

Mapping of Care Policies in Indonesia and Care Dependency on Domestic Workers

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Introduction

This brief mapping study on care giving legal and policy frameworks in Indonesia is part of the study in 8 Asian countries (Hong Kong, India, Indonesia, Malaysia, the Philippines, South Korea, Thailand, and Taiwan) commissioned by IDWF Asia, in relation to the provision of care services, care-related social protections, as well as labour protections and social security for care workers. The findings provide a baseline understanding of 1) the care needs in Indonesia, 2) existing care infrastructures and policies, 3) the significance of paid work carried out by domestic workers in addressing unmet demands for care, and 4) the situation of domestic workers.

Analysis of the research findings is guided by the International Labour Organisation's 5R Framework for Decent Care Work: "recognise, reduce and redistribute unpaid care work; reward paid care work by promoting more and decent work for care workers; and guarantee care workers' representation, social dialogue and collective bargaining.

Outputs include narrative reports and fact sheets summarising the care-related laws and policies, and a consolidated report with analysis of the country trends. The insights from the research will inform IDWF's organising and advocacy strategies in demanding legal and policy reforms from governments.

Research Methodology

This is a secondary table research relying mostly on second-hand data gathering. With very limited amount of allocated time, four effective work days, data is gathered from online information utilizing statistics from the National Bureau of Statics of Indonesia, The United Nations World Population Prospects data (UN, 2019), the Indonesia Family Life Survey (IFLS), the National Labour Force Survey (SAKERNAS) and the National Socio-Economic Survey (SUSENAS), government legislation and policies, and government as well as private and non-government programs, government and UN reports, government white papers, ILO reports, and research reports pertaining the issue.

Very limited interviews and observations took place. It was done particularly with key informants, in this case, JALA PRT of Indonesia,¹ an NGO working intensively with in-country domestic workers; and members of Sapulidi,² domestic workers grassroots organization in Jakarta, both of which have provided broad and extensive coverage of the issue, especially concerning data and issues on domestic workers. Observations and informal talk also took place with the domestic workers working in my house and her friends.³

¹ Several interview sessions took place in February 2023 with Lita Anggraini, the National Coordinator of JALA PRT Indonesia.

² Online interviews with four representatives of the organization took place in February 2023

³ February 2023

Research Framework

The research covers 4 major areas: care needs, care infrastructure, the care givers or people in the care sector, and the situation of domestic workers.

The first three points aims to create an objective, baseline overview of the current and projected care needs, and the existing and emerging care-related laws, policies, and programs in Indonesia.

The last point examines to what extent local domestic workers are covered by labour and social protections within the existing legislative and policy frameworks of Indonesia, and their situations under the current care systems.

Analytical Framework

Analysis of the research findings, is focused on comparisons of the situation of domestic workers and other care workers, utilizing the guidelines from the ILO 5R Framework, namely, recognize, redistribute, reduce, reward, and represent. The framework will be implemented in summarising highlights points at the end of the report.

The Growing Care Need

The growing care needs relate directly with the increase number of the sick elderly, underage children and the disable population. Indonesia is in the threshold of becoming an aging country. According to Statistics Indonesia, ⁴ the number of elderly people is expected to increase by around 20 percent in 2024, and is estimated that by 2050 the elderly population will reach 74 million or around 25 percent of the total population.⁵

Life expectancy has increased dramatically, from 45 in 1970 to 69.2 for males and 73.6 for women in 2019. At the same time, the birth rate has declined, resulting in an ageing population. Importantly, drawing on the Indonesian Family Life Survey (IFLS) household survey data, this demographic transition is occurring in an economy where the majority of the labour force operates in informal employment not covered by a formal retirement income policy.⁶

Below are the key statistics on Indonesia's population of older people⁷

	2019	2050
Population aged 60 and above (total)	27,524,000	69,792,000

⁴ Statistik Indonesia, 2022, Bureau Statistics Indonesia

⁵ UN 2017

⁶ George Kudrna, Trang Le and John Piggott, Demographics, and Older People in Indonesia, April 2021.

