Volume 38 No 2, May 2023
DOI: 10.20473/ydk.v38i2.41214
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Yuridika (ISSN: 0215-840X | e-ISSN: 2528-3103)
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FAKULTAS HUKUM UNIVERSITAS AIRLANGGA
Article history: Submitted 7 February 2023; Accepted 30 March 2023; Available Online 1 May 2023.

Reconstruction of Fulfilling the Rights of Domestic Helpers in Employment Relations as a Form of Respect for Human Rights

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Abstract
The state guarantees welfare for its people, including domestic servants who are guaranteed constitutional rights. However, in statutory regulations, guarantees for legal protection do not apply to domestic workers who work in the informal sector, while domestic workers who work in the formal sector get guaranteed legal protection, as stated in Law No. 11 of 2020 regarding the employment creation cluster. Techniques implemented in research in the form of presentation of concepts, theories and arguments that are useful in studying and analyzing phenomena that occur based on applicable regulations are called normative juridical techniques. Regulations on employment relations norms that place more importance on economic liberalization are listed in Article 1 paragraph 15 and Article 50, where these articles are also the cause of the legal blurring of norms contained in Article 1 paragraph 3. A domestic worker needs a guarantee of legal protection because he has a weak position. The issue of vague norms (vague of norms) contained in Article 1 paragraph 3 is caused by inconsistencies between Article 1 paragraph 15 and Article 1 paragraph 3 and the article that strengthens it, namely article 50, which should implicitly apply to domestic workers. This is contrary to the constitutional juridical basis which is clearly and expressly stated in the section "in view of" the "Labor Law, namely Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia": Implementation policies related to employment must also have a positive impact on companies and consider sectors outside the business world unimportant. Legal implications for the rights of domestic workers in employment relations, there is no legal certainty regarding the fulfillment of rights in employment relations, and they do not have access to settlement of labor relations disputes.
Keywords: Protection; Domestic Helpers; Employment.

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Introduction

At the opening of the fourth paragraph of the 1945 Constitution which reads "...to form an Indonesian State government that protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare...", means that the government has an obligation to guarantee the welfare of its people.

The Indonesian government guarantees protection for domestic workers, as evidenced by the existence of laws and regulations as contained in the 1945 Constitution, article 27 paragraph 2 reads "every citizen has the right to work and a decent living for humanity" and in article 28D paragraph 2 it reads "everyone has the right to work and receive fair and proper compensation and treatment in a work relationship. It can be seen that there is a similarity in meaning between the phrase "everyone" in article 28 paragraph 2 and "every citizen" in article 27 paragraph 2 which means every Indonesian citizen without exception is a domestic worker.[1]

Apart from being explained in the 1945 Constitution, regulations related to legal protection guarantees for domestic workers are also explained in detail in Law No. 11 of 2020 regarding Employment Cluster Job Creation. The constitutional rights of domestic workers are understood as the state's obligation to provide protection for them as a form of implementing the objectives of the Indonesian government as stated in the fourth paragraph of the 1945 Constitution.

However, it is very unfortunate that the regulation of Law No. 11 of 2020 regarding Cluster Job Creation is unable to become a legal umbrella for every Indonesian who works as a domestic worker. Because this regulation only provides legal guarantees for domestic workers who work in the formal sector, while domestic workers who work in the informal sector do not. Even though they both get paid for work.

Legislation that only provides a legal umbrella for formal domestic workers is shown in juridical facts including:

First, Laws related to Manpower can implicitly be used as a reference for domestic workers, however, they will experience vague norms, namely between

[1] Ridwan HR, *Hukum Administrasi Negara* (PT Raja Grafindo Persada 2008).

Article 1 paragraph 3 and paragraph 15. Article 1 paragraph 15 reads as follows:

> "The employment relationship is the relationship between the entrepreneur and the worker/labourer based on a work agreement, which has elements of work, wages and orders".

