

MODEL OF SUPERVISION OF THE IMPLEMENTATION OF CONSTITUTIONAL RIGHTS TO ENSURE THE PROTECTION AND WELFARE OF DOMESTIC WORKERS IN THE ADMINISTRATIVE CITY OF EAST JAKARTA

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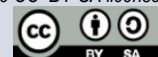
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ABSTRACT

This study aims to analyze the legal protection of domestic workers (PRT) within the framework of constitutional and statutory law, identify the factors contributing to weak supervision over the fulfillment of domestic workers' rights in the household sector, and formulate an effective supervision model within the administrative context of East Jakarta. Employing a normative-empirical legal method with statutory, conceptual, and sociological approaches, this research integrates primary data obtained through interviews and Focus Group Discussions (FGDs) involving government institutions and civil society organizations. The findings reveal that constitutional protection for domestic workers is guaranteed under Article 27(2) and Article 28D(2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). Nevertheless, implementation remains weak due to the absence of legal recognition of households as workplaces within the national labor law framework. The ineffectiveness of supervision in fulfilling domestic workers' rights is attributed to four key factors: limited scope of supervision, restricted jurisdiction and authority of local government agencies at the administrative city level, institutional fragmentation among state bodies, and a formalistic bureaucratic culture. As a solution, this study proposes an effective supervision model grounded in the principles of legal inclusivity, institutional collaboration, and community participation. The model consists of five main components: (1) neighborhood-based registration (RT/RW) to ensure that domestic employment relationships are officially recorded and monitored by the state; (2) strengthening the role of Domestic Worker Placement Agencies (LPPRT) as legal entities responsible for training and grievance mechanisms; (3) integration of cross-agency complaint systems through proactive technology-based coordination; (4) public education and empowerment of domestic worker

communities to enhance legal awareness; and (5) establishment of complaint centers at the sub-district (kecamatan) level. This study concludes that labor law reform should aim to recognize domestic work as a legitimate form of employment, decentralize supervisory authority, and develop a living legal system rooted in the values of social justice.

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INTRODUCTIONS

Domestic Workers (PRT) are an important part of the workforce that has a significant social and economic contribution to the life of the Indonesian people. However, their position is still very vulnerable due to weak legal protections, both normatively and in practice. The nature of domestic work that takes place in private spaces (*invisible work*) makes supervision difficult to carry out and opens up opportunities for exploitation, violence, and human rights violations. (Seiter, 2025)

The Constitution of Indonesia through Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia (1945 Constitution of the Republic of Indonesia) affirms the right to decent work and fair legal protection for all citizens, including domestic workers. However, the constitutional guarantee has not been fully implemented because there is no special regulation such as the Domestic Worker Protection Bill (PPRT Bill), which has not been passed until now. Meanwhile, Law Number 13 of 2003 concerning Manpower also does not explicitly cover domestic workers within the scope of its protection. (Ahmad & Omara, 2023)

The government's efforts to provide limited protection are carried out through the Regulation of the Minister of Manpower (Permenaker) Number 2 of 2015. However, this regulation is sourced from the regional administrative legal framework and has not yet become part of the national labor law. The Permenaker also has a fundamental weakness, because it only applies to domestic workers recruited through official distribution agencies. In reality, the majority of domestic workers are recruited directly by employers without going through a placement institution, so they are not covered by the employment supervision system. (Hidayanti, 2014) (Novita, 2023) (Alrasyid, 2024)

In addition, the tiered supervision mechanism involving the Chairman of the Neighborhood Circle (RT) to the Manpower Office as proposed by the National Human Rights Commission (Komnas HAM) and the National Network for Domestic Worker Advocacy (JALA PRT), has not been effective. Available complaint tools, such as *the Lapor!*, *JAKI*, and the social media channels of the Jakarta Manpower, Transmigration, and Energy Office, have also not been able to answer the complexity of the problems in the field. Based on JALA domestic worker data, there were 3,308 cases of violence against domestic workers during the 2021–2024 period, which included physical, psychological, and economic violence. This figure shows the weak presence of the state in protecting this vulnerable group. (Rayandi & Fauzi, 2025)

This condition is in line with the findings of a number of previous studies. stated that the regulations regarding wages in the Manpower Law only apply to formal workers, while domestic workers are only protected by Permenaker Number 2 of 2015. emphasized that legal protection for domestic workers is still not optimal because existing regulations are not synchronized, while Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) has not directly protected them, even highlighting bureaucratic obstacles and lack of transparency in domestic worker protection policies. However, these studies are still limited to normative aspects or regulatory analysis, without offering a concrete supervisory model that can be implemented at the local level. (Fauzani Stuttgart & Awdia Ramadan, 2024) (Ista Pranoto, 2022) (Azhari & Halim, 2021)

This research is here to answer these limitations by emphasizing the importance of formulating a more effective supervision model in the protection of domestic workers. The urgency of this research can be seen from the many cases in the field, especially in East Jakarta, where torture, persecution, and rights violations experienced by

domestic workers, including those who are still children, are found. Cases such as RNs who were doused with chili pepper by their employers, to the detention of documents and non-payment of wages, are one of the clear evidence of weak domestic labor supervision. The main obstacle lies in the difficulty of implementing formal sector supervision standards into the domestic sector, considering that private homes as domestic work spaces are not easily accessible to labor supervisors. (Sinombor, 2022)

The main problem lies in the difficulty of implementing formal sector supervision mechanisms into the domestic space, considering that private homes as a place of work for domestic workers are not easily accessible to labor supervisors. Thus, this research is limited to three problem formulations, namely:

1. What is the legal protection for domestic workers in the perspective of the constitution and applicable laws and regulations?
2. What are the factors that cause weak supervision of the fulfillment of the rights of domestic workers in the domestic sector?

What is an effective supervision model in protecting the rights of domestic workers, especially in the East Jakarta Administrative City area?

METHOD

This study uses a socio-legal approach that combines normative analysis of legal provisions with an empirical study of the social realities that affect its implementation. This approach was chosen because the issue of the protection of Domestic Workers (PRT) is not only related to the legal text, but also to power relations, social structure, and the legal culture of the community that shapes the practice in the field.

