalim* which according to the Indonesian Dictionary means cruel, unjust, lacking compassion, and ruthless,⁵⁶ implying a person or group causing emotional or physical harm to others.⁵⁷ Such behavior is undesirable in any legal relationship. Justice must be upheld to achieve harmony. Adam Smith argued that “*justice essentially has only one meaning, namely commutative justice, which concerns equality, balance, and harmonious relationships between individuals or parties.*”⁵⁸

The work system based on accommodation distinguishes between Housemaids who live in the employer's home and those who do not. The regulation of wages for live-in workers differs from those who do not reside with their employers. In principle, wages are paid based on a decent living standard. For live-in Housemaids, where accommodation, food, and basic needs are provided by the employer, the costs for accommodation, food, and electricity should be agreed upon, but a maximum standard must be set by

⁵⁴ Yeoh, Brenda SA, Charmian Goh, and Kellynn Wee. "Social protection for migrant domestic workers in Singapore: International conventions, the law, and civil society action." *American Behavioral Scientist* 64, no. 6 (2020): 841-858.

⁵⁵ See Article 10 of the ILO Convention No. 189.

⁵⁶ <https://kbbi.kemdikbud.go.id/entri/zalim>.

⁵⁷ Umam, Moch Rizal, Tulus Musthofa, and Dwi Wulan Sari. "Konsep Zalim dalam Al-Qur'an Tinjauan Pemikiran Tan Malaka." *Jurnal Studi Al-Qur'an* 19, no. 1 (2023): 79-96.

⁵⁸ Mulyani, "Perspektif Viktimologis Bagi Pekerja Rumah Tangga dalam Hal Kelayakan Bekerja."

the government through regulation to avoid employer exploitation. The minimum wage must be based on the provincial or city/regency minimum wage standards, similar to formal workers.⁵⁹ For live-in workers, the wages are deducted to cover the living expenses provided by the employer. The percentage of these deductions should be stipulated in legislation.

In South Africa, the Labor Relations Act (LRA) and Section 8 of the Basic Conditions of Employment Act (BCEA) impose restrictions on deductions for employer-provided housing or accommodation, capping them at a maximum of 10% of an employee's wages. This provision within Section 8 of the BCEA could serve as a useful reference for national regulations, particularly in situations where employers only provide accommodation to their workers. However, the reality for many housemaids is that employers often provide more than just a room—they also offer food, electricity, and personal cleaning supplies, thereby covering essential living expenses.

Given this arrangement, housemaids often rely on their employers to meet their basic needs, which could, in turn, enable them to save or send a significant portion of their wages back to their families. This makes the issue of wage deductions especially important, as the amount deducted could have a significant impact on the worker's financial stability. For housemaids receiving full accommodations, including food and utilities, it is not uncommon for deductions to reach up to 50% of their agreed-upon wages. Such high deductions, while sometimes justified by the provision of comprehensive living arrangements, raise concerns about fairness and the potential for exploitation, particularly when housemaids are left with insufficient income to support themselves or their families. Thus, careful consideration of wage deductions and the extent of employer-provided benefits is critical in ensuring fair compensation for housemaids.

f. Participation in the Employment Insurance Program

The proposed legislation regarding the protection of Housemaids requires employers to register these workers in social employment insurance schemes, with the costs being divided between the employer and the Housemaids.⁶⁰ Social employment insurance is crucial for Housemaids as it helps mitigate risks in the event of work accidents, illness, or death of the Housemaid. The premiums for work accident insurance are to be borne solely by the employer, while the health insurance premiums are shared

⁵⁹ See Article 90 of Law No. 13 of 2003

⁶⁰ See Article 12 of the Draft Law on the Protection of Housemaids.

between the employer and the Housemaids. The insurance premium for Housemaids is lower than the insurance premium for company employees. The card proving membership in the insurance program should be kept by the Housemaids, as it is part of their privacy rights.

