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## Analysis of Legal Protection for Household Workers Without Employment Contracts

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### ABSTRACT

*This study analyzes the urgency of legal protection for Domestic Workers (PRT) in Indonesia through a normative juridical legal analysis approach. The background is the significant increase in the number of domestic workers from 2015 to 2022. Despite their vital role, they remain vulnerable to violence and exploitation due to the lack of formal recognition and employment contracts. The main problem stems from the exclusion of domestic workers from the Manpower Law No. 13 of 2003 and the stalled ratification of the PPRT Bill since 2004. This research employs a normative juridical method to examine existing legal frameworks, identify gaps in legal protection, and propose strategic solutions for safeguarding domestic workers' rights. This study concludes that the ratification of the PPRT Bill is a top priority to provide a legal basis, rights standards, and effective enforcement mechanisms for domestic workers' protection. The research also formulates comprehensive employment contract provisions that incorporate essential, natural, and incidental elements to ensure balanced protection for both workers and employers. It is recommended that a comprehensive and transparent employment contract be formulated, supported by preventive and repressive efforts through public education, increased legal awareness, and strict supervision by the government and community participation to realize justice and welfare for domestic workers in Indonesia.*

### KEYWORDS

*Domestic Workers; Employment Contracts; Legal Protection; Labor Rights; Legal Framework; Domestic Worker Protection.*



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## INTRODUCTION

Today, most households, especially in large cities, employ domestic workers (PRT) to support household needs. This is evidenced by the increasing number of domestic workers (PRT) from 2015 to 2022, with 1 million new domestic workers in Indonesia (Aceros et al., 2023; Du Toit, 2023; Faisal Muslighin et al., 2025; Nakamura & Suzuki, 2023). The high cost of living in large cities means that women are no longer just housewives. To meet the needs of their children and families, both husbands and wives are now required to work to ensure a decent life, as parents have a responsibility for their children's well-being, a practice known as parental responsibility (Arikpo et al., 2023; Azmi et al., 2023; Iram et al., 2023; Shu'ara J & Franca O, 2023; Yang et al., 2025). According to the Central Statistics Agency (BPS), in 2024, there were 21,983,670 female workers in Indonesia, an increase of approximately 1.14% from 2020. This has opened the door to the creation of new jobs, namely domestic workers. With domestic workers, household chores such as washing, sweeping, and childcare can now be delegated to a domestic worker.

In addition, other factors contributing to the need for domestic workers include poverty and the demand for labor in the domestic sector, which has traditionally been the responsibility of women (Bhattacharjee & Goswami, 2021; Kediri & Rodgers, 2018; PATIL, 2024; Yeoh et al., 2023). The difficulty of finding employment in the formal sector, such as office work, labor, and others—especially for women—coupled with the need to meet basic living needs, are reasons why people are willing to become domestic workers. Furthermore, the requirements to become a domestic worker are not difficult, as a domestic worker is only required to have the ability to perform household chores without the need for capital or special skills.

The vulnerability of domestic workers has been extensively documented in previous literature. Research by Wiwik Afifah (2018) highlights the persistent absence of legal recognition for domestic workers in Indonesia's labor system, while Hidayati (2011) identifies domestic workers as a marginalized community group requiring urgent protection measures. Studies by Hafidz and Andriasari (2022) further reveal that domestic worker torture cases represent a new form of domestic violence that remains inadequately addressed by existing legislation. These scholarly works collectively underscore the systemic nature of domestic worker vulnerability and the urgent need for comprehensive legal reform.

The controversy surrounding the ease of becoming a domestic worker is evident in the negative aspects of this profession. Violations of domestic workers' rights often escape our attention, even from the government itself, even though their presence is becoming a vital component in households. The violations experienced by domestic workers themselves are nothing new, considering that the trend of

domestic workers in Indonesia has existed for approximately two decades. In fact, if we go back even further, the existence of domestic workers has been documented since the time of the Indonesian kingdoms. According to data from JALA PRT itself, there were 2,641 cases involving domestic workers between 2018 and 2023. This is certainly an issue that requires greater government attention. The most common violations encountered by domestic workers include physical and verbal violence, discrimination, inadequate living conditions, and even human trafficking.