In this paragraph there are three variables that have a cumulative nature, namely the first is related to people who play a role in a work relationship, namely workers/laborers and employers, the second variable is work agreements, and the third is command, wages and workers variables. So that it can be said that domestic workers are not categorized as a work relationship because they are not employed by employers even though they receive wages/remuneration and receive orders from their employers.

Second, Article 1 paragraph 3 of the Manpower Law does not have the same meaning between domestic workers as interpreted by the government and the relationship between employers and domestic workers. In this verse there is the phrase "entrepreneur" which has a different meaning from the employer. Employers are only limited to people who provide work. So that domestic workers do not have a legal umbrella because they are not employed by employers. This is also clearly seen in the weighing section (d), which reads:

> "Whereas the protection of workers is intended to guarantee the basic rights of workers/laborers and guarantee equal opportunity and treatment without discrimination on any basis to realize the welfare of workers/laborers and their families while taking into account developments in the progress of the business world".

Legislation related to manpower only provides protection for workers in the formal sector, while domestic workers who work with employers do not. If there is a violation of obligations or rights, it cannot settle disputes through industrial courts, as explained in UURI No. 2 of 2004 concerning Industrial Relations Dispute Settlement.[2] This is in accordance with Article 1 paragraph (16) which reads:

> "Industrial relations disputes are differences of opinion that result in conflicts between entrepreneurs or groups of entrepreneurs and workers/laborers or trade unions/labor unions because of disputes over rights, disputes over

[2] Lembaran Negera Republik Indonesia Tahun 2004 Nomor 6 2004.

interests and disputes over the termination of employment relations as well as disputes between trade unions/labor unions in only one company".

As a result, empirically, when there is a dispute in the work relationship between the employer and the domestic worker, the case cannot be brought to court. For example, when a domestic worker damages the employer's belongings, the employer can only be held accountable for releasing his rights because there is no clear employment contract or legal provisions. Likewise, when domestic workers receive inhumane actions from their employers such as heavy workloads, low wages or even no wages, insults and so on, they also just "keep silent", surrender and when they reach the limit of their sincerity, the domestic worker can resign. from the job.[3]

There are laws that can be used as a reference if there is a legal dispute between the domestic worker and the employer, although separately and in a limited manner. For example, laws on the Eradication of Trafficking in Persons (No. 21 of 2007), Elimination of Domestic Violence (No. 23 of 2004), Human Rights (No. 39 of 1999) and the Civil and Criminal Code.

The problem becomes interesting and important to study, when in reality the number of domestic workers in Indonesia in 2019 was 17,400,887 and 97% were women, where they often received inhumane treatment. The average number of domestic domestic workers increased by 1.8% per year.[4] Employment agreements that are not clear, often lead to fraud against domestic workers, for example there is a transfer of work functions that are supposed to complete household chores but become sex workers. Exploitation by service providers of domestic workers by employing them on a shift from one employer to another. Agents act arbitrarily with domestic workers, including eliminating leave rights and other rights, not providing social security or welfare, providing substandard wages, increasing the number of working hours arbitrarily, deducting monthly wages for domestic workers, not

[3] Eko Bambang Suhiyantoro, 'Yuli Maiheni: Matahari Pekerja Rumah Tangga' (2005) 39 Journal Perempuan

[4] Rohijani Endang, 'PRT Bukan Pembantu Tapi Pekerja (Sebuah Perjalanan Mengubah Kata Pembantu Menjadi Pekerja Di Dearha Istimewa Yogyakarta' (2016) Makalah Diskusi Panel Perlawanan Lokal Perempuan dan Krisis Ekonomi.

explaining the duties of domestic workers in detail and that action. is a real picture that envelops the working relationship between domestic workers and employers and/or domestic worker distribution agents.

Based on labor regulations that do not clearly explain legal guarantees for domestic workers, the situation of domestic workers can be explained, namely: first, the government ignores domestic workers because they do not have a big contribution in improving the country's economy, secondly domestic workers do not get recognition as workers and become victims of capitalism vis a vis patriarchy. This government action is not in line with the goals of the state as stated in the fourth paragraph of the 1945 Constitution.