There are criminal sanctions for employers who fail to enroll Housemaids in the employment insurance program. Employers who delay the payment of social employment insurance contributions are subject to fines. In case of violations of these provisions, workers can report to the labor inspectorate through direct complaints or via an online complaint application.

g. Recognition of Housemaids as Professional Occupations

Housemaids have traditionally been classified as informal workers, making it difficult for them to receive legal protection from the government, as they are not monitored by labor inspectors unless they have the courage to report to the Department of Labor or the police regarding criminal cases involving their employers. As workers in the informal sector, they are unorganized, unregistered, and generally less educated, making it hard for them to compete with workers in the formal sector.⁶¹ According to ILO data, around 75% of Housemaids in Indonesia are women, most of whom come from rural areas and generally have low levels of education.⁶² There is a need to shift this viewpoint to enhance the regard for Housemaids. While Indonesia has not yet ratified ILO Convention No. 189, its core principles can still be embraced, as they encompass essential human rights in the workplace. These include the abolition of all forms of forced or involuntary labor, the complete eradication of child labor, the right to freely associate, the proper recognition of collective bargaining rights, and the removal of discrimination related to employment and occupation.⁶³

According to Tilaar, a professional occupation is characterized by having a specific skill set, being a vocation, possessing universally standardized theories, and serving the community rather than oneself.⁶⁴ To

⁶¹ Wandu, Wandu. "The Ideal Arrangement of Legal Protection for Informal Sector Workers in the Perspective of the Principles of Legal Certainty, Justice and Expediency." *International Journal of Law Reconstruction* 7, no. 2 (2023): 141-163.

⁶² Habibah, Siti Maizul, Oksiana Jatiningih, and Iman Pasu Marganda Hadiarto Purba. "Jaminan Hak Asasi Manusia bagi Pekerja Rumah Tangga melalui Perjanjian Kerja di Surabaya." *Jurnal HAM* 12, no. 2 (2021): 245-260.

⁶³ See Article 3 (2) of Domestic Workers Convention 189, 2011.

⁶⁴ Hidayati, Ayu Nur. "Pentingnya Kompetensi Dan Profesionalisme Guru dalam Pembentukan Karakter Bagi Anak Usia Dini." *Jurnal Profesi Keguruan* 8, no. 1 (2022): 1-9.

strengthen their identity, Housemaids should be recognized as professionals. As part of upholding human rights, they must be afforded the right to both formal and informal education. The proposed legislation aimed at protecting Housemaids indicates that employment agencies may partner with training institutions to offer training, ensuring that Housemaids develop essential skills.⁶⁵

h. Standards for Employer-Provided Accommodation

Employers have the option to provide accommodation for Housemaids, particularly for roles involving childcare or elderly care, as outlined in the employment agreement. This accommodation must meet the same standards of adequacy, comfort, and workplace health and safety⁶⁶ as those provided elsewhere for Housemaids, including features like windows, bathrooms, and exit doors. In South Africa, specific requirements for Housemaids' accommodation are regulated by Sectoral Regulations.⁶⁷

i. Prohibition of Violence Against Housemaids

Prohibition of violence against Housemaids stems from constitutional rights to life and safety. As Bentham posited, laws aim to achieve the greatest happiness; humans live for happiness and to be spared from suffering.⁶⁸ Article 5 of the ILO Convention (189) prohibits employers from abusing, harassing, or using violence against Housemaids. Similarly, Article 28 of the Housemaids Protection Bill prohibits employers from intimidating, threatening, harassing, or engaging in physical or non-physical violence against Housemaids. The Domestic Violence Prevention Act also protects Housemaids who have employment agreements with family members.⁶⁹

⁶⁵ See Article 20 of the Draft Law on the Protection of Housemaids.

⁶⁶ The requirements for health and safety in the workplace are regulated by Law Number 1 of 1970. Article 3 stipulates: preventing and reducing accidents; avoiding opportunities for fire and explosions; providing emergency escape routes, and non-humid rooms; minimizing susceptibility to dirt; avoiding exposure to toxic gases or diseases; adequate lighting; and ensuring perfect air circulation.

⁶⁷ International Labour Organization. *The Regulation of Domestic Workers in Indonesia: Current Laws, International Standards and Best Practice*. (Jakarta: International Labour Office, 2006).

⁶⁸ Bentham, Jeremy, and John Stuart Mill. *Utilitarianism and other essays*. (London: Penguin UK, 2004).