Normative analysis was carried out on various legal sources, including the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 concerning Manpower, Law Number 23 of 2004 concerning the Elimination of Domestic Violence, and the Draft Law on the Protection of Domestic Workers (Ruu PRT). In addition, this research also refers to international legal instruments such as *the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, *the International Covenant on Economic, Social, and Cultural Rights (ICESCR)*, and *the International Labour Organization (ILO) Convention Number 189* concerning Domestic Workers.

Meanwhile, an empirical study was conducted to assess the effectiveness of the implementation of legal protection for domestic workers and identify obstacles in its implementation. The collection of empirical data began with interviews with officials of the East Jakarta Administrative City Manpower, Transmigration, and Energy Office, and the manager of the Permata Kasih Bunda Indonesia Domestic Worker Placement Institute. Furthermore, a *focus group discussion (FGD)* was held with various stakeholders directly involved in the issue of domestic workers, such as civil society organizations JALA PRT, academics in the field of gender and law, and officials of the DKI Jakarta Manpower, Transmigration, and Energy Office. As a complement, this study also uses a survey in the form of a questionnaire that is distributed to domestic workers in the East Jakarta area.

Data analysis was carried out qualitatively by tracing the relationship between legal norms and social reality. The problem-solving strategy in this study refers to Lawrence M. Friedman's Theory of Legal Effectiveness, which emphasizes the importance of three elements: the substance of the law, the structure of the law, and the culture of the law. The analysis is also complemented by the perspective of Socio-Legal Studies according to Sulistyowati Irianto, who views law as part of social practices that are influenced by the dynamics of power and the cultural values of society. (Faried, 2025) (Irianto et al., 2012)

With this approach, this study seeks to comprehensively identify the conditions of legal protection for domestic workers, examine the causes of weak supervision, and formulate policy recommendations oriented towards strengthening an adaptive, participatory, and gender-equitable supervisory system.

RESULT AND DISCUSSIONS

Legal Protection for Domestic Workers in a Normative Framework

The legal protection of domestic workers (PRT) has a constitutionally strong basis. The 1945 Constitution of the Republic of Indonesia explicitly guarantees the constitutional right to decent work and livelihood. Article 27 paragraph (2) states that every citizen has the right to work and a decent livelihood for humanity. Article 28D paragraph (2) guarantees the right to compensation and fair treatment in employment relations, while Article 28I paragraph (4) obliges the state to protect, promote, enforce, and fulfill human rights.

The direction of progressive interpretation of these constitutional norms is strengthened by several Constitutional Court (MK) Decisions. In the Constitutional Court's Decision Number 100/PUU-X/2012, the Constitutional Court stated that labor protection should not be limited only to formal workers because the essence of employment relations lies in economic dependence and subordination, not on contractual status. Furthermore, the Constitutional Court Decision Number 7/PUU-XII/2014 affirms that the right to decent work is a constitutional right of every citizen without discrimination in the form of employment relationship. This principle is strengthened by the Constitutional Court Decision Number 72/PUU-XIII/2015, which emphasizes that labor protection is the state's obligation to all workers, including those working in the domestic sector. These rulings reinforce the view that legal protection for domestic workers is not a *policy of discretion*, but a constitutional obligation that is binding on the state. Thus, the state has a constitutional obligation to provide a system of legal protection that is fair, equitable, and non-discriminatory for all forms of employment relationships, including domestic employment.

However, there is still a vertical and substantive gap between constitutional norms and normative reality. Law Number 13 of 2003 concerning Manpower, which is a *lex generalis* in the field of labor relations, does not include domestic workers in the definition of workers as referred to in Article 1 number 3. This definition only includes workers who work by receiving wages from employers in formal employment relationships. Thus, domestic workers are not included in the subject of employment law that is protected by law. As a result, basic rights such as minimum wage, working hours, leave, and social security are not legally guaranteed for domestic workers.

The government's efforts to fill this legal vacuum are carried out through Permenaker Number 2 of 2015 concerning the Protection of Domestic Workers, but this regulation also has fundamental weaknesses. First, the Permenaker only applies to domestic workers placed by the Domestic Worker Distribution Institution (LPPRT) as stipulated in Article 2 paragraph (1), while JALA PRT data (2022) shows that more than 85 percent of domestic workers are recruited directly by employers without intermediary institutions. Second, this regulation is administrative and does not contain provisions for legal sanctions, both administrative, civil, or criminal. Third, the regulation does not contain a mechanism for supervision and dispute resolution, so it is only declarative without coercion. (Sucitiningrum, 2022) (Stuttgart, Judge, & Mustofa, 2025)

Hierarchically, this creates a vertical *inconsistency of norms* between constitutional norms and their derivative norms. Articles 27 and 28D of the 1945 Constitution of the Republic of Indonesia require universal protection of workers, while Law Number 13 of 2003 and Permenaker Number 2 of 2015 limit the scope of protection only to formal employment relationships. In other words, the constitution commands comprehensive protection, but its implementing laws and regulations actually narrow the scope of the subject of the law.

This condition gives rise to what is called *hierarchical dissonance*, which is when the legal norms at the lower level fail to realize the mandate of the norms at the upper level. In the perspective of the legal principle (Miftahul Murachim Budy Kushadianto & Putra, 2024) of *lex superior derogat legi inferiori*, this shows that the law and the Permenaker are substantially contrary to the 1945 Constitution of the Republic of Indonesia, because they close access to protection for groups of workers whose rights are constitutionally guaranteed. This inconsistency is also contrary to constitutional jurisprudence as contained in the Constitutional Court Decision Number 100/PUU-X/2012, which states that the constitutional right to employment and protection should not be limited by the status of a formal employment relationship. Thus, national labor laws are vertically inconsistent and incapable of carrying out the constitutional mandate to ensure equal protection for all workers.

