

Domestic Worker, Transnational Advocacy and the State of Exception: A Case Study on The Advocacy of Domestic Worker's Rights in Indonesia

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Abstract

This paper explains why domestic workers (PRT) remain not considered as formal workers in Indonesia. This problem becomes very urgent as PRT covers 76% of the national labor population and there has been considerable pressure from transnational community. This question is answered by applying Agamben's theory of state of exception. This paper deploys discourse analysis method to examine a number of texts related to the Government of Indonesian's stance and the advocacy for PRT's rights in Indonesia. This study finds that the Government of Indonesia has established a state of exception allowing to ignore PRT's rights as workers under existing law. The study, then, concludes that the Government of Indonesian cannot be expected to meet PRT's rights. Consequently, the strategy of advocacy should be directed to encourage other countries to push Indonesia so as to meet PRT's rights.

Keywords:

Domestic Worker; Rights; State of Exception; Advocacy

INTRODUCTION

Advocacy for labor rights has been going on since at least the nineteenth century. At that time, labor advocates formed unions to oppose low wages and

excessive working hours. The outcomes of such advocacy can be felt today, such as legal guarantees on standard working hours, wages, working ages, and freedom of association. At the international level, labor rights advocacy has resulted in an international labor regime, represented by the International Labor Organization (ILO). The conventions generated through the ILO conference later became an international legal instrument underlying labor law in almost all countries of the world.

While there are still many problems, there can be no doubt that today's workers have enjoyed a better

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standard of living than before the nineteenth century. However, it is difficult to say the same to those who work on household chores or better known as domestic workers. Generally, domestic workers are considered to be inferior compared to formal laborers (e.g.: industrial laborers and office worker). The state refuses to recognize domestic workers as 'formal workers' and instead categorize them as 'informal workers' or even 'helpers' (Costanza et al., 2004; Anderson, 2001). As a result, domestic workers cannot enjoy the various legal guarantees generated by labor rights advocacy. While formal laborers are entitled to minimum wages, overtime pay, five-day and forty-hour work time, holidays, leave, etc., domestic workers cannot enjoy any of these rights at all (Arthur, 2009).

Since domestic workers are not recognized and protected by law, they became vulnerable to various classical labor issues, such as low wages and excessive working hours (Boris & Fish, 2014). Human Rights Watch's report on the domestic worker situation in Indonesia says that these people can work up to 14-18 hours each day with no holidays or leave and only got paid for about Rp 1,300,000 (Gajimu.com, 2018). This is

further exacerbated by a highly isolated working environment (within the house only) that makes them more vulnerable to exploitation. In many cases, exploitation is not only limited to labor exploitation, but also sexual exploitation (Weissbrodt, 2009).

International Labor Organization in 2011 has adopted Convention No. 189 on Decent Work for Domestic Workers (C189) to affirm the status of domestic workers as 'true workers' who have rights that must be respected. On one hand, C189 is considered as a monumental achievement in the advocacy for the rights of domestic workers because for the first time there is a holistic recognition of domestic workers in legal documents (Albin & Mantouvalou, 2012). But on the other hand, C189 is also criticized for being too late since many domestic workers have already been victimized (Boris & Fish, 2014). Regardless of the debate over the significance of C189, one fact that must be acknowledged is that not many countries have ratified this convention. For example, the Philippines is the only Asian country that has ratified C189 as of April 2017, despite Asia being the region with the highest number of domestic workers, according to ILO estimates (International Labor

Organization, 2013). This indicates a lack of proliferation of values that C189 is trying to promote.

Indonesia is one of the country that has not yet ratified C189. As a country where domestic workers constitute 76% of its total national workforce, Indonesia's non-compliance with C189 calls into question. In addition to economic issues, domestic workers are also becoming social problem with the emergence of various news about the abuse of Indonesian domestic workers, within and outside of the country. A number of non-governmental organizations (NGOs), both in Jaringan Nasional Advokasi Pekerja Rumah Tangga (JALAPRT) and Komite Aksi Perlindungan Pekerja Rumah Tangga dan Buruh Migran (KAPPRT BM) also at the international level (Amnesty International, Human Rights Watch) have pressured the Indonesian government to create a legal framework capable of protecting domestic workers. However, the government remains unmoved except for giving false promises to discuss unruly draft laws (Amnesty International, 2016).