⁷ National Social Economic Survey (Susenas) 2019

Population aged 60 and above (% of total population)	10.1	21.1
Life expectancy (males)	69.29	74.89
Life expectancy (females)	73.63	79.47
Old-Age Dependency Ratio (Age 65+ / Age 15-64)	9.2	24.5
Rural older people (% of total population)	8.87	
Urban older people (% of total population)	8.29	
Older persons living alone aged 60 and above (% of total population aged 60+)	8.5	
Older women (aged 60+) as a percentage of the total population	5.32	11.45

Source: Susenas 2019

National Policy for the Elderly The social protection program for persons working in the informal sector was established to protect against vulnerability, provide assurance in case of illness, and be sustainable in order to gain community support. *The National Plan of Action for Older Person Welfare* aims to develop an age-friendly environment, empower the elderly in professional settings with training and education, and promote participation from the elderly in families and communities.

Health and care The Indonesian government claim they address the issues of older people's well-being with the *National Plan of Action for Older Person Welfare Guidelines*, which is designed to increase access to primary health care, encourage a healthy diet and physical activity, increase early detection of risk factors to health such as cholesterol, and increase referral services in geriatric clinics and hospitals.

In light the policy, Ministry of Health states that in 2021, 48.67 per cent or elderly received health services through the 33, 679 Posbindu, an Integrated Community Health Care Facility, organized and run voluntarily mostly by women in community. By 2024, 65 per cent city level governments are to provide overall health care for older people involving 6,398 (62.71 %) of 10,203 public health centers in Indonesia.⁸

Older people's associations

⁸ Pusdatin, Lansia Berdaya, Bangsa Sejahtera, 2022

Older people's association is promoted by Ministry of Health, aiming at encouraging voluntary community-based groups of the elderly to provide monthly health check, health related activities such as elderly exercise and such.

In addition to the government initiatives above that have limited reach out, community care is often provided by religious-based group such as church and mosque groups, most of the members are women, who organise food provision, health services, and such. The activities are more of charity instead of empowering the elderly.

Social pension There is a *Provident Fund* and *Social Insurance* system in Indonesia. The social security system covers employees in establishments with 10+ employees or a monthly payroll of at least IDR 1 million. Voluntary contributions are available for those who are self-employed. Public sector and military personnel are covered by special systems. 85% of the population in Indonesia are not covered by any pension scheme. 0.1% are covered by an attempt of a social pension, which provides extremely vulnerable elderly such as bedridden and chronically ill, and those who are neglected and have no independence, but requirements and means-testing means a minute percentage of the population receive money from this scheme.

Despite all the policies and regulations above, this age group is vulnerable to poverty and is not enjoying a decent level of welfare.⁹ Older women are particularly vulnerable as they have less access to education, lower earnings, and are subject to discrimination and exclusion from decision-making processes within households and communities. They had significantly lower educational attainment than men in all older age groups, accentuated in ages 60–69 years where women lag behind men with 12% less achievement rates at higher levels of education. In 2018, the percentage of literate people over the age of 50 was 86.74% (Asia Development Bank, “Country Diagnostic Study on Long-term Care in Indonesia,” November 2021).

The Poverty Alleviation Acceleration Team (TNP2K 2017) stated that around 45 percent of the elderly live in households with the lowest 40 percent socioeconomic status with 67 percent of them living in very poor and neglected conditions (TNP2K, <https://www.tnp2k.go.id> 2017). Only around 12 percent of elderly people have had access to contributory social security schemes, including pension funds for civil servants (Administrative Data from Workers Social Security Agency or BPJS Ketenagakerjaan 2018, quoted in TNP2K 2020). Meanwhile, elderly people who are the recipients of the non-contributory social security programs or social assistance (Bantuan Sosial or Bansos), constitute only 2 percent of all social security program recipients. By February 2021, 14.91 million or around 11.38 per cent of total national workforce are working. Open unemployment is 195.6 thousand people or around 2,24 per cent of total employed in Indonesia.¹⁰

⁹ SMERU.<https://smeru.or.id>

¹⁰ Ketenagakerjaan dalam Data, 2021

As many as 44% of the elderly in Indonesia have comorbidities such as hypertension with the highest percentage of 63.5%, dental problems by 53.5% and other diseases with a low percentage such as rheumatism, oral problems, diabetes, coronary heart disease, stroke, kidney failure and other malignant diseases or cancer.¹¹

Ah Maftuchan, Executive Director of PRAKARSA¹² is of the opinion that “The vision of the President is more on developing human resources for the category of needs for the productive age group. From the documents we reviewed, there is not a single word regarding the elderly,” (29/07/2019).