The weakness of this legal substance is exacerbated by the slow legislative process of the Domestic Worker Protection Bill (PPRT Bill). Since it was first proposed in 2004 by JALA PRT, Komnas Perempuan, and LBH APIK, this bill has gone through various stages of advocacy, including the preparation of an academic manuscript in 2009 and included in the 2023 *Priority National Legislation*. However, until early 2025, this bill has not been passed due to political resistance and conservative views that still place domestic work as a private affair, not a professional work relationship. In fact, Komnas Perempuan emphasized that the ratification of this bill is a concrete form of state responsibility in recognizing domestic work as productive work with economic and social value. (Komnas Perempuan, 2025)

From an international law perspective, Indonesia is also lagging behind in meeting domestic worker protection standards. Although Indonesia has ratified *the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* and *the International Covenant on Economic, Social and Cultural Rights (ICESCR)*, Indonesia has not ratified ILO Convention Number 189 of 2011 concerning Domestic Workers. As a result, the internationally recognized minimum standards of domestic labor protection have not been integrated into the national legal system. Countries such as the Philippines—through (Stuttgart & Azizah, 2024) *the Kasambahay Law* of 2013, South Africa, and Brazil have incorporated domestic workers into national labor law regimes, demonstrating a more progressive commitment to domestic workers' rights. (Seiffarth, 2023)

The state of national law can be analyzed through Lawrence M. Friedman's Theory of Legal Effectiveness, which asserts that the success of law depends on three main elements: *the substance of the law*, *the structure of the law*, and *the culture of the law* (Mariyanawati & Saleh, 2023). The existing legal substance does not reflect the principle of substantive justice as mandated by the constitution. Law Number 13 of 2003 only provides protection for workers in formal employment relationships, while domestic workers who work without a business entity do not obtain legal recognition. Permenaker 2/2015, which is the basis for the complement, does not regulate sanctions or law enforcement mechanisms. Thus, existing legal norms are *non-enforceable* and fail to meet the principle of *enforceability* in Friedman's theory.

In addition, the vertical inconsistency between the 1945 Constitution of the Republic of Indonesia and the implementing regulations gives rise to *normative incoherence*. Constitutional norms are universal and inclusive, but positive laws are exclusive and discriminatory. This creates (Siregar & Mustafa, 2024) *an implementation gap* between constitutional rights and normative realization. In this context, *law as a tool of social engineering* loses its power because it lacks the operational capacity to guarantee substantive justice.

The institutional structure of labor supervision in Indonesia, especially in the DKI Jakarta area, faces limited jurisdiction and authority in reaching out to domestic labor relations. Based on the Regulation of the Minister of Manpower Number 33 of 2016 concerning Employment Supervision Procedures, supervision is carried out on companies and formal workplaces. Private homes are not categorized as "workplaces" because they are protected by citizens' privacy rights as stipulated in Article 28G of the 1945 Constitution of the Republic of Indonesia. As a result, the labor supervisor has no legal basis to conduct inspections or take action against alleged violations of the rights of domestic workers.

The authority of the DKI Jakarta Provincial Manpower, Transmigration, and Energy Office (Disnakertrans Energi) and the East Jakarta Manpower Office is also limited. Functionally, Sudin plays the role of a verifier companion in the LPPRT validation process and the implementation of socialization activities. This role is actually important to ensure the legitimacy of the distribution agency and the protection of domestic worker recruitment. However, in practice, Sudin is often not actively involved in the supervision or handling of domestic worker cases, not because of the absence of units or procedures, but because of low institutional rewards and a deficit in coordination between authorities. In fact, the role of the verifier carried out by Sudin is strategic as a bridge between the community and the local government in the implementation of the labor protection function.

This condition describes *structural dysfunction* as stated by Friedman, which is when the legal structure is unable to carry out its functions because it is not adaptive to the social dynamics that are regulated. The labor law structure in Indonesia fails to reach the domestic sector due to limited jurisdiction, coordination, and clarity of authority. (Astuty & Tohari, 2025)

The element of legal culture is the most complex and most decisive factor for the effectiveness of the law, according to Lawrence M. Friedman. Legal culture not only reflects compliance with the law, but also *the orientation of values, perceptions, and the way people interpret the law itself* (Haekal Amalin Firdany Putra, et., al, 2025) In the context of domestic workers (PRT) in Indonesia, the main problem is not only the absence of regulations, but also the legal culture that does not view domestic work as professional work with economic and legal value.

Historically, the formation of this legal culture was strongly influenced by patriarchal and feudal social structures that have taken root since colonial times. In the social construction of Indonesian society, domestic work—cooking, cleaning, and childcare is considered an extension of women's natural roles, rather than an economic activity that requires legal recognition and protection. As a result, domestic workers are seen not as (Rola Pola Anto et al., 2023) *legal subjects*, but as *moral objects* that gain the mercy of employers. The relationship between the employer and domestic workers is then constructed as a personal relationship, not a contractual one.

This kind of legal culture results in asymmetrical power relations. Employers have full control over domestic workers' time, wages, and living space, while domestic workers rarely have the awareness to demand their rights legally for fear of losing their jobs or being perceived as ignorant. In Friedman's terminology, formal law fails to penetrate the "layers of social value" that shape societal behavior. As a result, law loses its functional power and only lives textually (Faried, 2025) *law in books*, not contextual (*law in action*).

In addition, the legal culture of the state apparatus also reflects a similar bias. Many labor officials and law enforcement still consider the issue of domestic workers to be a domestic affair that is outside the public legal mandate. When cases of violence or rights violations occur, the authorities often refer to them as "family issues" rather than labor violations. This paradigm shows that constitutional values regarding equality and social justice have not been fully internalized in the consciousness of the bureaucracy. Thus, the law that is supposed to be a tool for social transformation is actually trapped in the old conservative values.

This phenomenon is in line with the concept of "progressive legal awareness deficit" as stated by Satjipto Rahardjo, which is a condition when the public and the apparatus understand the law only as a formal regulation, not as an instrument of substantive justice. In the context of domestic workers, this deficit causes the supposedly inclusive legal norms to become exclusive, and the constitutional rights of domestic workers are not actualized. (Rahmanto, 2025)

The impact of this biased legal culture is not only seen at the micro level (the relationship between domestic workers and employers), but also at the macro level (policy formation). The Domestic Worker Protection Bill, which has been fought for since 2004, has been repeatedly delayed not for technical reasons, but because of cultural resistance in parliament and bureaucracy. Many policymakers still view this issue as a private matter and not a priority of national labor law. This is a concrete form of *cultural inertia*, lagging behind the legal culture in following the development of constitutional justice values.