This paper will attempt to answer the question: "Why the Government of Indonesia has not created a legal framework to protect its domestic workers,

despite domestic workers being the majority of their workforce, and despite the pressure, both internal and external, to do so?" The discussion in this paper will be divided into three sections. The first section will explain the theoretical framework used, namely the state of exception theory and the transnational advocacy network. The second section will address the conditions of domestic workers in Indonesia covering working conditions, the legal frameworks available, and the authors' argument that there is a state of exception applied by the government to domestic workers. The third section will analyze patterns of transnational advocacy movements to defend the rights of domestic workers and explain the causes of their failure to change Indonesian government policies. The analysis will be conducted through discourse analysis methods on the text of the advocacy and statements from public officials in Indonesia.

THEORETICAL FRAMEWORK

Conceptions of Rights within the State of Exception Perspective

This paper departs from the perspective that rights are not something that people inherit since their-birth, but rather a product of political contestation in

certain period (Piper, 2015). The problems affecting domestic workers indicate that human rights are not universal but can be excluded under certain conditions. This paradox is created from the operationalization of rights placed in a social context biased against certain classes, gender, religions, and races (Lan, 2003; Piper, 2005). Some community groups enjoy premium access to rights, while others earn only half of it (Hönig, 2014). We call this phenomenon as the 'state of exception'. The term state of exception evolved from the writings of Carl Schmitt stating that The Sovereign is "He who decides on the state of exception." Giorgio Agamben then theorized this concept and found that state of exception has become a permanent feature in modern sovereignty (Agamben, 2005).

In his book *State of Exception*, Agamben argued that the constitution of a sovereign state is not seen from its ability to create the rule of law but to suspend the law or create a state of exception. This concept, according to Agamben, can be understood as a spatialisation of space where there is a contradiction between the rule of law and political facts – or the contradiction between the legislature and the executive. Under state of exception, a

legal norm may be 'in force' but not 'enforced'. At the same time, unlawful acts can have legal force (Hönig, 2014). This condition is commonly found in emergency situations, such as civil wars, where the agreed rule of law does not apply and the authority has the ability to define laws in accordance with its political interests. Under these circumstances, Agamben states that state of exception is no longer an exception but rather legal rules. This condition is what he saw embedded in the practice of sovereignty in modern era.

Agamben took the example of the USA Patriot Act law to explain his point. Under this law, the state is legally allowed to detain aliens suspected of engaging in activities that endanger the national security of the United States, in which what constitutes as 'endangering the national security' is entirely up to the state. One novelty that Agamben sees from this rule is an act of radically abolishing the legal status of an individual to create an unnamed and unclassified entity. For example, Taliban groups captured in Afghanistan are neither classified as a 'prisoners of war' as defined by the Geneva Conventions, nor they are regarded as defendants under American law. They, according to

Agamben, are neither prisoners nor defendants, but rather an object of pure sovereignty, separated entirely from law or judicial oversight (Agamben, 2005).

The Emergence of Transnational Advocacy Network as a Reaction to State of Exception

Agamben's theory on state of exception indicates that state as The Sovereign cannot always be relied upon to fulfill the rights of each of its people. Through the logic of state of exception, the state may exclude certain groups of people from enjoying the same rights as those enjoyed by other groups. This paper argues that negligence to the condition of domestic workers can occur under that state of exception. It is at this point that we can explore the role of transnational advocacy networks (TAN) to fill the gaps caused by state of exception.

It was Keck & Sikkink who first theorized the concept of TAN. Keck & Sikkink see that the proliferation of actors in world politics in globalization era has created new interactions that increasingly structured in the form of networking. The existence of advocacy networks has become significant in recent decades as they are able to double the channel to access the international system, especially

for domestic actors whose movements are severely restricted within the country. In doing so, Keck & Sikkink argue that TAN have helped to transform the practice of national sovereignty (Keck & Sikkink, 1998).