⁶⁹ See Article 44 of the Domestic Violence Law (UU KDRT) concerns criminal sanctions for perpetrators of domestic violence (KDRT), including violence against Housemaids. See also Dhinarta, Aldhito Bagus. "Innovation and Creativity in Handling Cases of Domestic Violence from Victimology Perspective." *Journal of Creativity Student* 4, no. 2 (2019): 157-174; Tsanian, Muhammad Ridlo Rizki, Idaul Hasanah, and Ratri Novita Erdianti. "Penggunaan Undang-undang Nomor 23 Tahun 2004 Tentang Penghapusan

If Housemaids exhibit undisciplined behavior, negligence in their duties, or fail to understand the employer's instructions, the employer must not resort to violence but instead seek wise warning approaches. If unsuccessful, the employer can report to recruitment agencies or labor inspectors.

j. Requirements for Employers

Employers have both rights and obligations towards Housemaids. An employer's obligations include providing fair wages, overtime pay if working hours exceed 7 hours per day, paying health and work accident insurance premiums, and registering Housemaids with the local Department of Labor. If the employer provides accommodation for the Housemaids, it must meet health standards.⁷⁰ Employers must treat workers well, not abuse them, and respect Housemaids as individuals with dignity. There should be a regulation requiring employers to declare their willingness to pay wages according to applicable regulations during the recruitment process of Housemaids to protect their wages and prevent low-wage practices.

k. Minimum and Maximum Age Limits for Housemaids

Legislation must set a minimum age requirement for Housemaids to safeguard the rights of children, who are still developing physically and mentally and are obligated to attend school. Employment in this sector should be limited to adults. The ILO Convention (182) forbids the employment of minors. According to Law Number 35 of 2014 concerning child protection, economic exploitation, torture, punishment, and any form of cruel, inhumane, or degrading treatment of children are prohibited. Qualified Housemaids should be at least 18 years old.

According to Article 1, Number 26 of Law No. 13 of 2003, adulthood is defined as 18 years old.⁷¹ However, due to socio-economic factors, if a child has to work, the employer can employ them not only as Housemaids but also treat them as adopted children, providing opportunities for formal education at least up to the basic level, with education costs borne by the employer.

Kekerasan Dalam Rumah Tangga Pada Kekerasan dalam Pernikahan di Bawah Tangan (Studi di Pengadilan Negeri Malang)." *Indonesia Law Reform Journal* 1, no. 3 (2021): 354-367.

⁷⁰ See Article 13 of ILO Convention No. 189

⁷¹ See Article 1 number 26 of Law No. 13 of 2003 stipulates that "*a child is a person under the age of 18 years old.*" The prohibition of employing children is also regulated in the International Labour Organization (ILO) Convention No. 138 concerning Minimum Age and ILO Convention No. 182 concerning the Worst Forms of Child Labour.

Articles 79 and 80 of Law No. 13 of 2003 allow children aged 14 and above to work under certain conditions, such as a maximum of 3 hours per day, allowing for formal education, and not engaging in work that endangers health and safety.⁷²

In addition to the minimum working age, there are no regulations in Indonesia that set a maximum age limit for working, as it depends on an individual's physical condition and health. For workers, physical strength is determined by factors such as adequate nutrition, diet, mental peace, and a healthy environment. According to Article 1, Number 2 of Law No. 13 of 1998, the elderly are defined as those who have reached the age of 60 and above, which can be considered the beginning of old age. Generally, for civil servants who reach the age of 60, this is the retirement age criterion. The BPJS Employment (Social Security Agency) allows for old-age insurance claims to be made at 58 years old. Various retirement age regulations for formal employment need to be established because, at retirement, one receives a pension from the state, whereas Housemaids as informal workers receive wages from their employers. The maximum retirement age for Housemaids depends on their health and physical ability to handle the workload. To assess the health of Housemaids, a health certificate from a hospital is required.

l. Right to Perform Religious Duties

As a constitutional right granted by the First Principle of Pancasila (5 basic principles of Indonesia), Article 28 E, and Article 29 of the 1945 Constitution, and the Housemaids Protection Bill, Housemaids should enjoy this right. Employers must allow time for rest to perform religious duties and must not prohibit Housemaids from practicing their religion.⁷³ Employers who prevent Housemaids from performing religious duties will face criminal sanctions. Besides allowing Housemaids to practice their religion, employers must also not force them to adopt a religion that the Housemaid does not believe in.