Family-Based Care In most families, it is largely believed that home care is the best choice where one or more female members carry out all or nearly all caregiving duties. In wealthier families, this may involve engaging domestic worker with pay for the care.¹³

The family preference and data above indicate that the care work is most likely in the hands of women, be it family members or women domestic workers.

Children

When compared to 2021, the number of children in 2022 decreases by 0.32 per cent. In 2023, the birth rate for Indonesia is **16.817** births per 1000 people, a **1.63% decline** from 2022.¹⁴ However, with more Indonesian families coming to rely on two incomes to make ends meet, parents need a helping hand from government and employers when it comes to childcare.

Child Care Policies and Services

By the year 2020, there are 81.3 million or 25.62% children. If child poverty is measured not only in terms of how much money families have, but as a whole set of disadvantages – rates of early childhood survival, educational opportunity, nutrition, safety and more – it is estimated that 90 per cent of children in Indonesia, especially girls and young women, experience some form of poverty during their lives. The Organisation for Economic Co-operation and Development (OECD) noted in 2019 that in Indonesia one in every seven girls in Indonesia is

¹¹ Harry Hikmat, The Director General of Social Rehabilitation of the Ministry of Social Affairs, “Long term Care for Geriatrics: Family-Based Home Care Services,” July 2021

¹² <https://theprakarsa.org/en/>

¹³ Asia Development Bank, “Country Diagnostic Study on Long-term Care in Indonesia,” November 2021.

¹⁴ data source: United Nations - World Population Prospects

married before the age of 18,¹⁵ and the total number of child workers amounts to 0.94 million people.¹⁶

Children living in female-headed households experience higher poverty rates than those living in male-headed households. Children with disabilities are more affected by poverty. Children with disabilities are disproportionately affected by poverty regardless of age or location.

Government care services

Indonesia addresses the needs of its children within a framework of commitments and planning systems designed to protect children's interests and rights. Some are international commitments, such as the Convention on the Rights of the Child (CRC). Domestic laws enshrine children's rights in laws governing human rights and child protection and the work of its Child Protection Commission. Pledges and commitments to respect children's rights are also incorporated in Indonesia's long- and medium-term development plans and the mandate of agencies such as the Ministry of Women's Empowerment and Child Protection (MoWECP) .

Day Care

The number of day care amounts to 2.258, 26 government owned, and 2.232 non-government. The total number of caregivers in the day care is 7.951, and in terms of education, 4.907 are secondary to high school graduates; 509 (one year college diploma); 2459 (undergraduate); 76 (graduate/post graduate).

The National Commission for Child Protection (KPAI) relates to the situation, stating that the quality of day care facilities in Indonesia is not up to needed quality as compared to the normal standard of a day care: there are 44% of day care with no legal status, 13.3% have no regular schedule, 12% have no organisational structure, 18.7% have no work program, 25.3% have no standard operational procedure, 29.3% has no vision/mission, and 66.7% have no certified care giver.¹⁷

Playground

There is no clear national data on this, except for Jakarta, the capital city that has 296.¹⁸ Part of the reason is perhaps that children playground is considered and positioned as part of tourism facilities.

¹⁵ Sapa Institute, November 2017

¹⁶ Statista, September 2022

¹⁷ Ministry of Woman Empowerment and Child Protection, KPPPA, 2020

¹⁸ Rakyat Merdeka News, November 2021

Early Childhood Education Facilities (PAUD)

The number of Early Childhood Education Facilities (PAUD) is 187.211 units, with 46.93 thousand caregivers, the majority of which is women (45.55 thousand) and only 1.38 thousand are male.¹⁹ In light the data, the President of PAUD Caregiver Association (HIMPAUD) indicates that one-third of children at the PAUD age do not have access to the education service. PAUD also suffers from the small number of professional care givers and the orientation of the program that accentuates reading, writing, and calculating, academic skills that do not suit the stage of child growth.

More work still needs to be done by the GoI nationally, however, so more children of 2 to 10 years of age are able to participate in pre-school education. Of the 52.5 million children in this age demographic and 24.5 million in the bottom 40 per cent by income, only 45.6 per cent and 41.7 per cent (respectively) are currently/ have been participating in pre-school education.²⁰

Integrated health Care Centre (POSYANDU)

There are 236.000 Posyandu all over Indonesia,²¹ a small number as compared to the vast area of Indonesia that comprises 80 thousand villages, 514 township in 34 provinces. Posyandu is a community-based health facility, giving services for mother and children such as child immunisation, family planning services, pregnancy checkup, child growth monitoring and such, located and manage by women in the village area.