Keck & Sikkink defines TAN as communicative structures as well as political spaces. Under this definition, TAN can be both agents and structures, depending on the context in question. While there are various types of TAN, such as epistemic community and activists, each are similar in four aspects: (1) centrality to a certain value; (2) emphasis on the individual's ability to make changes; (3) able to manipulate information creatively; and (4) using a nonconventional strategy to deliver the message. The third and fourth characteristics are an essential part of TAN's strategy because they are not powerful actors in traditional perspective. Without monopoly on the instrument of violence, advocacy networks must use the power of information and nonconventional strategies to manipulate the context that affects the policy-making process in a country. Keck & Sikkink called this action by using the term 'persuasion' and 'socialization' (Keck & Sikkink, 1998).

Boomerang Effect: Transnational Advocacy Network's Strategy to Defend Rights

Keck & Sikkink see that there is a tendency from transnational advocacy networks to name claims about rights within their campaigns. This is happened because the government is the main guarantor of rights but also the main offenders. When governments violate or refuse to recognize a right, individuals and groups at the domestic level generally have no path to advocacy in the domestic political and judicial arenas. In this condition, they will seek connections to the international level to express their interests. Advocacy networks at the international level will then receive their distress signal and begin to put pressure on countries that violate rights, either through the national government where they are from or through international organizations. This led to a pattern of TAN strategies that resembles a boomerang trajectory.

The effectiveness of the boomerang pattern in the TAN strategy is determined by two things, the characteristics of the issue and the characteristics of the actor. In terms of issues, TAN should be able to put an issue within the framework of

problematization. This can be done simply, by framing an issue as morally wrong, lifting the victim's existence, or shaming the actor they deem responsible. One thing is for sure, advocacy networks must be able to frame an issue in any way that can arouse sympathetic feelings from transnational societies.

However, a strong issue alone will not be enough if no actor is able to deliver the message to target actors who are vulnerable to persuasion. According to Keck & Sikkink, advocacy networks will be most effective if they involve many actors with strong connections and reliable information. Then, the target actor must also be vulnerable to material incentives as well as sanctions from outside actors or sensitive to pressures caused by gaps between their commitments (*das sein*) and the reality (*das sollen*) (Keck & Sikkink, 1998). The gap between commitment and reality is the space where Agamben's theory of state of exception can be used as an explanation. If a state of exception is a space where contradiction between legal norms and executive practice can occur, insensitivity to the pressure advocated by advocacy networks can be explained.

CONTEXT: FINDINGS AND DISCUSSION

Exploitation of Indonesian Domestic Worker and the Government's Ignorance

"I started working when I was 11 years old ... I worked as a babysitter for my first user. Male user snapped at me too often ... My user would not let me leave home ... I made porridge for my user's baby, gave him milk, picked him up when he cried, changed his diaper, put him to sleep, and played with his baby. When the baby sleeps I iron ... I wake up at 5 am every day, and work until 7 pm (Human Rights Watch, 2009). "
Ayu, 13 years old, Bandung.

The quote from Human Rights Watch (HRW) interview with a domestic worker above illustrates the general conditions experienced by domestic workers in Indonesia. Recruited underage, forced to perform various types of household chores for up to 14 hours every day, confined in the house, and wracked with verbal exploits. HRW states that Indonesian domestic workers, who are mostly women and children, live and work under the 'shadow of the people' - hidden behind locked doors, isolated from their families and friends, and have neither control nor legal guarantee from the government (Tjandraningsih, 2000).

Even worse, HRW found that many Indonesian government officials are unwilling to recognize that domestic workers are actually workers (Human Rights Watch, 2009).

The widespread exploitation of domestic workers in Indonesia goes hand in hand with the phenomenon of urbanization, where people living in rural areas of Indonesia try to find a better livelihood in the city. HRW discovers a variety of practices that resembles human trafficking in the case of domestic workers, such as recruitment through a fraudulent mode of false promise about higher wages in the capital city. Domestic workers are vulnerable to such mode because they have no contract of employment explaining the details of the tasks they will perform, the appointed hours of work, or even the details of wages. The majority of domestic workers rely on confidence in recruiters who, in many cases, are the closest to them (neighbors, relatives, or even parents) (Human Rights Watch, 2009).