Furthermore, discriminatory legal cultures also reinforce social hierarchies within the law. Domestic workers are at the bottom of society, where their legal rights are not only not recognized, but even imagined. Friedman explained that in a legal system like this, (Emilia & Susiyanti, 2024) *legal culture acts as a brake rather than an engine of change*.

The transformation of legal culture is an absolute prerequisite for the effectiveness of legal protection for domestic workers. Substantive legal reform without a change in the legal culture will only give birth to formalistic laws without social legitimacy. These changes must start from the internalization of the constitutional values of equality and nondiscrimination into the legal education system, public policy, and labor bureaucracy. Only in this way

can the law function as it should, not just as a written norm, but as an instrument that lives in society to realize social justice for all workers, including domestic workers.

Weak Supervision of the Fulfillment of Domestic Workers' Rights

Within the framework of Lawrence M. Friedman's Legal System Theory, institutional supervision is the main indicator of the effectiveness of the legal system. However, in Indonesia, especially in the East Jakarta Administrative City area, the monitoring mechanism for the fulfillment of the rights of domestic workers shows systemic dysfunction. Based on the results of normative analysis, field findings, and directed discussions (FGD), there are four main factors that cause weak supervision of domestic workers, namely the limited scope of supervision, the limitation of the jurisdiction and authority of the Regional Apparatus Organization at the Administrative City Level, institutional fragmentation, and the weak bureaucratic orientation towards domestic work supervision.

1. Limitations of Scope of Supervision

The limited scope of supervision of domestic workers (PRT) is rooted in the contradiction between the mandate of the constitution and the implementation of regulations at the level of laws and implementing regulations. Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantee the right of every citizen to obtain a decent job and livelihood without discrimination. The provision requires the state to not only provide jobs, but also ensure the protection and supervision of all workers, including those in the informal and domestic sectors.

However, this constitutional mandate is not fully reflected in the applicable labor law structure. Normatively, Law Number 13 of 2003 concerning Manpower only regulates employment relations based on employment agreements between employers and workers. Article 1 numbers 5 and 6 of Law Number 13 of 2003 defines an entrepreneur as an individual, partnership, or legal entity that runs a company and employs labor by paying wages. Consequently, households as users of domestic worker services are not included in the category of "companies", because they do not carry out economic activities that produce goods or services for commercial purposes.

Meanwhile, the basis of labor supervision is sourced from Law Number 1 of 1970 concerning Occupational Safety, especially Article 1 number 5, which defines a *workplace* as "any room or field, closed or open, moving or fixed, where workers work, or which are often entered by workers for the purposes of a business". This definition was later adopted in various derivative regulations, including the Regulation of the Minister of Manpower Number 33 of 2016 concerning Employment Supervision Procedures. However, because the formulation links supervision to "business" activities, households do not qualify as workplaces within a formal legal framework.

This condition creates an *inconsistency of norms* between constitutional norms that guarantee universal protection and norms at the level of laws and implementing regulations that are exclusive. In Lawrence M. Friedman's terminology, this reflects *hierarchical dissonance*—the disharmony between the inclusive legal norms at the top and the norms at the bottom that close access to protection for domestic workers.

Efforts to expand the scope of supervision of domestic workers were carried out through the Regulation of the Minister of Manpower Number 2 of 2015 concerning the Protection of Domestic Workers, which introduced the Domestic Worker Distribution Institution (LPPRT) as an administrative intermediary between workers and employers. However, this mechanism only applies to employment relationships that go through official institutions. Based on JALA PRT data (2022), around 85 percent of domestic workers are recruited directly by employers, so they are not covered by the LPPRT system and are automatically beyond the scope of government supervision.

Constitutionally, this condition is contrary to the direction of protection that has been affirmed by the Constitutional Court Decision No. 19/PUU-IX/2011 and Decision No. 70/PUU-XIII/2015, where the Court affirmed that the protection of labor law should not be limited to formal employment relations only. The Constitutional Court

emphasized that the state has an obligation to ensure social security and job protection for all workers, including those in the informal and domestic sectors.

In the context of the East Jakarta Administrative City, the absence of recognition of the household as a workplace creates a structural *vacuum*. Labor supervisors at the provincial or sub-district levels do not have a legal basis to check working conditions in households, even if there are reports of violations. The boundaries between public and private spaces in employment regulations have created a *legally unreachable zone*, where the rights of domestic workers depend entirely on the will of the employer.

Thus, the root of the problem of supervision of domestic workers is not the lack of administrative instruments, but the failure of the legal structure in recognizing domestic work as part of the national labor system. Future legal reforms need to broaden the definition of "workplace" to include domestic spaces, while keeping in mind the principle of privacy, so that constitutional protection of the right to work and decent living can truly apply to all citizens without discrimination.

2. Limitations of Jurisdiction and Authority of Regional Apparatus Organizations at the Administrative City Level

In addition to normative limitations, weak supervision of domestic workers (PRT) is also caused by the limited jurisdiction and authority of regional apparatus organizations (OPD) at the administrative city level, especially the East Jakarta Manpower Office (Sudin Nakertrans Jaktim). These limitations are not just technical problems, but structural and systemic due to an institutional design that places Sudin only as a technical implementer without substantive supervisory autonomy.

Legally, the regulation of the division of government affairs in the field of employment is regulated in Law Number 23 of 2014 concerning Regional Government. Based on the Attachment to the Law, labor affairs are included in concurrent government affairs that are divided between the central, provincial, and district/city governments. However, DKI Jakarta does not have an autonomous regency/city government structure, but an administrative city that does not have the authority to govern itself. As a result, the function of labor supervision is fully in the hands of the DKI Jakarta Provincial Manpower, Transmigration, and Energy Office (Disnakertrans Province), while the Administrative City Manpower Sub-Office only acts as an activity implementation unit and administrative companion.