m. Right to Organize

The right to organize for Housemaids has not yet been regulated in the Draft Law on the Protection of Housemaids. There is a need to establish

⁷² Anggriani, Errika Putri. "Policy on Reducing Child Labor as the Elimination of the Worst Forms of Child Labor." *Unnes Law Journal* 6, no. 1 (2020): 1-20; Khunaefi, Ahmad, Dina Puji Wahyuni, and Michelle Rani Agustine. "Discourse on Legal Protection of Underage Child Labor in Indonesia." *The Digest: Journal of Jurisprudence and Legislation* 3, no. 2 (2022): 105-114.

⁷³ See Article 11 of the Draft Law on the Protection of Domestic Workers.

organizations for Housemaids as a platform for organizing, facilitating the expression of grievances in work relationships, and assisting in resolving disputes with employers. From a functional perspective, a labor union serves as a channel to express desires and hopes.⁷⁴ Although a union for Housemaids has not existed so far, records from the Dutch East Indies government census in 1930 indicate that 30% - 40% of the native population in Batavia, Surabaya, and Semarang worked as Housemaids, either on a daily wage basis or as regular Housemaids.⁷⁵ However, they had not formed any organization.

It is advisable for the Federation of Labor Unions and the Confederation of Labor Unions to take the lead in establishing such organizations. The ILO Convention No. 87 from 1948 and the Convention No. 98 on the Right to Organize and Collective Bargaining from 1949 have conferred upon workers the right to form unions. In the same vein, Housemaids should have similar organizations set up across Indonesia. While the National Network for Housemaid Advocacy (Jala PRT) exists in Jakarta, there is a pressing need for broader organizational initiatives.

n. Based on Morality and Family Relations

Good relationship management between employers and Housemaids can result in long-term employment relationships. Housemaids may develop a deep affection for their work, particularly when they have been caring for an employer's children for many years.⁷⁶ For example, Rani has employed a Housemaid for 26 years to handle laundry and ironing. Such a lasting and positive relationship is due to mutual understanding. Rani does not get angry when the Housemaid is occasionally undisciplined or fails to show up as scheduled. Instead, she calmly asks, "Why didn't you come yesterday?" without getting upset. This question alone serves as a mental reminder for the Housemaids of their responsibilities. Feeling guilty for their oversight, the Housemaid may voluntarily do additional tasks, like cleaning the house when the employer is too busy, even if such tasks were not part of the original

⁷⁴ Hirsch, Barry T., and Albert N. Link. "Labor union effects on innovative activity." *Journal of Labor Research* 8, no. 4 (1987): 323-332. See also Ford, Michele. "Organizing the unorganizable: Unions, NGOs, and Indonesian migrant labour." *International Migration* 42, no. 5 (2004): 99-119.

⁷⁵ Djumadi, Djumadi. *Hukum Perburuhan Perjanjian Kerja: Sejarah Keberadaan Organisasi Buruh di Indonesia*. (Jakarta: PT. Raja Grafindra Persada, 2003).

⁷⁶ Amrith, Megha. "Ageing bodies, precarious futures: the (im) mobilities of 'temporary' migrant domestic workers over time." *Mobilities* 16, no. 2 (2021): 249-261.

job agreement.⁷⁷ This goodwill from the Housemaid and the employer's non-harsh response creates a management style that fosters a family-like relationship between the employer and the Housemaid.

o. Rights and Obligations of Housemaid Agencies

A Housemaid Agency is an individual or legal entity that acts as an intermediary between prospective employers and prospective Housemaids during the recruitment process and is entitled to receive a fee for its services. Such agencies must establish an office as a secretariat, be registered with the local Ministry of Labor, and are required to report recruitment activities to the labor department within their jurisdiction. These agencies can also provide training facilities and are supervised by the local labor department training centers.

p. Gender Equality for Housemaids

Equal rights for all citizens should be implemented in the employment of both men and women. It is important to eliminate the feminist view that Housemaids are exclusively women, as men can also serve effectively in these roles, both as family assistants and family helpers. Men can take on responsibilities such as caring for children and elderly men. As family assistants, many men are capable of performing household tasks such as cooking, similar to roles in the restaurant industry.