Problems faced by Posyandu are low expertise of the care givers, inadequacy of facilities, and little interest of participation from community members.

In contrast to all government policy and programs above, The Central Beurau of Statistics (BPS) revealed in 2009 that out of the 58.8 million children in the age group of 5-17 years, 4.05 million or 6.9 percent are considered as working children. Of the total number, 1.76 million children or 43.3 per cent are child labours, of which 20.7 percent work in the worst forms of labour. Children in the category in general have dropped out of school and live neglected, as well as work on different types of work, such as agriculture, plantation, fishery, and on the streets. Child workers tend to work with long working hours and are in exploitative jobs. Although there has been no comprehensive data, children who work in the worst forms have been found in various types of work in the field of prostitution, being involved in drug trafficking, being employed in mining, being employed in deep sea fisheries, and domestic works.

¹⁹ Secretariat General of Technology and Information Central Data, Ministry of Education, 2022

²⁰ TNP2K, 2020

²¹ Press Release Ministry of Health, May, 2021

Furthermore, quantitative information gathered from the National Socio-Economic Survey (Susenas) March 2019 found that more than 9 percent of Indonesia's population have a disability (23.3 million), an increase of more than double from 2010 (10.151 million or 4,45%), out of which around 2.197.833 are school age children.²²

Pre-School Enrolment Profile of Children with Disability 2-10 Years of Age

Pre-school enrolment	National population		Bottom 40% population		National PwD population		Bottom 40% PwD population	
	Number of population	%	Number of population	%	Number of population	%	Number of population	%
Currently enrolled/formerly enrolled	23,941,840	45.6	10,239,596	41.7	237,370	30.0	98,311	27.3
Never enrolled	28,536,391	54.4	14,298,993	58.3	552,563	70.0	261,748	72.7
Total	52,478,231	100.0	24,538,589	100.0	789,933	100.0	360,059	100.0

Source: Susenas March 2019, as calculated by author 2020

People with Disability

Disability Profile, Government Policy and Programs, and Achievements

Based on the latest Susenas of March 2019 (Table 1), about 9 per cent (23.3 million individuals) of the population have a disability. 55.5 per cent (approximately 12.9 million) are female and 44.5 per cent are male (10.4 million). Of these 23.3 million individuals, around 9.9 million are in the bottom 40 per cent of socioeconomic welfare. Approximately 12 million of the 23.3 million (51.3 per cent) people with disability (PwD) live in urban areas.²³ Furthermore, it also reveals that the elderly (aged 60 years or older) have the highest prevalence of people with disability at close to 42 per cent.

Age Group	Susenas March 2019			SUPAS 2015		
	Total Population	People with Disability	% of PwD	Total Population	People with Disability	% of PwD
2-6 years	23,595,255	585,892	2.5	24,063,555	1,047,703	4.4
7-18 years	55,597,139	780,558	1.4	38,230,392	622,106	1.6
19-59 years	152,911,587	11,195,246	7.3	162,732,512	9,549,485	5.9
60+ years	25,649,285	10,739,821	41.9	21,609,716	9,888,281	45.8
Total	257,753,266	23,301,517	9.0	246,636,175	21,107,575	8.6

²² Bureau Statistics Indonesia, 2021

²³ TNP2K, 2020

Source: Susenas March 2019 and SUPAS 2015²⁴

Although Indonesia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2011 through the issuance of Law No. 19/2011 and has passed the Disability Law (Law No. 8/2016), very few policies have been implemented and little practical progress has been made to ensure the rights of people with disability.²⁵ And while the national poverty rate in 2019 was 9.2 per cent, the poverty rate of households with higher threshold disability was much higher at 16.3 per cent.²⁶

Barriers faced by the disable population include better access to education—especially early childhood and secondary education, access to social protection schemes, especially the non-contributory schemes—such as ASPD (*Asistensi Sosial Penyandang Disabilitas: Social Assistance for Persons with Disability*) as well as a disability grants under the Indonesia Conditional Cash Transfer Program (*Program Keluarga Harapan: PKH*) which currently cover around 22,500 individuals and 300,000 individuals respectively. The current non-contributory social protection schemes that are tax-funded by the government cover less than 1 per cent of the total population of people with disability.²⁷