Method

The research conducted focuses on analyzing cases based on concepts, theories and arguments based on laws and regulations so that it is called normative juridical research. Normative research is focused on solving problems based on studies of existing laws and scientific knowledge.[5] These laws and regulations are rules that are written and stipulated by an authorized institution and are coercive so that all parties comply with them and the laws and regulations discussed in research related to legal protection for domestic workers.

Result and Discussion

The formation of inconsistent labor-related laws and regulations due to differences in interests between the respective legislators has resulted in a blurring of norms as in Article 1 paragraph 3, 15 and Article 50. Particularly regarding work relationships, domestic workers do not have a clear legal umbrella regarding employment. In fact, in the context of employment and law, domestic workers have weak power. Besides that, this is contrary to Article 28D paragraph 1 of the 1945 Constitution which reads: "Everyone has the right to recognition, guarantees,

[5] Jhonny Ibrahim, *Teori Dan Metodologi Penelitian Hukum Normatif* (Bayumedia Publishing 2016).

protection, and legal certainty in a fair way...”. Therefore, every citizen has the right to obtain legal guarantees, including domestic workers.

The reason for the absence of a legal umbrella for domestic workers is due to the blurring of norms in Article 1 paragraph (3) which have implications for the rights of domestic servants in working relationships. The implication is that the normative requirements in the formation and preparation of reports are that reports must be logical, clear and not cause double interpretations. So it is recommended that in making laws and regulations you should use grammar that is easy to understand. Logically means, the rule of law is a unified system of norms. According to the school of legal positivism, a condition that can bind individuals or groups of individuals within a certain scope is called legal certainty.

Some of the reasons why the normative rights of domestic workers are increasingly being neglected are the form of an employment contract with the employer that is not written but verbal, the form of an employment agreement that dominates the employer’s profits, and the absence of a legal umbrella that protects domestic workers. Enforcement of work agreements is important in relation to legal protection for domestic workers and also for employers. Work agreements (written) can guarantee the rights and obligations of every employer and domestic worker and can be sued if one of the parties shows an attitude contrary to the agreed work contract. Some of the rights of domestic workers are ignored, because there is no guarantee of legal certainty for fulfilling the rights of domestic workers in work relations, namely:

a. Right to wages.

Wages are the main element in work relations, where one party gives achievements and the other party receives achievements. This is related to no work no pay. There should be clear laws and regulations governing the right to wages. Because sometimes employers do not pay wages to domestic workers even though wages are categorized as a right that must be given by employers. The indicators used by employers in providing wages to domestic workers are adjusted to the Regional Minimum Wage (UMR), adjusted for the duration of work, type and work

experience and adapted to the workload carried out. Regulations related to the minimum wage have been explained by the government in detail in the Minister of Manpower and Transmigration Regulation No. 7 of 2003 which was previously contained in article 89 paragraph 4. The regulation describes regional and national wage standards for formal workers. Contents of the Regulation of the Minister of Manpower and Transmigration article 3 paragraph 1 No. 7 of 2003 namely "Determination of the minimum wage is based on Decent Living Needs (KHL) with attention to productivity and economic growth". This regulation does not apply to domestic workers who work in the domestic sphere but applies to industrial sector workers. So that domestic workers do not have clear standards in receiving wages which causes the employer to use the standards that apply in the community around them, and/or is measured by the ability and willingness of the employer. In other words, the size of the domestic worker's wages is calculated based on the average wage in the community, economic capacity, willingness of the employer and of course from the perspective of the employer.