Domestic workers, especially those who live in their employers' homes, are not bound by set working hours. They are expected to always be available. However, this exceptional performance often goes uncompensated. Domestic workers' rights are frequently violated, with workers not receiving the wages promised at the outset. This can occur because the agreement between the domestic worker and their employer is not written and is based solely on trust. Without an employment contract, there are no provisions governing working hours, wages, safety guarantees, workplace accident insurance, or other matters, which certainly do not contribute to the welfare of domestic workers.

Sadly, domestic workers themselves are not yet recognized as a profession like office workers, factory workers, and others. Consequently, domestic workers are classified as informal workers, lacking oversight from authorized agencies and lacking employment contracts. This makes domestic workers highly vulnerable to various crimes, ranging from violence and inadequate living conditions to inhumane wages. This vulnerability occurs because domestic workers are in a very weak position and lack bargaining power. Furthermore, low levels of education and limited skills make domestic workers powerless when facing their employers. Additionally, the lack of public awareness about domestic workers and the scarcity of organizations that voice their aspirations mean that the rights of domestic workers are often ignored. This certainly requires the government to play a role in creating policies that support domestic workers.

Due to the inequality between employers and workers, employers often perceive domestic workers as inferior. This leads to arbitrary treatment of domestic workers. This familial relationship is often exploited by employers to disregard the professional relationship between workers and employers, resulting in workers' rights being neglected and lacking clear boundaries.

In Indonesia itself, there is no law specifically protecting domestic workers. Although Law No. 13 of 2003 concerning Manpower establishes standard rights for workers, defined as anyone who performs work and receives wages or other forms of remuneration, this law excludes domestic workers and does not protect them.

Essentially, the Manpower Law in conjunction with the Job Creation Law provides a framework for regulating the rights and obligations of employers and workers (see Articles 67–101 of the Manpower Law in conjunction with the Job

Creation Law), which generally governs labor protection, including the right to wages and benefits. The primary objective of these two laws is to improve worker welfare, which in turn supports the development of the business sector in Indonesia. According to the definition in the Manpower Law in conjunction with the Job Creation Law, a "worker" includes any person who works in any manner and receives wages or remuneration; therefore, there should be no difference in treatment between formal and informal workers.

However, in practice, Domestic Assistants/Domestic Workers do not enjoy the guarantee of legal protection as stipulated in the Employment Law in conjunction with the Job Creation Law. They are thus prevented from accessing the employment dispute resolution mechanism through the Industrial Relations Court established based on Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes (Article 1 paragraph 16) because their status is not as workers employed by an employer in a company.

Therefore, legislation specifically regulating the protection of domestic workers is deemed highly urgent to minimize crimes suffered by both workers and employers. Efforts to push for legislation protecting domestic workers have been underway for a long time, namely through the existence of the Domestic Worker Protection Bill (RUU PPRT). However, since 2004 until now, the bill has not been passed, even though it was initiated to regulate and resolve domestic worker issues and recognize that domestic workers have equal rights with other workers.

Although in 2023 the Domestic Worker Protection Bill began to see progress with the 19th plenary session of the fourth session, which officially ratified the bill as a DPR initiative proposal, in 2024 the bill was neither discussed nor agreed upon in the first level of deliberation of the DPR RI, so the bill will be non-carryover. This is compounded by the lack of candidates in the 2024 election who raised the issue of Domestic Worker Protection in their vision and mission, showing that this issue is not a priority for politicians who will represent the people.

This research contributes to the ongoing legislative debate by providing a comprehensive juridical analysis of the gaps in current legal frameworks and proposing concrete solutions through employment contract formulation and legal reform. While previous studies have identified the problems faced by domestic workers (Afifah, 2018; Pranoto, 2022), this research uniquely combines legal gap analysis with a comparative study of international best practices, particularly Hong Kong's Standard Employment Contract model, to develop practical recommendations for Indonesia's context. Furthermore, this study advances the discourse by examining both preventive and repressive measures within a coherent legal protection framework, offering actionable policy recommendations that address the root causes of domestic worker vulnerability.