The restriction of functions is affirmed in the Jakarta Governor's Regulation Number 147 of 2019 concerning the Organization and Work Procedures of the Manpower, Transmigration, and Energy Office. In the Governor's Regulation, it is stipulated that Sudin only carries out part of the affairs of the Disnakertrans in the administrative city area, especially those that are technical services. There is no provision that gives the authority to supervise, inspect, or take action against violations of labor norms.

These limitations have a direct impact on the dysfunction of substantive supervision mechanisms for the fulfillment of domestic workers' rights. The East Jakarta Manpower Sub-district does not have a special unit or functional officials to supervise employment, because all supervisory functions are attached to the provincial structure. In practice, Sudin's role only appears when asked by the Provincial Directorate of Transmigration or the Ministry of Manpower to assist in verification activities for the Domestic Worker Placement Institution (LPPRT). The involvement is incidental and emphasizes administrative aspects such as checking licensing documents and data validation, rather than substantive supervision of the working conditions of domestic workers.

This is in line with the statement of Andi Mustajab, Chairman of the Manpower Placement Subgroup of the DKI Jakarta Provincial Manpower, Transmigration, and Energy Office, in a research FGD (September 20, 2025). He explained that "the involvement of Sudin is carried out only if there is a request from the Directorate of Transmigration or the Ministry, not because of the authority of the initiative." According to him, supervision of the domestic worker sector "does not yet have a strong legal basis because existing regulations still focus on formal employment

relationships." This statement shows a vertical imbalance of authority: the unit closest to the community does not have the authority to act preventively or correctively against violations.

An official from the East Jakarta Manpower Sub-district in an interview also emphasized that they are "rarely involved in verification activities, even though the position of the Sub-Directorate as a verifier companion should be strategic because it is more aware of the social conditions in the region." adding that the minimal involvement was not caused by Sudin's unpreparedness, but because "Sub-Districts are considered to be just administrative implementers, not part of the decision-makers in the process supervision." In other words, the relationship between the Provincial Directorate of Transmigration and Sudin is not coordinated.

These limitations have a double impact: on the one hand, the Provincial Directorate of Transmigration experiences a large administrative burden because it has to reach the entire administrative city area; on the other hand, Sudin does not have the legitimacy to act on cases of violations in the field. In practice, when complaints arise regarding violations of domestic workers' rights, the report often ends up at the sub-district or sub-district level without being forwarded to a higher legal mechanism because Sudin has no legal basis to follow up.

This condition illustrates *structural disempowerment*—a situation in which institutions that are supposed to play the spearhead have lost capacity and authority due to centralistic institutional design. In Friedman's terminology, this shows that the elements of the *legal structure* in the legal system have not been able to carry out their function as mediators between legal norms and social reality.

Thus, the weakness of supervision of domestic workers at the administrative city level is not only due to the absence of substantive regulations, but also due to the absence of decentralization of supervisory authority. Regional labor law reform needs to rearrange the relationship between the Provincial Directorate of Labor and Employment Sub-Districts so that it is coordinated and region-based. The delegation of some supervisory authority, especially to the informal and domestic sectors, is a strategic step to ensure that the principles of labor protection as mandated by the 1945 Constitution of the Republic of Indonesia can really be implemented at the grassroots level.

3. Institutional Fragmentation

One of the main roots of weak supervision of domestic workers in East Jakarta is the institutional fragmentation between government agencies that handle labor, social, and human rights protection issues. This fragmentation creates overlapping authority, unclear lines of responsibility, and ultimately leads to the absence of an integrated and effective law enforcement mechanism.

Normatively, labor supervision is under the authority of the Ministry of Manpower and is carried out by the Provincial Directorate of Manpower. However, in practice, the handling of domestic worker cases often involves the Social Service (Dinsos) because most reports are categorized as cases of domestic violence (KDRT) or inhumane treatment, not labor relations violations. When domestic worker cases enter the criminal realm, the police take over the handling based on Law Number 23 of 2004 concerning the Elimination of Domestic Violence, while Komnas Perempuan and Komnas HAM play a role in advocacy and case documentation. (Raflis & Rochaeti, 2016)

This fragmentation results in the absence of a single institution that has a single and explicit mandate to supervise and enforce the law against violations of the rights of domestic workers. In many cases, the handling is sporadic and relies on the initiative of nongovernmental agencies. For example, in the case of violence against domestic workers in the Cakung area in 2023, the handling begins with a report to the Social Service, then forwards to the police, and only involves the Directorate of Transportation in the final stage for administrative purposes. There is no formal interagency coordination mechanism governing how reports are handled, verified, and acted upon.

According to Komnas Perempuan data, of the 2,446 cases of violence against domestic workers in Indonesia in the period 2018-2022, more than 80 percent were handled through general criminal channels, while only about 5 percent were recorded in the employment mechanism. This condition shows that supervision of domestic workers has not functioned as a preventive instrument, but merely a post-violation intervention. The state only comes after violence

occurs, not to prevent it. In Friedman's terminology, this situation reflects " (Komnas Perempuan, 2023) *structural dysfunction*", which is when the structural components of the law fail to function as a bridge between legal norms (*law in the books*) and social reality (*law in action*).

The results of the research FGD (September 20, 2025) reinforce these findings. Hariati Sinaga highlighted that weak coordination between government agencies has caused the issue of domestic workers to never have a clear policy priority. "Every institution feels that it has some responsibility, but no one has full responsibility," he said. He proposed the establishment of *a cross-agency coordinating forum* at the provincial or municipal administrative level that specifically handles the issue of domestic work supervision. This forum is expected to be a permanent mechanism for data sharing, verifying reports, and conducting joint interventions against violations of the rights of domestic workers.

Hariati's statement was reinforced by Ari Ujianto of JALA PRT, who assessed that institutional fragmentation has created a "legal gray zone" for domestic workers. According to him, many cases of domestic violence and exploitation are not reported because victims do not know where to report. "They are confused, whether to go to the Social Service, Disnakertrans, or the police. Finally, many cases stopped at the RT or sub-district level without follow-up," he explained. Ari emphasized the need for an integrated system that allows reporting through a single door, with integrated cross-agency follow-up.