Ironically, there are several cases of wages for domestic workers where payments are not made every month or are owed, there are even cases where the employer does not pay them. This was confirmed by the National Domestic Workers Advocacy Network (JALA PRT) in its report that, of the various cases it assisted in the 2015-2018 period, 393 cases, 85% percent were related to unpaid wages with various timeframes ranging from 2 months to 3 years. The facts mentioned above indicate that, female domestic workers are vulnerable to violations of rights committed by employers, including the right to wages.[6]

Sociologically, the low wages of domestic servants occur because household work is considered not work that has economic or reproductive value and is usually done by women, and does not require education and skills.[7] Meanwhile, from a juridical perspective, the legal status of domestic workers is not that of a laborer or

[6] Sukesi Keppi, 'Pekerja Rumah Tangga, Masalah Dan Solusi Pemberdayaan' (2018) 2 Jurnal Nabila Pusat Studi Wanita UMY.

[7] Rachmad Safa'at, *Buruh Perempuan : Perlindungan Hukum Dan HAM* (IKIP Malang 2018).

worker, and this is the reason for the low wages of domestic workers. In fact, the main root of all this is the domestic-public dichotomy constructed by patriarchal culture, where the domestic area is the territory of women and of course has no economic value, while the public area is the territory of men which of course has economic value. The dichotomy of the two areas influences the perspective of seeing the reality of men and women, both in the context of society (sociology) and the state (juridical).

b. The right to limited hours of work.

Domestic servants have no limit on working hours, therefore it is often compared to their working hours 24 hours a day. The working hours were very long and of course tiring, even though it was done happily and without coercion, it was still outside the standard working and resting time. Based on article 77 paragraph 2, it is explained regarding the authority of the industrial sector to choose working hours for their workers as long as they do not exceed 40 hours in one week.. Provisions in the selection of working hours, namely the first choice of workers are required to work five days a week and not more than 8 hours each day, while the second choice of workers is required to work six days a week and not more than 7 hours each day. For workers who do work outside of predetermined working hours, it is counted as overtime and is obliged to get full wages. It's a shame that this regulation only applies to workers in the industrial sector, while domestic workers who incidentally work in the family circle do not have this right, so they are still subject to working conditions with very long working hours.

c. The right to information on the type of work.

There is no legal protection for domestic workers so that there is no guarantee of fulfilling their rights in the employment relationship, confirmed by the absence of a work agreement between the domestic worker and the employer, so that the domestic worker often does not receive information about the type of work to be performed. This resulted in the employer having to complete household chores, such as: cooking, washing dishes, washing clothes, ironing, mopping the floor, cleaning the house and furniture, cleaning the yard, washing the car, shopping,

caring for parents and children, delivering, picking up and/or or waiting for children to go to school, look after the house, clean the bathroom and others. This heavy workload occurs because there is no clear job description given by the employer to domestic workers,

The workload that is so heavy and must be borne by domestic workers is thought of as normal and common in society. In fact, if from the start there is a work agreement with a clear job description and which is agreed upon by both, then this will not happen to the domestic helper. The culture built by the community for a long time, coupled with the absence of legal regulations protecting it, seems to confirm that they deserve to be treated that way.

d. The right to vacation time.

Housemaids do not get time off, even on Sundays the work is even harder compared to normal days. This is actually not really a problem, if working hours are calculated proportionally during the week, then work on holidays is used as overtime. For example, calculating the working time in a week there are 6 days and every day working for 7 hours, so in a week a total of 40 working hours. This means that there is at least time a day for domestic workers to rest and still get full pay and if the working time exceeds working hours it is counted as overtime work. However, in reality most of the domestic helpers do not get a day off.

e. Leave right

Leave is essentially a holiday given by the employer to workers for the performance they have carried out while still paying workers' wages.[8] Therefore, every worker/laborer gets a minimum of 12 days off from work after doing work continuously within a year. As a factual justification regarding the right to leave, based on several experiences from domestic workers, they do not get the right to annual leave, but they do get the Idul Fitri holiday. As for maternity leave, this rarely happens because most employers will not accept a pregnant domestic helper to work and stay overnight at their home for physical reasons. However, domestic

[8] Sagala Valentina and Rozana Ellin, *Pergulatan Feminisme Dan HAM* (Institut Perempuan 2014).

workers who work on a “permanent” or part-time basis and of course do not stay at their employer’s house, usually can still be accepted by the employer even if they are pregnant, with certain considerations, for example: having worked at home for a long time, being diligent, having good results.

f. The right to occupational safety and health.