q. Legal Sanctions for Violators

The regulation of legal sanctions is crucial to ensure compliance with the law. Legal sanctions for violations of Housemaids' protection can include administrative, civil, and criminal sanctions. These sanctions serve various functions: *criminal sanctions*.⁷⁸ These are imposed on employers who commit serious human rights violations, fail to pay wages for more than three months, or provide dishonest information about Housemaids. Employment agencies may also face criminal sanctions if they provide false information about their company, engage in human trafficking, commit physical and non-physical violence, abuse, harassment, or other actions that violate criminal law. Housemaids can be subjected to criminal sanctions if they commit crimes

⁷⁷ Rani, an employer who has been employing a housemaid for quite some time, interviewed on July 1, 2003.

⁷⁸ Najih, Mokhammad. "Indonesian Penal Policy: Toward Indonesian Criminal Law Reform Based on Pancasila." *Journal of Indonesian Legal Studies* 3, no. 2 (2018): 149-174. See also Dhewy, Anita. "Local and Migrant Domestic Workers." *Jurnal Perempuan* 22, no. 3 (2017); Acosta, Imee C., and Alexander S. Acosta. "Workplace Abuses Against Migrant Domestic Workers: A Sequential Exploratory Study." *Middle Eastern Journal of Development Management* 1, no. 1 (2019): 1-1.

such as fraud, assault, or harassment against their employer or the employer's family members. Civil Sanctions: Employers may face civil sanctions if they engage in actions that harm Housemaids, fail to adhere to the terms of the employment contract, pay fines for delayed wage payments each month, delay insurance premium payments, fail to pay overtime wages, or cause damage to the Housemaids' property. Civil sanctions can be imposed in conjunction with criminal sanctions. Administrative Sanctions: These can be applied to employment agencies, ranging from warnings (up to three times) to revocation of their business license if they violate business legality regulations.

r. Advocacy for Housemaids

Repressive work protection aims to resolve issues in employment relationships. Advocacy is crucial as a place of refuge, a means to fight for unfulfilled rights, and a venue for dispute resolution for Housemaids. Dispute resolution can be carried out through non-litigation and litigation methods.⁷⁹ The resolution of disputes between Housemaids and employers is similar to industrial relations dispute resolution in general, namely bipartite, tripartite (conciliation or mediation), or arbitration.⁸⁰ Commonly known as negotiation, bipartite resolution is a decision-making process between two parties where the disputing parties discuss to resolve their problems.⁸¹ If a Housemaid is afraid to negotiate, they can report the dispute to a mediator, such as a community leader, head of the neighborhood association, or local village authorities. If a Housemaid experiences violence or abuse, it can be reported to the police. If non-litigation resolution does not result in an agreement, the dispute can then be taken to court for litigation.

⁷⁹ Wisudawan, I. Gusti Agung, et.al "Upaya Penyelesaian Sengketa Bisnis Melalui ADR (Alternatif Dispute Resolution) di Desa Giri Madia Kecamatan Lingsar Kabupaten Lombok Barat." *Sosial Sains dan Teknologi* 3, no. 1 (2023): 1-6.

⁸⁰ Mantili, "Konsep Penyelesaian Perselisihan Hubungan Industrial Antara Serikat Pekerja Dengan Perusahaan Melalui Combined Process (Med-Arbitrase)".

⁸¹ See Yuniar, Vania Shafira, and Florentiana Yuwono. "The Comparison of Arbitration Dispute Resolution Process Between Indonesian National Arbitration Board (BANI) and London Court of International Arbitration (LCIA)." *Journal of Private and Commercial Law* 6, no. 1 (2022): 77-99; Ningsih, Ayup Suran. "Alternative Dispute Resolution as Soft Approach for Business Dispute in Indonesia." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019.