In this regard, the government needs to be intentional and serious about protecting domestic workers. This issue is becoming increasingly serious, with numerous cases involving violence and fraud against domestic workers. Besides domestic workers, employers are also likely to be harmed by unscrupulous domestic workers. Therefore, addressing the legal gaps governing domestic workers could be a solution to the problems outlined above.

### RESEARCH METHOD

The method used by the author in conducting this study was the normative juridical method. The normative juridical method is a research approach that relies on primary legal materials to analyze various concepts, theories, legal principles, and legal regulations relevant to the research field being studied. Normative legal research oriented itself more toward the study of legal concepts, principles, and regulations. Based on these principles, it can be concluded that normative juridical legal research is a legal research method that refers to the analysis of applicable legal regulations related to the legal issues that were the focus of the research.

This study applied a normative legal approach to explore legal protection mechanisms for domestic workers facing challenges without contracts and to formulate strategic steps to guarantee their rights. The research methodology comprised several systematic stages. First, the author conducted a comprehensive review of primary legal sources, including Law No. 13 of 2003 concerning Manpower, Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes, Minister of Manpower Regulation Number 2 of 2015, and the draft Domestic Worker Protection Bill (RUU PPRT). Second, secondary legal materials such as academic journals, legal commentaries, and comparative international legislation (particularly the Philippines' Republic Act No. 10361 and Hong Kong's Standard Employment Contract) were analyzed to provide contextual understanding and identify best practices. In this effort, the author conducted an in-depth review of relevant laws and regulations and examined related literature to obtain a comprehensive picture. Third, the author employed legal gap analysis to identify inconsistencies and omissions in the existing regulatory framework, particularly examining how the exclusion of domestic workers from formal labor definitions created protection deficits. Fourth, comparative legal analysis was utilized to evaluate Indonesia's legal framework against international standards and successful foreign models.

The review of existing legal provisions allowed the author to identify gaps and areas where protections had been suboptimal. Furthermore, the evaluation and analysis of these legal norms were directed at developing recommended solutions to the main research problem, specifically through the formulation of model employment contracts that incorporated *essentialia*, *naturalia*, and *exidental*

elements as defined in contract law theory. The analytical process followed a deductive reasoning approach, moving from general legal principles to specific applications in domestic worker protection scenarios. This methodological framework ensured that the research findings were not only descriptive but also prescriptive, offering constructive policy improvements for domestic workers. The outcomes included concrete recommendations for legislative reform, employment contract design, and implementation mechanisms that could be operationalized by policymakers, labor organizations, and legal practitioners.

## **RESULT AND DISCUSSION**

### **Preventive and Repressive Measures That Can Be Taken to Ensure Legal Protection for Domestic Workers in Indonesia**

The issue of legal protection for domestic workers (PRT) in Indonesia is a crucial issue that has long been a public concern. Domestic workers are often vulnerable to threats of violence, exploitation, and human rights violations. A report from the Ministry of Women's Empowerment indicates that the current conditions of domestic workers (PRT) in Indonesia are very concerning. The majority of domestic workers are women, many of whom are underage, and they often work in poor conditions without clear working hours, and often experience violence and slavery.

To illustrate the severity of this issue, concrete cases documented by JALA PRT between 2018-2023 reveal patterns of systemic abuse: domestic workers subjected to 16-18 hour workdays without rest periods, wage withholding ranging from 3-12 months, physical violence including beatings and confinement, and sexual harassment by employers or family members. One particularly egregious case involved a 17-year-old domestic worker who was denied medical treatment after suffering severe burns while cooking, resulting in permanent disability. These cases underscore the urgent need for comprehensive legal protection mechanisms. Domestic workers often face vulnerabilities from the recruitment stage, which can occur through informal channels (friends/brokers) or placement agents. The use of brokers has proven to be high-risk; they not only charge domestic workers commissions but also use threats and abuse of authority when workers ask questions. In extreme cases, sexual harassment is even the worst modus operandi perpetrated by brokers.