Components that are included in the norms of labor protection include: 1) providing rehabilitation or compensation for accidents experienced by workers while carrying out work in the work environment which is called the work accident norm, 2) providing protection for workers’ rights related to work norms, 3) norms health for companies and workers, 1) work safety norms.[9] A domestic worker is categorized as a worker who is not at risk, so he does not have the right to occupational safety and health. The domestic worker will get this right if the household environment is categorized as a workplace.

g. The right to social security.

A worker has the right to receive social security with an insurance system and receipts when something happens to him. This insurance has a certain nominal value that is given as a result of a disaster that befalls him (death, old age, childbirth, pregnancy, illness, work accident) and can also be when income is reduced or lost. Components belonging to the social security program include 1) health care insurance, 2) old age insurance, 3) death insurance, 4) work accident insurance.

Based on the laws and regulations article 28H paragraph 3 and article 34 paragraph 2 every Indonesian has the right to social security, including domestic workers. But the problem is, in reality domestic workers do not get social security as mandated by the constitution because they are not classified as legal subjects. The same goes for the government program Jamkesmas (Public Health Insurance) which only applies to the poor, not domestic workers.

The contents of the workers’ social security regulations contained in Article 1

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[9] Omas Ihroni Tami, *Hak Asasi Perempuan : Instrument Hukum Dalam Mewujudkan Keadilan Gender* (Yayasan Obor Indonesia 2014).

paragraph 1 Law No. 3 of 1992 namely:

> "Labor Social Security is a protection for workers in the form of compensation in the form of money as a partial replacement for lost or reduced income and services as a result of events or conditions experienced by workers in the form of work accidents, illness, pregnancy, childbirth, old age and death".

In this article it is explained that workers are individuals who work well to create goods or services so that community needs can be met and the realm can be inside or outside the employment relationship, so domestic workers are included in it. Likewise, as explained in Law no. 40 of 2004 regarding social security parts a and b which reads:

> "Considering: a. that everyone has the right to social security to be able to meet the basic needs of a decent life and increase their dignity towards the realization of a prosperous, just and prosperous Indonesian society: b. that in order to provide comprehensive social security, the state shall develop a national social security system for all Indonesian people".

The words "all Indonesian people" and "everyone" can be categorized as domestic workers, which are part of it. Meanwhile, the regulations related to guidelines for the implementation of the Worker's Social Security Program for Workers Who Do Work Outside Employment Relations (TK-LHK) are explained in the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: Per-24/MEN/VI/2006, as a more technical rule. can be used as a concrete legal reference for domestic helpers. However, in practice it will certainly be difficult to implement, because who has to pay the social insurance premiums for domestic helpers, because if the employers of domestic helpers have to pay for the insurance premiums, most of them will definitely refuse. In fact, if the employer of the Domestic Helper agrees,

h. The right to freedom of association.

Article 28E paragraph 3 of the 1945 Constitution reads, "Every person has the right to freedom of association, assembly, and issuing opinion". This article contains freedom of association, assembly and expression of opinions which are the rights of every citizen, including domestic workers. Therefore, limiting the freedom of domestic workers to organize and socialize is against human rights.

Domestic servants who have been in the domestic sphere, the private sector with the dominance of the employer are still very strong, anything that is done by the domestic helper must have the permission of the employer. This means that socially, a housemaid is a person who does not have personal freedom and is considered unable to determine what to do except with the permission of the employer, including in organizing.[10] On the other hand, organizing for domestic workers is a strange thing for the people of Indonesia, in fact there is often a term that tends to have connotations that tend to demean and belittle them, namely the term PBB which means "Son-Babu Association". Our society still thinks that organizing is the right of educated people and domestic workers who incidentally are considered uneducated do not have the right to organize. Having an organization for domestic workers can at least be used as a forum for sharing and consultation in overcoming various problems that occur in the reality of work relations.

i. Not fulfilling a sense of justice in work relations.