B. Forms of Legal Protection for Housemaids Abroad

1. *Alignment of Housemaid Protection Legislation with the Legislation for the Safeguarding of Indonesian Migrant Workers*

The legal safeguarding of Housemaids overseas entails aligning the Housemaid Protection Law with the Indonesian Migrant Workers Protection Law. This protection encompasses three stages: the deployment process, safeguarding in the host country, and repatriation.⁸² Law Number 18 of 2017 regarding the Protection of Indonesian Migrant Workers does not explicitly cover Housemaids, leading to a government moratorium on sending migrant workers to individual employers due to numerous abuse cases. Female Housemaids abroad face significant risks of abuse, sexual violence, and physical violence. Sending Housemaids abroad can help alleviate unemployment and boost the economy, with migrant workers often called "foreign exchange heroes."

2. *The agreement between Labor Supply Companies and partner companies in the destination country is based on human rights.*

In the process of sending Housemaids abroad, it will involve the Indonesian Migrant Worker Placement Agreement (PPMI), which relates to the rights and obligations between Housemaids and the labor supply company known as the Indonesian Migrant Worker Placement Company (PPMI). Meanwhile, the employment agreement contains the rights and obligations between Housemaids and employers in the destination country. The agreement between migrant labor supply companies and Business Partners abroad is called the Placement Cooperation Agreement.⁸³ In this Placement Cooperation Agreement, there must be an agreement among the parties to comply with the provisions of The Universal Declaration on Human Rights.

3. *Gender disparity in sending Indonesian migrant workers abroad is prevalent.*

Women migrant workers, particularly those employed in informal sectors such as domestic services, frequently encounter elevated levels of sexism, economic exploitation, and stereotyping. To mitigate the risks faced

⁸² See Law Number 18 of 2017 concerning the Protection of Migrant Workers (UUPMI)

⁸³ See Article 1 of Law Number 18 of 2017 concerning the Protection of Migrant Workers

by migrant workers, especially female Housemaids, it is recommended to focus on assigning male migrant workers to domestic roles.

In 2011, the Indonesian government implemented a moratorium that barred the deployment of informal sector migrant workers to countries such as Saudi Arabia. Additionally, the Minister of Manpower's Decree Number 260 of 2015 prohibited the placement of migrant workers in the Middle East. Despite these regulations, illegal recruitment of migrant workers remains a problem, with many becoming Housemaids. Although Law Number 18 of 2017 was established to improve the protection of Indonesian migrant workers, incidents of abuse and violence against Housemaids persist due to inadequate monitoring systems.

To prevent physical and sexual violence abroad, it is preferable to send men as Housemaids, as men in Indonesia are also capable of roles such as cooking and cleaning, promoting gender equality.

Mechanism of Supervision Over the Relationship Between Housemaids and Employers

Supervision in labor law serves to ensure the enforcement of labor laws. The enforcement of labor protection is the implementation of the state's obligation to its citizens as stipulated in the 1945 Constitution. Officials authorized to conduct supervision in the field of labor are appointed by the Manpower Law and are known as Labor Inspectors under the authority of the Ministry of Manpower, who must possess special certificates.⁸⁴

⁸⁴ See Article 176 of Law No. 13 of 2013 outlines the responsibility for labor supervision, specifying that labor inspection officials, who possess the necessary competence and independence, are tasked with ensuring the effective implementation of labor laws and regulations. This provision underscores the importance of having qualified and impartial inspectors to monitor and enforce labor standards, thereby ensuring that workers' rights are protected. To further define the operational framework for labor inspections, the Minister of Manpower of the Republic of Indonesia issued Regulation No. 1 of 2020. This regulation amends Minister of Manpower Regulation No. 33 of 2016, which outlines the procedures for labor inspections. These regulatory amendments aim to improve and update the procedures for conducting labor inspections, enhancing their efficiency and effectiveness in enforcing labor laws. By establishing clear procedures for inspections, these regulations help ensure that labor standards are adhered to, providing greater protection for workers, including vulnerable groups like housemaids, and ensuring the proper implementation of legal protections.