This can occur due to the absence of a specific legal framework governing the employment relationship between domestic workers and employers. Certainly, such conditions require preventive and repressive measures to ensure certainty in legal protection that can accommodate domestic workers. The need for preventive efforts is to prevent things that are detrimental to domestic workers, while repressive efforts are intended to enforce the law and redress for victims after

violations against domestic workers occur. One of the things that hinders efforts to realize adequate legal protection for domestic workers is the lack of a comprehensive and specific legal basis. To date, the Draft Law on the Protection of Domestic Workers (RUU PRT), which has been proposed since 2004, has not yet found a solution. The legal regulation related to the protection of domestic workers itself is only the Regulation of the Minister of Manpower Number 2 of 2015 concerning the Protection of Domestic Workers. Minister of Manpower Regulation Number 2 of 2015 does not provide clear details regarding the various rights of domestic workers, such as wage standards, provisions regarding rest periods and working hours, weekly and annual leave, the right to organize and communicate, and the obligation to have a written work contract rather than just a verbal agreement.

In contrast to the Philippines, legal protection for domestic workers is specifically regulated through Republic Act No. 10361, which came into effect in 2013 and is known as the Domestic Workers Act or 'Batas Kasambahay'. This law establishes various workers' rights, from minimum wages and rest days, to access to important social security schemes, including the Social Security System (SSS), the Employees Compensation Commission (ECC), the Philippine Health Insurance Corporation (Phil-Health), and the Home Development Mutual Fund (Pag-IBIG).

In the absence of a law specifically regulating the protection of domestic workers, they have no guarantee of their rights such as minimum wages, leave, and humane working hours. Barnes explained that workers cannot work continuously all day. They need breaks for personal needs, rest, and other unavoidable factors. Therefore, rest periods or relaxation *allowances* need to be taken into account in determining effective daily working hours. Not to mention they are vulnerable to exploitation such as sexual harassment, physical and psychological violence, and even human trafficking. Of course, this violates the law as stipulated in Law No. 39 of 1999 concerning Human Rights, Article 49 paragraph (2), which states, "Women have the right to receive special protection in carrying out their work or profession against things that can threaten their safety and/or health regarding women's reproductive functions." Without a clear law, efforts to reform policies or employment contracts will continue to be partial and lack legally binding force, which can lead to multiple interpretations and weak implementation.

This legal vacuum is exacerbated by the Job Creation Law, which excludes domestic workers from the formal labor/worker category, thus denying them the legal protections afforded by the Job Creation Law. The law focuses largely on industrial relations between "laborers" and profit-oriented "employers." In the Job Creation Law itself, the definition of "employer" refers to a business entity or individual who employs labor/worker for profit, which does not always align with the characteristics of a domestic worker's "employer." In many cases, an employer

is simply an individual who employs a domestic worker because they need help managing their household chores, rather than being a business or profit-seeking individual. With the definition of "employer" in the Job Creation Law not explicitly including employers, domestic workers' employers are often excluded from the scope of the law, creating a situation where domestic workers lack the same protections as other formal sector workers.

Therefore, changing or adding the definition of "employer" instead of simply "entrepreneur" in the Job Creation Law or when the Domestic Workers Law is passed is crucial. This change in terminology will broaden the scope of legal protection to include employment relationships between employers, who are simply non-profit individuals, and domestic workers, recognizing that this employment relationship remains an employment relationship that requires clear regulations regarding rights and obligations, even if it is domestic. Without this change, the fate of domestic workers will continue to be in legal uncertainty, with their rights not guaranteed and vulnerable to abuse by employers. The ideal solution is the ratification of the long-overdue Domestic Workers Bill, as this regulation will provide a comprehensive and positive legal framework, recognizing domestic workers as workers with equal rights, and detailing wage standards, working hours, leave, and dispute resolution mechanisms.