Hans Kelsen expressly stated that, justice is justice based on law. Implementation of the law in accordance with existing rules is called justice.[11] That is, a sense of justice must be the soul or spirit in positive law, including those related to labor. So every citizen has the right to equal justice based on the applicable regulations. Justice proportionally means, in accordance with the rights that should be obtained. The understanding of formalization of workers/laborers that is adhered to by the Manpower Act, as contained in Article 1 paragraph (15), Article 50 and in the section considering letter (d), thus obscuring the legal status of domestic workers as workers/laborers is contrary to the sense of justice.

According to Aristotle, legal justice aims to represent a sense of ethical awareness regarding just and unjust behavior. The function of the law is to ensure that everyone gets what is due and takes action in accordance with the provisions that have been

[10] Abdul Rachmad Budiono, 'Makna Perintah Sebagai Salah Satu Unsur Hubungan Kerja Menurut Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan' (2012) 6 Journal of Arena Hukum.

[11] Abdul Rachmad Budiono, *Hukum Perburuhan* (Indeks 2011).

made.[12] This is also relevant to Rawls's thought that, regulations made must be able to provide policies and a sense of justice for everyone without exception for those who are in a weak position. In order for each individual to receive the same rights and opportunities, this cannot be separated from the principle of justice, especially for the less fortunate. That is, every individual has the same opportunity in every policy (rule of law), regardless of race, skin, religion, including gender. Based on this, justice is the spirit of the law itself.[13] Therefore, domestic workers who do not have a legal basis in the Manpower Act are a form of injustice experienced by domestic workers, giving rise to various conditions, including:

1) Exploitation and violence of domestic workers in work relations.

In the manpower legislation, domestic workers do not have legal legal status as laborers or workers, so they do not have a legal umbrella, and there is also no specific law that guarantees protection for them, which opens up more opportunities and potential for exploitation and violence, both economic and psychological, sexual or physical.

2) Do not have access to dispute resolution.

Domestic workers who do not have a legal umbrella because of family relations, informal relations or paternalistic principles give rise to disputes which cannot be brought to the industrial court. As explained in the legislation article 1 paragraph 16 No. 2 of 2004 regarding the Settlement of Industrial Relations Disputes, which reads:

> *"Industrial relations disputes are differences of opinion that result in conflicts between entrepreneurs or groups of entrepreneurs and workers/laborers or trade unions/labor unions because of disputes over rights, disputes over interests and disputes over the termination of employment relations as well as disputes between trade unions/labor unions in only one company"*.

Based on the article it is explained that those who have the right to resolve cases in the industrial court are laborers or workers while domestic workers are not

[12] Munir Fuady, *Aliran Hukum Kritis Paradigma Ketidakberdayaan Hukum* (Citra Aditya Bakti 2013).

[13] Uzair Fauzan and Heru Prasetyo, *Teori Keadilan* (Pustaka Pelajar 2016).

categorized as laborers or workers because they are not employed by employers and their work is not in the industrial sector. The work area of domestic servants, which in fact is in the domestic or private sphere, where of course outsiders are not allowed to interfere in household affairs which are considered private areas, so there is a lot of violence against domestic workers which is only seen as a minor crime and just stops at the police.