Institutional fragmentation also has implications for the absence of an integrated database on the number and conditions of domestic workers in the East Jakarta area. The Jakarta Central Statistics Agency (BPS) estimates that there are more than 47,000 households using domestic workers in the region. However, the DKI Jakarta Directorate of Transmigration does not have official data on the number or distribution of domestic workers. Without valid data, oversight loses its empirical foundation, and policy becomes speculative. (BPS DKI Jakarta, 2023)

This condition illustrates that the problem of supervision of domestic workers is not only due to weak implementation in the field, but due to the absence of an integrated institutional design. The state allows supervision of domestic workers to be in the intermediate space—not entirely a labor affair, nor a social or criminal responsibility. In the context of Friedman's legal system, this shows the disharmony between legal *structure* and legal *substance*, where legal institutions do not have the structural capacity to realize the values of justice that have been guaranteed by constitutional norms.

To answer these conditions, it is necessary to establish a Domestic Labor Supervision Coordination Forum at the provincial or administrative city level, which involves the Directorate of Transmigration, the Employment Sub-Division, the Social Service, Komnas Perempuan, and civil society organizations such as JALA PRT. This forum can work based on the mandate of the Governor through the Decree of the Regional Head, with the main task of collecting data, verifying reports, and coordinating follow-up between institutions. The existence of such a forum is not only an administrative solution, but also a symbol of the state's integrative presence in protecting groups of workers who have been marginalized by the formal legal system.

4. Weak Bureaucratic Orientation to Domestic Work Supervision

The weakness of supervision of domestic workers cannot be separated from the culture of the labor bureaucracy which is still structurally and administratively oriented, not substantive. In this research FGD, Andi Mustajab said that the supervision of the Directorate of Domestic Workers has not directly touched the working relationship between workers and employers because existing regulations have not provided an explicit mandate. The Directorate, according to him, has so far "played a more role as a supervisor of labor distribution institutions and ministry policy operators," while the supervision of domestic labor relations has not been legally accommodated. He also mentioned the enactment of Permenaker Number 18 of 2024, which stipulates that the distribution of domestic workers can only be carried out by legal entities in the form of PTs, but the implementation is still limited to administrative aspects without guaranteeing substantive protection for domestic workers.

This statement is strengthened by the view of Hariati Sinaga, a gender academic at the University of Indonesia who considers that the root of the problem of supervision of domestic workers lies in the state's view of domestic work as a non-economic activity. According to her, "as long as domestic work is seen as an extension of women's role in the household, the state will not be present with a strong legal apparatus." Hairati proposed a community-based supervision mechanism and digital reporting, involving RT/RW and village apparatus as a basic information node.

Meanwhile, Ari Ujianto from JALA PRT highlighted the lack of institutional will to recognize domestic workers as subjects of labor law. He emphasized the need for an official recording system and the involvement of domestic workers organizations in the supervision process. According to him, without a structure that connects the state with the domestic worker community, "surveillance will never become real." Ari also proposed a model of domestic worker unions or cooperatives such as in the Philippines and Singapore, which would allow the state to conduct surveillance without having to enter the private space of households. (Ujianto, 2025)

This view shows that the supervisory bureaucratic culture in Indonesia still places domestic work in the shadow of the private sphere, not as part of the national employment structure. This paradigm weakens the legitimacy of public law in protecting domestic workers and affirms the existence of a *legal culture gap between the* value of constitutional justice and bureaucratic administrative practices.

In Friedman's framework, this kind of weakness of legal culture is the main cause of *law in action failure*, where the substance of progressive law cannot be implemented because the legal structure and culture are still conservative. As long as the supervisory paradigm remains tied to a formal approach and does not recognize domestic work as a public legal space, then the law will not be present for the most vulnerable groups of workers, including domestic workers.

Effective Supervision Model in the East Jakarta Administrative City Area

Efforts to realize effective legal protection for domestic workers (PRT) cannot stop at the discussion of structural weaknesses alone, but must be directed at the formulation of a supervisory model that is able to reach the reality of domestic work. Based on the results of field research and directed discussions (FGD) held on September 20, 2025, it was concluded that the effectiveness of supervision of domestic workers in East Jakarta can only be achieved if there is a comprehensive reconstruction of the way the state understands, regulates, and supervises domestic work.

Within the framework of Lawrence M. Friedman's theory, the legal system can only function if there is a balance between clear legal substance, responsive institutional structure, and a supportive legal culture. The three form a single unit that determines the continuity of the law in practice. So far, the legal substance related to domestic workers in Indonesia is still discriminatory; the legal structure does not yet have an institutionalized supervisory mechanism; and the bureaucratic legal culture still views domestic work as a private domain that is not appropriate for intervention by the state. Thus, an effective surveillance model must be born from a paradigm shift that combines all three: inclusive law, collaborative institutions, and bureaucratic values sensitive to social justice. Therefore, this study formulates a model of supervision of the fulfillment of the rights of domestic workers, especially in the East Jakarta Administrative City, into 5 (five) main components, namely:

First, RT/RW-based registration is the initial key to building legal visibility of domestic employment relations. So far, the RT mandate is only administrative, such as knowing the work agreement, without following a verification and reporting mechanism. In fact, RT/RW is the closest social node that knows the existence of domestic workers in their area the most. To be effective, domestic worker data collection through RT/RW must be normatively required, for example through local regulations, and the results are reported periodically to the Administrative City Sudinakertrans. Thus, previously "*invisible*" *employment relationships* can enter the state's surveillance radar without hitting the boundaries of household privacy.

Second, LPPRT must be positioned as a strengthened legal subject, not just an administrative institution. LPPRT is currently proven to be more capable of providing contracts, training, and post-appointment complaint

mechanisms. However, because the community still uses more informal recruitment, the role of LPPRT tends to be marginal. To expand its scope, there needs to be legal and economic incentives for employers who use LPPRT, such as the obligation to recognize domestic workers' work experience in the social security program, or a reduction in administrative burdens when registering domestic workers with BPJS. With an incentive strategy, recruitment through formal channels will be more competitive than informal channels.