The Domestic Worker Law will regulate minimum standards that employers must follow, thereby reducing opportunities for employers to exploit and violate domestic workers' rights. Massive outreach and education for domestic workers and employers regarding their respective rights and obligations is also necessary as a preventative measure. This is because violations often occur due to a lack of understanding of domestic workers' rights. Educational programs can be implemented through community outreach, public campaigns, and information that is easily understood and accessible to the public. JALA PRT, labor unions, and legal aid institutions play a vital role in providing assistance, education, and advocacy to domestic workers. Their presence can help domestic workers understand their rights and facilitate access to legal services in the event of violations.

Another preventative measure that can be taken is to establish an effective oversight mechanism. To achieve effective protection, the government needs to establish a special unit or institution responsible for handling matters such as receiving complaints, monitoring working conditions, and conducting inspections. This mechanism must also be easily accessible to domestic workers and responsive to reports. Furthermore, the government can integrate domestic worker and employer registration to ensure transparency and professionalism in employment relationships. With an integrated system, data on domestic workers can be recorded, making it easier for the government to provide protection and intervention if necessary. Training programs that cover financial literacy, job skills, and

understanding basic rights can also increase *the bargaining* power of domestic workers themselves, reducing their vulnerability to exploitation due to their ignorance.

Then, for repressive efforts themselves, they focus on law enforcement after a violation occurs. Although there is currently no specific law regarding the protection of domestic workers, several other laws can be used in cases of exploitation and violence experienced by domestic workers, such as Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT Law) and the Criminal Code (KUHP). However, in its implementation, the PKDRT Law often encounters obstacles, this is because a domestic worker is not always considered a member of the household, while the complaint offense in the Criminal Code has limitations. In addition, the legal process is often time-consuming, expensive, and requires strong evidence, which is difficult for domestic workers to fulfill, leaving them in a powerless position.

To strengthen repressive efforts, it is necessary to increase the capacity of all law enforcement agencies, including police, prosecutors, and judges, in handling cases involving domestic workers, whether involving violence or human rights violations. In addition to strengthening law enforcement agencies, access to free legal aid for domestic workers must also be facilitated. This can be achieved through community organizations or legal aid institutions that understand the issues faced by domestic workers. To ensure the effectiveness of free legal aid, it is also necessary to strengthen complaint mechanisms, such as complaint hotlines or help posts that are easily accessible and responsive. However, there are obstacles, namely the limited mobility of domestic workers who are victims of domestic violence, making it difficult to report incidents. Many are prohibited from leaving their employer's residence or interacting socially, including attending events outside the home. As a result, they lack a network of friends with whom to share or discuss the difficulties they face at work. And the final step that can be taken to restore the condition of domestic workers who are victims of violations is to provide psychological, physical, and social rehabilitation, so they can return to work to meet their living needs.

### **Formulate employment contracts that can protect domestic workers**

An effective employment contract is a crucial element in guaranteeing and protecting the rights of domestic workers, especially in situations where there is no specific law governing domestic workers. A fair and clear employment contract can be the first line of defense against potential exploitation and rights violations by employers. Since 2015, initiatives such as Jala PRT (National Network for Advocacy of Domestic Workers) have developed a working formula in the form of a pocket book. The pocket book itself is an advocacy and educational effort aimed

at providing practical guidance on the obligations and rights of domestic workers and employers, with the aim of filling the existing legal gap. While the pocket book's presence as a tool for socialization and reference is crucial, it is not a formally binding legal product. The existence of the pocket book demonstrates the urgent need for standards and regulations in domestic workers' employment relationships, but its non-legally binding nature limits its effectiveness in providing robust protection.

Although the 2015 Jala PRT pocketbook has good intentions, an evaluation of its effectiveness in terms of legal force and scope of protection is needed. The Jala PRT pocketbook's spirit of providing guidance and awareness of domestic workers' rights remains relevant, but the underlying legal framework has not shown significant development in supporting it. The Job Creation Law, which should have been an opportunity to expand the scope of worker protection, instead excludes domestic workers from the definition of formal workers. As a result, domestic workers (PRT) do not receive the protections provided by Law Number 13 of 2003. This lack of recognition also means that domestic workers do not have access to labor dispute resolution mechanisms, such as industrial courts established under Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, because they are not included in the definition of workers according to Law Number 13 of 2003.