According to the feminist legal theory, there is no guarantee of legal certainty regarding the fulfillment of rights in work relations and the lack of a sense of justice for domestic workers as a result of the absence of a guarantee of legal protection for them as described above, the cause is differences in judgment and considers men to be the most dominant. That is, men are prioritized because of the center of hegemony principle, which gives rise to domestic workers which in fact is that women will always be oppressed (experiencing discrimination, exploitation and violence).[14] Moreover, the inculcation of patriarchal ideology places men as the most dominant, giving rise to gender inequalities, affecting the fulfillment of the rights of domestic servants, because they are women. Therefore, accommodating their experiences in various policies, including in employment policies, is a concrete solution to overcoming the problem of injustice experienced by domestic workers, especially in employment relations.[15]

According to Rawls, there are two principles of justice with a social dimension, including 1) preventing socio-economic inequality from occurring so as to generate reciprocal benefits, 2) everyone has equal rights and opportunities and freedoms widely. The difference principle requires that the basic structure of society is adjusted so that inequality can make room for essential things, such as welfare and income, to be available to the less fortunate. In other words, social justice must be fought for two things: first, correcting and improving the inequality experienced by disadvantaged groups by introducing powerful and powerful socio-economic and

[14] Mansur Fakih, *Analisis Gender dan Transformasi Sosial* (Pustaka Pelajar 2019).

[15] Martah Albertson Fineman and Nancy Thomadsen, 'Feminist Legal Theory' (2015) 13 Journal of Gender Social Policy and The Law.

political institutions; second, On the other hand, if one looks at it from the perspective of human rights which still exist in the constitution (Constitutional rights), namely in the 1945 Constitution of the Republic of Indonesia, the requirements for domestic workers as above contradict using several articles, including: the right to work and decent living (article 27 Paragraph 2); the right to recognition, collateral, protection and certainty of fair rules (article 28 D paragraph 1); the right to work and receive compensation and treatment that is fair and proper in work interactions (article 28D paragraph 2); the right to freedom of association, assembly and expression (Article 28E paragraph (three)); the right to freedom based on torture or ill-treatment that demeans human prestige (Article G paragraph 2); right to social collateral (Article 28H paragraph 1 and paragraph three and Article 34 paragraph (2)); the right to be free based on discriminatory treatment on any basis and the right to receive protection against such discriminatory treatment (article 281 paragraph 2) and; the right to life, the right not to be tortured, the right to freedom of thought and conscience, the right not to be enslaved (article 28 1 paragraph 1). In this context, the state has an obligation to respect, protect and fulfill these rights, both non-justiciable (fulfillment in stages) as well as justiciable (fulfillment is absolute and mandatory). run immediately). Therefore, legal protection for female domestic workers is an urgent matter to be implemented immediately, it is a form of responsibility and obligation of the welfare state.

Conclusion

Pancasila which is a consensus of national collective values, as well as the basic norms for laws and regulations in Indonesia. There is an inconsistency between Article 1 paragraph (3) and Article paragraph (15), which is emphasized by Article 50, causing a blurring of norms (vague norms) in Article 1 paragraph (3), which should be implicitly applicable to domestic workers. This is contrary to the constitutional juridical basis which is clearly and expressly stated in the section "in view of" the Manpower Act, namely Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Employment

must also be directed to the interests of the business world and consider sectors outside the business world unimportant. domestic workers who work outside the business world, certainly not taken into account in the Labor Law. The fact that there is no legal awareness in the community that considers it important to have legal regulations for domestic workers has resulted in the various problems that befall domestic workers not being considered as problems that should be on the public agenda or policy problems. This has a strong influence on the absence of protection guarantees for domestic workers in the Manpower Act. The legal implications for the rights of domestic workers in employment relations do not provide legal protection for domestic workers, including the absence of legal certainty regarding the fulfillment of rights in employment relations, resulting in violations of the right to wages and the right to work time; the right to get information on the type of work, the right to leave, the right to rest, the right to occupational safety and health.

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Lembaran Negera Republik Indonesia Tahun 2004 Nomor 6 2004.

HOW TO CITE: Shohib Muslim, Shinta Hadiyantina, Hudriyah Mundzir, Khrisna Hadiwinata and Dina Imam Supaat, ‘Reconstruction of Fulfilling the Rights of Domestic Helpers in Employment Relations as a Form of Respect for Human Rights’ (2023) 38 Yuridika.

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