In the case of domestic workers not using middle-man services to look for work, they still remain vulnerable to exploitation because they have no place to complain in case of trouble. HRW finds many cases where the users of domestic

workers' services withhold payments and wages if a domestic worker decides to leave home for cultural reasons (e.g.: coming home to the village, getting married). By withholding their wage, domestic workers are forced to stay indoors and lose the ability to leave their exploitative situation. In the worst case, HRW found that this exploitative situation could involve physical, psychological, and sexual abuse by their users, as if exploitation of their labor alone was not enough (Human Rights Watch, 2004). Even if above cases do not happen and the domestic worker managed to be lucky enough to find a 'good' user, they still will not be paid on par with the formal workers in general. For example, DKI Jakarta, one of the provinces in Indonesia with local regulations to regulate domestic workers, sets a minimum wage of domestic workers of Rp 1.2 million, while the minimum wage for formal workers in 2016 is Rp 3.35 million (Gajimu.com, 2018).

Relations between domestic workers and users in Indonesia are not considered as industrial relations, but paternalistic. In this case, a user is considered to be a benevolent actor in providing a source of income for people – who otherwise would be unemployed,

providing shelter and food, and protecting from the 'harshness' of life in the capital. In other words, domestic workers in Indonesia are treated as family members in the household and the regulation on them is left to family policy, just like the government cannot regulate how parents raise their own children. In Javanese culture, this practice is legitimized by a culture known as '*ngenger*', a customary custom in Java where a child leaves their (poor) family to live in their relative's house (the rich). In these circumstances, rich families are required, morally, to finance the school and daily needs of the child, and in return, as well as an expression of gratitude, the child will perform various forms of domestic work (Human Rights Watch, 2009). This is what causes relations of domestic workers and their users to be paternalistic.

The government, in face of the phenomenon of domestic workers exploitation, does not always remain silent and has implemented various policies, such as the establishment of dedicated service units for women and children at the provincial level (Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak/ P2TP2A) and the legislation of Law no. 21/ 2007 on the Eradication of Trafficking in Persons.

However, HRW considers that the Indonesian government's response is still not substantive or coherent and seems to have no sense of urgency. In fact, the Indonesian government is still considered as a failure in protecting domestic workers from harassment and exploitation. This failure, according to HRW, stems from the government's denial on the status of domestic workers as formal workers (Human Rights Watch, 2009).

"We have not included domestic workers in the (definition) of workers ... They differ in terms of their relationship to their work. They live in their (user's) home. They eat what their user eat. And they go wherever their user goes ... If you are a worker, you have a certain amount of salary, certain rights, and you do not live with your family (user). This is rather complicated. Historically, such workers are not paid at all (Human Rights Watch, 2009)." - Dwi Untoro, Official of the Manpower Office, DKI Jakarta.

The Government of Indonesia, in its official's statements above, shows that they actually understand why domestic workers cannot be treated as workers in general. Domestic workers are informal workers who work outside the logic of

formal workers with no rights to wage standards and are forced to live in the user's home. The user, in this case, cannot be seen as an employer, a business entity, or an individual who is obliged to pay the domestic worker. Meanwhile, domestic workers cannot also be seen as working for the users because they do not provide economic value in form of profits like factory workers provide benefits to factory owners. Domestic workers cannot be considered as workers because they simply 'help' the domestic life of their user.

However, the fallacy of the above-mentioned logic of thinking is to assume that domestic workers are informal because they are doing informal things, not because the government has not formalized their status. If the government could think a bit, the difference between formal and informal is only a matter of recognition. By not recognizing the formality of domestic workers, the government has abandoned their obligation to provide a viable legal framework for their protection. Instead, domestic workers are protected only through various criminal laws such as the Human Trafficking Eradication Law and the Elimination of Domestic Violence Law. Such laws do not specifically address the

conditions of domestic workers as formal workers, but only as victims of trafficking or violence, which, under isolated conditions, will be difficult to be identified.