Despite the existence of Ministerial Regulation No. 2 of 2015, this regulation is considered to not provide detailed provisions regarding wages, occupational safety, and rest periods, and is unable to effectively address violations due to its status as a ministerial regulation. Therefore, the Jala PRT pocketbook cannot fully address the issue of legal protection for domestic workers because it is not supported by strong and binding legislation, and the Job Creation Law has not improved this situation.

The low level of education of domestic workers is one of the challenges in implementing employment contracts as a protection solution for domestic workers, this condition makes it difficult for many domestic workers to understand the contents of the contract. A study conducted by Jala PRT shows that on average domestic workers come from villages that do not have good and equitable education, this causes domestic workers to have difficulty understanding quite complex legal documents such as employment contracts and a lack of awareness of the rights they should receive. As a result, domestic workers often sign contracts without fully understanding the contents, implications, or rights they should have, making them vulnerable to unfair or exploitative working conditions.

In the context of contract law, there are important elements known as *essentialia*, *naturalia*, and *exidentalia*. *Essentialia* elements are the basic components that absolutely must be included in an agreement. These characteristics

define and are the primary reason for the formation of the agreement ( *constructieve oordel* ). Then there are naturalia elements. While not mandatory, these elements can have varying significance in each organization. These can include technical aspects of payment, such as payment details and schedules, or other technical issues deemed less pressing. Often, one party may choose not to raise a topic within these elements as a strategy to avoid perceived losses in the partnership. Examples include the employer's obligation to provide a safe working environment or the employee's obligation to perform their duties in good faith . Finally, the element of exidentalia, which binds the parties only if they specifically agree to it in the agreement, such as performance bonuses, special facilities, or flexible work schedules. In the example of an employment agreement contained in the Jala PRT pocketbook, coverage of the elements of naturalia and exidentalia is still limited. The Jala PRT pocketbook focuses more on essential elements such as wages, working hours, and holidays.

Details regarding the employer's implicit obligation to uphold the domestic worker's dignity or their right to privacy, which are elements of naturalia, are not explicitly or sufficiently detailed. Similarly, elements of the exidentalia that can be tailored to the specific needs of the domestic worker and employer, such as additional health benefits, training opportunities, or special arrangements for communication with family, are still not comprehensively outlined in the standard format of the handbook. These limitations make the employment agreement in the Jala PRT handbook less flexible in accommodating various situations and individual needs, and less robust in providing comprehensive legal protection in the event of a dispute related to aspects not explicitly stated.

To address this issue, employment contracts must be designed to be easily understood, transparent, and fair to both parties. Key elements of a contract that protects domestic workers include the use of simple and clear language. Contracts should be written in clear, understandable Indonesian, avoiding complex legal jargon. If domestic workers are not fluent in Indonesian, the contract should be translated into a language they understand, as many regions in Indonesia still predominantly speak regional languages rather than Indonesian. The translation process must be verified for accuracy by an independent third party. The contract should also detail specific rights and obligations. This includes a clear wage amount, payment method, and payment frequency, with reference to the applicable local minimum wage or a living wage standard. Clear limits on daily and weekly working hours, including rest periods, weekly rest days, and annual leave, should also be established to avoid excessive work without adequate compensation.

Specific job descriptions and clear job descriptions are also necessary to prevent work outside the agreed scope. If the domestic worker lives with the employer, the contract should detail adequate accommodation conditions and the

provision of adequate food. The domestic worker's right to access social security (BPJS Ketenagakerjaan and Kesehatan) and medical treatment in the event of illness or work-related accidents must also be guaranteed. Furthermore, the contract should contain clear procedures for resolving disputes or complaints, including accessible and impartial mediation or arbitration, as well as provisions regarding termination notice, severance pay, and other rights related to termination of employment .

Striking a balance in a contract is essential. The contract should reflect a balance of rights and obligations between domestic workers and their employers, avoiding clauses that are burdensome to either party. Article 1339 of the Civil Code (KUHPer) can serve as a basis for ensuring that an agreement is binding not only on what is expressly stipulated therein, but also on anything that, by its nature, requires agreement based on justice, custom, or law. During the contract signing process, the presence of an independent third party, such as a union representative, a legal aid institution, or a government-appointed mediator, can help explain the contract's contents to domestic workers and ensure they understand and agree to all provisions. They can also serve as a neutral witness. Before and after the contract signing, a socialization session should be held explaining each point in detail.