Third, the complaint mechanism must be integrated across agencies and be proactive. The fact that 57.1 percent of domestic workers do not know the complaint channel shows that the existing system is still elitist and bureaucratic. Technology-based complaint mechanisms such as *Lapor!* or JAKI must be directly linked to the labor supervisor, Komnas HAM, and even the police for cases of violence. It is not enough to just wait for reports, the state must establish a 'pick up the ball' mechanism, for example social patrols by the labor office in collaboration with civil society organizations. Without this proactivity, supervision will only be reactive and late.

Fourth, public education and strengthening the domestic worker community are dimensions of supervision that are often overlooked. The results of the study show that the majority of domestic workers are not aware of the existence of the PPRT Bill or lack of understanding of the basic rights of workers. Without legal literacy, supervision becomes lame, because domestic workers are unable to identify any violations they experience other than physical violations. In fact, violations against domestic workers are not only physical violations, but can also be in the form of the right to leave, work holidays due to illness, and the right to a healthy work environment and avoid disease. Education must be carried out simultaneously for both parties so that domestic workers understand their rights, and employers understand and realize their legal obligations. This program can be in the form of village-based counseling or a simple digital module that must be socialized when there is a new domestic worker registration.

Fifth, the establishment of domestic worker advocacy posts at the sub-district level is an institutional innovation that functions as a *bridge* between the community and local governments. This post can be managed collaboratively by the Manpower Office, Social Service, and civil society organizations, with the support of the village and sub-district as administrative hosts. Its function is not only to handle complaints, but also to conduct initial mediation, provide legal consultation, and forward reports to the competent agencies. This post is a coordination node for the enforcement of the rights of domestic workers at the local level, as well as a forum for community participation to monitor and report violations that occur in their environment. The existence of the post also allows for quick legal assistance without having to wait for provincial or ministry intervention, making supervision more responsive and region-based.

Thus, an effective supervision model for domestic workers in East Jakarta is not just a regulatory discourse, but a concrete framework of action: (1) RT/RW-based registration; (2) strengthening LPPRT with incentives; (3) an integrated and proactive complaint mechanism; (4) public education and strengthening of the domestic worker community; and (5) the establishment of a domestic worker advocacy post at the sub-district level. The combination of these five elements allows supervision to not only run on paper, but be present in the daily life of domestic workers. Furthermore, the application of this model can also become a local policy laboratory that is then replicated in other regions, while waiting for the passage of the PPRT Bill at the national level.

Within the framework of Friedman's Legal Effectiveness Theory, an effective model of supervision of domestic workers must touch on three legal pillars simultaneously. In terms of *legal substance*, the ratification of the PPRT Bill can no longer be postponed because without *lex specialis*, all supervisory instruments lose a strong legal basis. In terms of *legal structure*, RT/RW and the Manpower Office must be given clear capacities, not only as registrars, but also as active supervisors. In terms of *legal culture*, the state must shift the old paradigm that places domestic work as a private affair, to a public issue that concerns human rights and social justice which is also part of universal labor.

Sulistyowati Irianto's socio-legal *perspective* deepens this urgency, supervision is not just a matter of administrative mechanisms, but an effort to intervene in the unequal power relations between employers and domestic

workers. Without participation-based supervision, domestic workers will continue to be in subordinate positions that depend on the compassion of employers. Therefore, civil society organizations such as JALA PRT need to be given formal space in the supervision system, for example as official partners of the government in documenting and advocating cases, reporting violations, and legal assistance to recovery mechanisms.

Building an effective supervision system for domestic workers in East Jakarta requires a fundamental change in the perspective of the law and the role of the state. So far, the working relationship of domestic workers takes place in a domestic space that is considered a private realm so that the state chooses not to intervene much. Household privacy is often used as a justification for the absence of regulations or supervisory mechanisms. However, in reality, it is precisely in this private space that serious violations occur. The case of RNs who were tortured by their employers by being doused with chili water, sprayed with liquid mixed with pepper, and forced to take off their clothes, or the case of five child domestic workers in Jatinegara who were forced to work without pay, prove that the absence of supervision does not protect privacy, but opens up a space of layered violence for domestic workers. As long as the state is not present, domestic workers will continue to be a vulnerable group that does not receive protection. Domestic workers cannot be left to stand on their own without state protection and rely solely on the employer's mercy or luck when their case happens to be exposed to the public.

An effective model of supervision must be built on the recognition that domestic work as domestic work is legitimate, valuable, and equivalent to other formal work. Without this recognition, all legal instruments would simply stop at the helpless text. Within the framework of the constitution, Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia clearly guarantee the right to decent work and fair treatment. However, the guarantee will only be meaningful if it is revealed in an operational mechanism that can be directly felt by domestic workers in their daily lives.

So far, one of the biggest problems with domestic worker supervision is their invisibility in state statistics. The Central Statistics Agency includes domestic workers in the category of informal workers without a specific classification, so the exact number of domestic workers is never known. The absence of data causes surveillance to run in the dark: the state doesn't even know who to watch. Therefore, data collection must start from the smallest social units, namely RT and RW. Every household that employs domestic workers is required to report their identity, age, contract status, and working conditions to the RT, which is then forwarded to the sub-district and the East Jakarta Directorate. This data collection system can be integrated with Dukcapil, so that if there are domestic workers who are minors or do not have identity documents, it is immediately detected. In this way, cases of child exploitation such as in Jatinegara can be prevented from the beginning. However, data collection alone is not enough. Data only becomes a number if it is not accompanied by legal awareness. Therefore, the next stage is socialization and legal education, both for employers and domestic workers. This study found that many RTs, RWs, and even local government officials do not understand the existing rules regarding domestic workers. In addition, the existence of this data collection can also be strengthened by the process not only being an obligation for employers to report their workers, but the role of the Regional Government is important to actively document or collect data from domestic worker communities working in the East Jakarta area.