In fact, various arguments to affirm the status of domestic workers as formal workers can be made easily and have been repeatedly sounded by advocacy for domestic workers' rights. *Firstly*, domestic workers engage in racketeering activities that are equivalent to a number of professional jobs, such as cooking (chef), cleaning and ironing (laundry), babysitting (day care), housecleaning (professional house cleaner), car washing and much more. *Secondly*, with domestic workers doing household daily chores, users can focus on doing whatever activities they do that generate economic value - it can practically be concluded that domestic workers allow the wheels of economy to run (Elias, 2017). Thus, the status of domestic workers as formal workers should be worthy of consideration and recognition. This has even been done by the ILO by adopting Convention No. 189 on Decent Work for Domestic Workers (C189).

The government's denial on the status of domestic workers as formal workers is not only due to the nature of

domestic work, but also due to their anxiety over insignificant matters. First, they were worried that requiring users to make employment contracts with domestic workers will make users afraid to employ domestic workers – thus increasing the number of unemployment. Secondly, providing holidays for domestic workers is deemed 'dangerous' because they believed that domestic workers, as a new kid in the capital, "do not know how to go anywhere." Some users even expressed their concern that domestic workers going out on their own will 'become pregnant' and that they refuse to be held accountable for such situations. Thirdly, as mentioned above, domestic workers are considered by the government as part of *ngenger* culture so it is in their duty to serve the user as an expression of gratitude. These anxieties are insignificant because they only emphasize the convenience and privilege of users to employ domestic workers rather than the welfare of domestic workers as people entitled to the right to work (Human Rights Watch, 2009).

The government's alignment with the user's right to ease of employment of domestic workers indicates the existence of state of exception imposed by the Indonesian government on the status of

domestic workers. Legally speaking, Article 1 Paragraph 3 of Law no. 13/2003 on Labor Force states that: "Laborers are every person working and paid in the form of wage or other forms of rewards." Then Article 1 paragraph 4 states that: "Employer is an individual, an entrepreneur, a legal entity, or other bodies that employ labor by paying wages or other forms of remuneration." Using both definitions alone, it would be easy for us to conclude that domestic workers are laborers because they work for wages while users are employers because they employ domestic workers by paying wage (Piper and Uhlin, 2002).

However, the government's denial on the status of domestic workers as formal workers and users as employers indicates a contradiction between the rule of law and the facts on the political grounds. The JALAPRT coordinator, Lita Anggraini, revealed that the suspected political fact is the government's favor towards the values of slavery (Utama and Kusumawati, 2015). Under such state of exception, the government can easily ignore the applicable legal norms (Labor Law) and refuse to recognize the status of domestic workers as formal workers. As a result, the government became ignorant to the exploitative conditions experienced by

domestic workers and the draft laws on domestic workers that were supposed to be discussed by the parliament since yesteryears. Basically, the government has intentionally reduced domestic worker's status to that of a slave.

Transnational Advocacy for the Fulfillment of Domestic Workers' Rights in Indonesia

Advocacy for the rights of domestic workers within the framework of Indonesian national law began in 2004. The actors involved are non-governmental organizations (NGOs) that emphasize human rights values, such as JALA PRT and Action Committee on the Protection of Domestic Workers and Migrant Workers (KAPPRTBM) (Goldstein, 2007; Utama and Kusumawati, 2015). The advocacy was conducted with a campaign and socialization strategy that attempts to reframe the identity of domestic workers no longer as a helper, not as an assistant, but as a formal worker. The main target of their advocacy is to persuade the government, particularly the House of Representatives (DPR), to issue laws that specifically regulate the provisions on domestic workers as formal workers (Amnesty International, 2016). After 2011, or after the ILO adopts Convention No. 189 on Decent Work for Domestic

Workers (C189), advocacy is also aimed at persuading governments to ratify the convention (JALAPRT, 2013).