The functions of labor supervision are as follows: (a) Ensuring the implementation of labor laws; (b) Providing technical information and advice to employers and workers regarding matters that ensure the effective implementation of labor laws and regulations; and (c) Collecting information related to labor relations and working conditions in a broad sense to formulate or improve labor laws and regulations.⁸⁵

Based on calculations by the ILO, there is still a shortage of 4,426 labor inspectors.⁸⁶ Structural legal deficiencies are also evident, such as inadequate Labor Inspection Unit (UKPK) both in terms of quantity and quality. Furthermore, the normalization of violence against vulnerable parties exacerbates the decay of existing laws.⁸⁷

To supervise the enforcement of protection rights for Housemaids, there needs to be a link as an appropriate channel for labor complaints, stringent punishment for employers who commit offenses, and the strengthening of community networks to report violations and provide mutual assistance.⁸⁸ Given the imbalance between the number of labor inspectors and the workers they oversee, there is a need for online-based supervision. Online supervision or e-supervision offers several advantages that can facilitate and enhance the effectiveness of the supervision process, including:

1. **Real-Time Monitoring:** With online supervision, information can be monitored directly and in real-time, allowing supervisors or authorized parties to respond quickly to changes or emergencies.
2. **Easy Access:** Data and information related to labor can be easily accessed from various locations, enabling supervisors to manage supervision without being physically present.
3. **Time Efficiency:** Online supervision processes can be more efficient in terms of time. There is no need for travel to physical locations, and data can be accessed and analysed quickly.

⁸⁵ Muharam, Asep Saepul, et al. "Urgensi Penambahan Fungsi Pengawasan Ketenagakerjaan pada Balai Keselamatan dan Kesehatan Kerja (K3)." *Jurnal Ketenagakerjaan* 17, no. 2 (2022): 121-132.

⁸⁶ Nuraeni, Yeni, et al. "Menciptakan Layanan Pengawasan Ketenagakerjaan Secara Profesional, Modern, dan Bermartabat Berbasis Teknologi Digital." *Jurnal Teknologi Informasi dan Ilmu Komputer* 9, no. 1 (2022): 181-190. *See also* Charles, Lorraine, Shuting Xia, and Adam P. Coutts. "Digitalization and employment." *International Labour Organization Review* (2022): 1-53.

⁸⁷ Parvez, et.al. "Rekonstruksi RUU PPRT Sebagai Upaya Perlindungan Hukum Dalam Penanggulangan Kekerasan Terhadap PRT Perempuan dan Anak."

⁸⁸ Ng, Lynn. "Forgotten and invisible laborers: Domestic workers in Singapore and Taiwan." *Human Rights in the Global South (HRGS)* 1, no. 2 (2022): 79-94.

4. **Performance Monitoring:** E-supervision allows for more detailed monitoring of worker performance. With more accurate and comprehensive data, performance evaluations can be conducted more objectively.
5. **Secure Data Storage:** Collected information can be securely stored and easily accessed through online storage systems, helping to maintain accurate records and avoid the risk of data loss.
6. **Flexibility:** Online supervision provides flexibility for supervisors and workers. Workers can access information and engage in the supervision process without being in the office or a specific location.
7. **Use of Advanced Technology:** Technologies such as sensors, monitoring software, and analytical software can be used to provide deeper insights into working conditions and worker performance.
8. **Easy Updates:** Rules or policies can be updated more easily in an online environment, allowing for quick responses to changes in rules or regulations.

Online supervision will be implemented through two applications:

1. **Complaint Application for Housemaids:**
 - a. **Registration and Profile:** Housemaids can create profiles with personal information, experience, and skills. They can also attach necessary documents.
 - b. **Complaint Feature:** Housemaids can lodge complaints regarding discomfort, safety, or other issues through this feature. They can attach photos or notes to support their complaints.
 - c. **Privacy and Security:** Ensure the application guarantees the privacy of Housemaids with data protection and anonymity. There should be a verification system to ensure only registered Housemaids can access the application.
 - d. **Notifications:** Housemaids should receive notifications regarding the status of their complaints, including responses or actions taken by employers.
2. **Complaint Application for Employers:**
 - a. **Registration and Profile:** Employers can create profiles with information about their families, household needs, and household rules. Employer verification processes ensure the authenticity of information.
 - b. **Complaint and Advice Feature:** Employers can receive complaints from Housemaids and respond to this feature. There should also be an

advice feature to help employers understand labor regulations and facilitate communication.

- c. Schedule and Tasks: Employers can schedule tasks through the application to minimize misunderstandings. This feature also allows for monitoring of worker performance and attendance.
- d. Urgent Notifications: Emergency or important notifications accessible to both employers and Housemaids, integrated with the supervision reporting application.