Furthermore, socialization is needed so that employers understand their legal obligations, including regarding contracts, working hours, and social security, while domestic workers are empowered to know their rights. This legal education can be done through citizen forums, local media, and collaboration with civil society organizations such as JALA PRT. Without legal awareness, supervision will stop at administrative obligations that are easily ignored.

This is where the role of LPPRT becomes important. Interviews with LPPRT Permata Kasih Bunda Indonesia (PKBI) show that this institution has implemented a formal recruitment mechanism: health checks, psychological tests, skills training, and written employment contracts. In fact, they require employers to pay wages according to the DKI Jakarta UMP and provide a post-employment division to follow up on domestic worker complaints. However, PKBI also admits that they often handle cases of violence themselves without involving the labor office or the police,

because bureaucratic channels are considered complicated and rarely produce justice. This fact shows that the LPPRT has actually carried out *a de facto supervisory function*, but the state is not present to integrate this function into the formal system. If the East Jakarta City Government gives official authority to LPPRT to report the condition of domestic workers periodically and makes the report the basis for monitoring the Directorate, then supervision can run without having to directly penetrate the private space of households.

Another thing that is no less important is a safe and responsive complaint mechanism. The survey results recorded that 57.1 percent of domestic workers did not even know where to report. In these conditions, violations will only pile up without ever being recorded. Therefore, in the local context of East Jakarta, the supervision model can begin with the establishment of domestic worker advocacy posts at the sub-district level that have special complaint channels for domestic workers: a 24-hour hotline, digital applications, and service centers at the city level. This post not only functions to accommodate complaints, but also serves as a center for legal counseling, conflict mediation, and referrals to state institutions. With a sub-district basis, access to domestic workers is closer and the bureaucracy is simpler. This is important considering that many cases of domestic workers fail to be followed up due to limited access and the length of reporting channels. In addition, this mechanism must be equipped with a guarantee of confidentiality, witness protection, and a quick response from the Directorate of Narcotics and the police. With this mechanism, cases such as RN can be handled immediately as soon as reports come in, instead of waiting for media publications or NGO advocacy.

All of these steps certainly require a clear regulatory framework. The East Jakarta Administrative City Government cannot continue to wait for the ratification of the PPRT Bill which has been delayed for more than two decades. A realistic step is to establish a Jakarta Regional Regulation or at least a Governor's Regulation that specifically regulates the supervision mechanism for domestic workers. This local regulation can contain the obligation to record employment relationships, the role of RT/RW, the obligations of LPPRT, the complaint mechanism, and sanctions for employers who violate. Sanctions can be in the form of administrative fines, restrictions on access to public services, to criminal charges in cases of violence. With this local regulation, East Jakarta has the legitimacy to carry out supervision even though the national law is still weak.

To ensure success, a realistic five-year *road map is needed*. In the first year, the focus is directed to data collection and the development of community-based information systems. The second year is used for large-scale socialization and training for RTs, RWs, and domestic workers. The third year marks the launch of a dedicated complaint mechanism and the establishment of a rapid response team. The fourth year is focused on monitoring, where LPPRT is required to provide periodic reports and the Directorate of Labor begins to conduct systematic evaluations. The fifth year is the peak of law enforcement, with the consistent application of administrative sanctions and criminal prosecution of serious violations. *This gradual road map* is important because supervision of domestic workers is not only a matter of regulation, but also of changing the legal culture.

If all these steps are carried out consistently, East Jakarta can become a national pioneer in the protection of domestic workers. This model will not only prevent tragedies like those experienced by RNs and child domestic workers in Jatinegara, but also prove that the state can be present in the domestic space without violating household privacy. With a community base, the support of the distribution agency, specialized grievance mechanisms, clear local regulations, and firm law enforcement, the constitutional promise of the right to decent work can be realized. In the end, supervision of domestic workers is not only a technical administrative matter, but also a matter of the state's commitment to recognize human dignity that has been ignored so far.

CONCLUSION

Constitutionally, Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantee the right of every citizen to work and earn a decent livelihood without discrimination. This principle obliges the state to protect all workers, including those in the domestic sector. However, normatively,

the applicable laws and regulations—such as Law Number 13 of 2003 concerning Manpower, Law Number 1 of 1970 concerning Occupational Safety, and Permenaker Number 33 of 2016—have not recognized households as workplaces. As a result, the employment relationship between domestic workers and employers is not included in the scope of the employment supervision system. This condition creates a discrepancy between the mandate of the constitution and positive law, which ultimately makes the protection of domestic workers declarative and not yet operational.

This study found four main factors that cause weak supervision of the fulfillment of the rights of domestic workers, especially in the East Jakarta area. First, the limited scope of supervision because households are not recognized as a locus of work in the labor law system. Second, the limited jurisdiction and organizational authority of the regional apparatus at the administrative city level, where the Manpower Office only plays the role of administrative implementer without substantive authority in supervision. Third, institutional fragmentation between government agencies that causes overlapping functions and the absence of a cross-sectoral coordination mechanism. Fourth, a formalistic bureaucratic culture that views domestic work as a private domain, not an employment relationship that has legal implications. These four factors cause structural impacts that make the rights of domestic workers difficult to monitor and enforce.

An effective supervisory model must be built on the principles of legal inclusivity, institutional collaboration, and community participation. Based on the results of the research and FGD, this model can be realized through five main steps: (1) RT/RW-based registration which must be reported to the Administrative City Sudinakertrans so that the domestic employment relationship is officially recorded; (2) strengthening the role of LPPRT as a legal subject capable of providing contracts, training, and post-employment complaint mechanisms; (3) proactive integration of the complaint mechanism across institutions through a digital system and coordination between the Administrative City Sudinakertrans, the Directorate of Administrative Affairs, the Social Affairs Office, the National Commission on Human Rights, and civil society organizations; (4) public education for domestic workers and employers to understand their respective rights and obligations; and (5) the construction of a complaint post at the sub-district level which serves as a coordination node for the enforcement of the rights of domestic workers at the local level, as well as a forum for community participation in monitoring and reporting violations that occur in the environment where domestic workers work. The five components of this supervision model are expected to be able to form a participatory, non-intrusive, and adaptive supervision framework to the social context of urban communities.

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