Advocacy by Indonesian NGOs on the rights of domestic workers enters the transnational dimension when Human Rights Watch (HRW) researchers conduct ethnographic research on the condition of domestic workers in Indonesia. Based on these studies, HRW in 2005 published a report entitled *Selalu Siap Disuruh* [Always Ready to be Ordered] to explain in detail the exploitative conditions experienced by domestic workers in Indonesia. HRW subsequently issued a follow-up report in 2009 under the title *Pekerja di dalam Bayang-Bayang* [Workers in the Shadows] who explained more specifically the exploitative conditions affecting child domestic workers in Indonesia (Human Rights Watch, 2010). HRW, thus, has become a transnational linkage that raises the issue of domestic workers in Indonesia into a transnational issue.

In line with Human Rights Watch, a number of international NGOs and individuals are beginning to voice their criticism of the prevailing law practice in Indonesia. Amnesty International states that the Indonesian government should immediately establish a legal framework

to protect domestic workers (Amnesty International, 2016; Silvey, 2004). The same thing was also expressed by Hunwick in a journal article entitled "Legal Discrimination: How Indonesian Law Fails to Protect Domestic Workers (Hunwick, 2006), "The ILO eventually made their move in 2006 by publishing a report entitled *The Regulation of Domestic Workers in Indonesia: Current Laws, International Standards and Best Practices* (International Labor Organization, 2006). In the report, the ILO states:

"There is no doubt that there is a gap between current Indonesian law on one hand, and international standards and best practice on the other. This means that domestic work in Indonesia, which has the potential to provide decent employment opportunities to millions of Indonesians, is often an unprotected form and exploitative form of employment... It is clear that Indonesia requires a specific National Law (Undang-Undang/UU) on the protection of domestic workers... this would allow domestic workers to be recognized as workers". - International Labor Organization, 2006.

The above ILO statement indicates that there is pressure from the

international community, particularly the international labor regime, to force Indonesia to create a national legal framework to protect domestic workers (Jordan and Van Tuijl, 2000). Thus, the advocacy of the rights of domestic workers in Indonesia has formed a boomerang pattern as described by Keck & Sikkink. Starting from local NGOs in Indonesia, linked to transnational dimensions through HRW researchers, socialized to the international community through HRW reports, forwarded by international NGOs, and finally appointed by international intergovernmental organizations that directly put pressure on the Indonesian government.

Faced with various pressures resulting from the effects of the boomerang pattern, the Indonesian government has finally said it will discuss the bill (legal draft) to protect domestic workers. This statement was submitted by the House of Representatives in 2009 with the promise that the Domestic Workers Bill will be included in the agenda of the National Legislation Program (Prolegnas) in 2010 (Human Rights Watch, 2010). However, such promises were not kept, the Domestic Workers Bill was never included in the agenda of Prolegnas every year since. The

Public Hearings of Commission IX of the House of Representatives with JALA PRT and KAPPRTBM resulted in two brief statements from Commission IX: (1) that the House of Representatives gave appreciation to JALA PRT and KAPPRTBM inputs; (2) that Commission IX remains committed and requests the factions to approve the Bill on Domestic Workers into the priority Prolegnas of 2015. There is no urgency or concern visible from both statements. In fact, the Domestic Workers Bill also failed to enter the agenda of Prolegnas in that year (Amnesty International, 2016).

State of Exception Hampers and Thwarts Transnational Advocacy

Based on the theory of TAN, it can be seen that the advocacy on the rights of domestic workers in Indonesia has succeeded in raising the public's attention both nationally and internationally to the exploitative conditions experienced by domestic workers. This is due to their ability to reframe the issue of domestic workers into an issue of exploitation of formal workers to remove the stigma that domestic workers are maids who simply need to follow the user's orders. Framing domestic workers as formal workers succeeds in generating a sense of

sympathy from society because there is a clear sense of right and wrong here. Since people understands that formal workers should have rights that must be met, they become able to sympathize because they see workers whose rights are not recognized and treated wrongly. However, increased attention to this issue has not been translated into policy changes because of the characteristics of the Indonesian government as a sovereign state.