Legal Protection for Foreign Housemaids in Singapore and India

In Singapore, employers are obligated to comply with various laws and regulations, including the Employers' Orientation Programme (EOP) in Singapore. Foreign Housemaids need to secure work permits and are eligible for benefits that include accident and health insurance, routine health check-ups, weekly days off, and the acquisition of security bonds valued at S\$5000.⁸⁹ Legal protection for Housemaids should also apply to local workers. However, routine health check-ups and social security bonds are not regulated in Indonesian labor laws. Therefore, routine health check-ups should be mandated through participation in the BPJS Employment program. The security bond in Singapore is intended to ensure the safety and protection of Housemaids. Instead of giving this bond directly to Housemaids, it should be deposited by the government agency responsible for labor affairs. This agency can handle claims if Housemaids require assistance.

Micro-management, as regulated in Singapore's EOP, where employers closely monitor workers, can have negative impacts on Housemaids. Employers should adopt strategies to treat Housemaids as family members, behave friendly, and appreciate their good deeds, so that Housemaids feel happy and spiritually fulfilled, knowing what needs to be done and when their duties should be carried out.

Meanwhile, in Indonesia, Zachariah and Rajan note that Kerala, India, along with Jharkhand, is a significant source of migrant workers heading to New Delhi. The current systems are fraught with gaps and insufficient oversight, permitting unlicensed agents to take advantage of migrants for profit. Recent studies reveal that over fourteen percent of emigrants from Kerala are female,

⁸⁹ Kantachote, "Micromanagement of foreign domestic workers in Singapore: The influence of state regulations and laws."

yet only around fifty percent migrate for work. In India, many women, men, and children find themselves trapped in exploitative domestic labor situations that perpetuate poverty⁹⁰. This exploitation arises from a convoluted network of participants and conditions, often involving dishonest labor agents and employers, the practice of advance wage payments or loans, wage deductions, and a lack of labor regulations. Such arrangements can bind workers to their jobs until their debts are repaid, severely restricting their ability to change employers. They are often forced to endure long working hours, reside in substandard living conditions without basic health and sanitation amenities, and seldom receive the legally mandated minimum wage. In certain instances, these practices may amount to forced labor as outlined in the ILO Forced Labor Convention of 1930 (No. 29).

Women and girls compelled to migrate for employment are extremely at risk. They often lack essential skills, job prospects, property, resources, and education. Additionally, they confront social disparities linked to caste and ethnicity. These factors push the most disadvantaged women and girls to seek migration for survival, frequently taking on roles as Housemaids. Unfortunately, upon reaching their new locations, they frequently face significant challenges, exploitative working environments, and a total lack of social safety nets. As well as the Multilateral Framework on Labour Migration, taking strong measures to address trafficking in the region will yield more successful outcomes, ultimately eradicating this intolerable form of human exploitation.

Housemaids are at an alarmingly high risk of mistreatment due to a lack of regulations concerning working hours, mandatory days off, and overtime compensation under the Labour Law. This creates a significant power disparity and leads to frequent exploitation. The Ministry of Labour has suggested essential reforms to address these challenges; however, the Government's sluggish response to these proposals is disappointing. One of the recommended changes is to establish a system where a limited number of large labor agencies act as sponsors for foreign workers instead of individual employers. Although this adjustment could help workers escape from abusive environments, it is crucial to keep a close watch on these agencies, as they may prioritize their financial gains over the rights and welfare of the workers they hire.

⁹⁰ International Labour Organization. *Indispensable yet unprotected: Working conditions of Indian Domestic Workers at Home and Abroad*. (Geneva: ILO, 2015.)

Conclusion

The reconstruction of legal protection for Housemaids can be achieved through the adoption of legal norms from sources such as ILO conventions, DUHAM, Human Rights regulations, regulations against domestic violence, and national labor regulations, including legal protection for Housemaids as the basis for fulfilling human rights, which must be enforced, and sanctions must be imposed in case of violations. Persecution and physical abuse directed at Housemaids constitute significant violations of human rights. It is essential to establish various legal standards: the implementation of legal safeguards for Housemaids grounded in human rights, as well as the creation of more effective and practical online supervision systems to avert human rights abuses against these workers.

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