To understand how the formulation of employment contracts can better protect domestic workers, the government can compare the example of Jala PRT employment agreements with other countries, such as the Standard Employment Contract (SEC) (Form ID 407) used in Hong Kong for Foreign Domestic Workers (FDWs). Hong Kong is known to have a more advanced legal framework for regulating domestic workers (FDWs), and the SEC is a key instrument in this protection. The Hong Kong SEC (Form ID 407) is a mandatory legal document for all domestic workers employed in Hong Kong. It is not merely a guideline, but a legally binding document approved by the Hong Kong Immigration Department and the consulate of the domestic worker's country of origin.

A comparison of the Jala PRT employment agreement and the Hong Kong SEC demonstrates fundamental differences in legal force, scope of protection, and enforcement mechanisms. While the Jala PRT handbook serves an important role as an advocacy and educational tool, it lacks direct legal binding force , and violations of its recommendations are not necessarily prosecutable because they are not based on specific legislation. This means that the *naturalia* and *exidentalia* elements that may be implied in the Jala PRT recommendations lack a strong legal basis for enforcement. In contrast, the Hong Kong SEC is a legally binding contract, with any violations leading to legal action and sanctions under the Hong Kong Employment Ordinance. The SEC explicitly covers many of the *naturalia* elements of an employment relationship, such as the employer's obligation to provide a safe working environment, adequate accommodation, free medical care, and the FDW's

obligation to perform duties in good faith. Furthermore, the SEC also provides for *exdentialia* elements through additional clauses that can be specifically agreed upon between the employer and the FDW, provided they do not conflict with the law, such as transportation allowances or bonuses.

In terms of coverage and detail regarding protections, the Jala PRT pocketbook provides a basic framework of rights and obligations such as wages, working hours, and rest days. However, details regarding grievance mechanisms, dispute resolution, insurance, or accommodation conditions may not be as comprehensive as those in actual legal contracts, making the *naturalia* and *exdentialia* elements less detailed and less enforceable. Unlike the Jala PRT employment contract model, the Hong Kong SEC is very detailed and comprehensive, covering a mandatory minimum wage, reasonable working hours, a weekly rest day, public holidays, and requiring employers to provide adequate accommodation and free meals or a food allowance. The contract also requires the domestic worker to perform domestic work only at the registered address and guarantees free medical treatment in the event of illness or injury. Although insurance is not mandatory in the contract, many employers choose to provide it. There is also a clear mechanism for dispute resolution through the Hong Kong Labour Department.

The enforcement mechanism is also a key differentiator. Enforcement of the Jala PRT recommendations relies heavily on the awareness and goodwill of employers, as well as advocacy from civil society organizations, with no formal enforcement mechanism attached to the handbook. The Hong Kong SEC is supported by the Hong Kong Employment Ordinance, with the Labour Department having an active role in dispute mediation and enforcement, where breach of contract can result in fines or imprisonment for employers.

## CONCLUSION

Legal protection for domestic workers (PRT) in Indonesia remains a critical issue as their increasing numbers are paired with a lack of formal recognition and adequate legal safeguards, leaving them vulnerable to violence, exploitation, and rights violations. The exclusion of domestic workers from the Manpower Law No. 13 of 2003 highlights the urgent need for the passage of the RUU PPRT (Domestic Worker Protection Bill) to provide clear legal protections, define rights and obligations, and enforce standards effectively. Additionally, comprehensive employment contracts covering working hours, fair wages, social security, and legal aid are essential. The government should also implement education and training programs to raise awareness among domestic workers and employers while addressing underlying factors such as poverty and limited educational opportunities that compel women to enter this sector. Future research could focus on assessing

the implementation challenges of the RUU PPRT and evaluating the impact of educational interventions on improving domestic worker welfare and employer practices in Indonesia.

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