As explained by Keck & Sikkink, the key to successful advocacy networks to change actors' behavior is the target actor's vulnerability to: *First* material incentives; *Second* sanctions from other actors; and *Third* sensitivity to pressure. Based on the theory, Indonesia has not yet received any material incentives or threats of sanctions from other countries despite having no legal protection framework for domestic workers nor ratifying C189. This is a different situation with other issues, such as human trafficking, in which the Indonesian government obtains grants from the Department of Immigration and Border Protection (DIBP) of Australia and the United States Department of State - thereby having an incentive to ratify the Protocol to Prevent, Suppress and Punish

Trafficking in Persons (UN Protocol to Eradicate Human Trafficking). The absence of material incentives and the threat of sanctions cause Indonesian government to become less vulnerable to persuasion by advocacy networks regarding the application of a legal framework to protect domestic workers.

However, while there is no material incentive or sanctions threat, the government should remain sensitive to news reports explaining violence against domestic workers and listening to demands from advocacy networks. Unfortunately, this is not the case because the Indonesian government places the issue of domestic workers in a state of exception. As explained in the previous section, the Manpower Law is in fact sufficient to serve as a framework for the protection of domestic workers. However, the government's denial of the status of domestic workers as formal workers causes the law to not be used to protect them. This contradiction between legal norms and political facts can only be explained as a form of state of exception. In this case, the government, irrationally, abuses its sovereignty to determine that domestic workers are not part of formal workers. Under state of exception, insensitivity to advocacy network pressure

becomes possible. Thus, the boomerang pattern by the Transnational Advocacy Network became ineffective in destabilizing Indonesia's state of exception.

CONCLUSION

This paper ends with a pessimistic conclusion on the irrational nature of sovereignty that can easily erase legal norms for elusive reasons. The consequence of this conclusion is that domestic workers are not only victims of the arbitrary treatment from their users, but also of the ill-treatment from the state. This cannot be avoided because the state is still the only authority capable of legitimizing rights, simply because it has a monopoly on the instrument of violence. In the face of such great strength, transnational advocacy networks are incapable of doing anything (Jordhus-Lier, 2017; Wijaya, 2016).

The possible path for advocacy networks to continue the struggle for domestic workers' rights in Indonesia is to capitalize on the unequal distribution of power among sovereign states. This has been explained by the Dependency Theory which claims that the international system, that many believe to be anarchist, is in fact hierarchical in a sense that the

state is divided between 'core state' and 'periphery state'. The theory then explains that periphery states will always be subject to the will of the core state because they are in a weaker position in their power relations with the core state. It is this situation that generates a dichotomy between developing and developed countries (Hryniewicz, 2014).

In this case, advocacy networks must be able to persuade core nations stronger than Indonesia so they will be willing to give pressure by providing material incentives or threat of sanctions. The biggest weakness of transnational advocacy for the fulfillment of domestic workers' rights in Indonesia is their boomerang pattern that can only reach international non-governmental institutions and epistemic communities. These non-state actors have indeed contributed to raising awareness on the problems of domestic workers, but do not have as much power as state actors to change Indonesia's behavior. As has been demonstrated in the case of the Protocol to Combat Trafficking in Persons, state actors have the capacity to provide very large material incentives to be able to change Indonesia's attitude towards trafficking. If only such situation can also

occur for the case of domestic workers' rights.

Therefore, transnational advocacy strategies for the fulfillment of domestic workers' rights should be focused on influencing state actors. In this case, transnational advocacy networks should persuade the stronger countries in their relations with Indonesia that also claim to have a great deal of concern for human rights issues, such as the United States. The existence of US support in transnational advocacy is certain to affect the state of exceptions set by the Indonesian government to the right of domestic workers because of Indonesia's weaker position compared to the US. Only by destroying the state of exception can we force Indonesia to recognize the rights of domestic workers. If it cannot be done, it is not impossible that domestic workers in Indonesia will continue to be trapped in state of exception, where they are not recognized as formal workers, not as human beings, but rather an object of power from The Sovereign.

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