Information from Susenas also reveals that, of 23.3 million people with disability, 71 per cent have a primary level certificate, but only 43 per cent and 32.2 per cent have a junior secondary and senior secondary certificate respectively. The corresponding figures for the bottom 40 per cent by income (9.9 million individuals) are 65.5 per cent with a primary level certificate, 36.8 per cent with a junior secondary certificate, and 28.4 per cent with a senior secondary certificate respectively.²⁸

In terms of access to individual social protection (especially for the National Health Insurance scheme), more than 220 million individuals (85 per cent) had joined the National Health Insurance program (*Jaminan Kesehatan Nasional: JKN*) by 2019. Approximately 130 millions of them are part of the non-contributory program (*JKN-PBI/Penerima Bantuan Iuran*) where their contributions are being financed by the national and local governments through the state and local budget (APBN and APBD). Meanwhile, only 38.1 percent of people with disability are beneficiaries of JKN-PBI, this rises to 46.2 per cent (of the population of 9.9 million) for those in the bottom 40 per cent. The remaining 53.8 per cent who are supposedly entitled to receive the benefit of JKN-PBI still have no access to the program. These figures indicate that, overall, JKN-PBI coverage for people with disability is less than one-half the coverage for the population overall.²⁹

Furthermore, only 11.7 per cent of the 780,558 children with disability 7-18 years of age are beneficiaries of the Education Cash Transfer Program (known as *Program Indonesia Pintar: PIP*). Of the 338,406 children with disability in the same age group from the bottom 40 per cent by

²⁴ Table taken from TNP2K, 2020, "Disability Situation Analysis: Challenges And Barriers For People With Disability In Indonesia" in which the numbers in the table are calculated by the author.

²⁵ Prospera 2020

²⁶ *ibid*

²⁷ *ibid*

²⁸ *ibid*

²⁹ *ibid*

income, 16.8 per cent are beneficiaries of PIP. This shows that children with disability still lack access to education support in the form of cash transfers.³⁰

In light the labour market condition of people with disability, data available reveals that between February 2016 to February 2019, close to 500,000 jobs were created, while the population of people with disability aged 15 years and over who participate in the labour market decreased by around 1.4 million people. In the same period, the unemployment rate of people with disability fell 1.4 percentage point from 4.2% to 2.8%. This implies that the reduction in the unemployment rate of people with disability was due to the people with disability who exited the labour market rather than the increase of jobs available for people with disability. The above illustration shows that the labour market situation of people with disability is not reflected in the unemployment rate. This is especially true since many workers with disability tend to shift between short-term work opportunities and then exit the labour force, particularly since these workers are most likely to be discouraged workers who are only marginally attached to the labour force.³¹

Care Policy for People with Disability

The UN Convention of the Rights of Persons with Disabilities (UNCRPD), ratified by Indonesia in 2011, stipulate that persons with disabilities have the rights to social protection without discrimination. Specifically, it states that social protection systems should:

- Ensure adequate standards of living and protection from poverty
- Help cover disability related expenditures and ensure access to appropriate and affordable services, devices and other assistance for disability-related needs
- Provide support to children with disabilities and their families, with specific attention to women with disabilities
- Strive for inclusion and participation of persons with disabilities.³²

In line with the above principles, the National Law 8/2016 on persons with disabilities provides a legal framework for a comprehensive social protection system for persons with disabilities in different articles related to social welfare (articles 17 and 90-96), living independently and being included in the community (article 23), concessions (article 114-116), women and children (articles 5 and 126) among others. Law 8/2016 also reinforces existing Law No. 40/2004 on the National Social Security System (Sistem Jaminan Sosial or SJSN), as well as the Directory General of Treasury's Regulation No. 20 of 2006 on Technical Cash Disbursement for Severely Disabled People and for the Vulnerable Elderly.³³

Birth Certificate

Of the total 74.8 million children 2-17 years of age, 89 per cent already have access to birth certificates (83.5 per cent for those in the poorest 40 per cent). As for the 1.3 million children of

³⁰ *ibid*

³¹ *ibid*

³² <https://www.ohchr.org>

³³ TNP2K 2019

the same age group who have disability, 1.1 million (84.6 per cent) have access to a birth certificate.³⁴

Education

Access of people with disability to primary, junior secondary, and senior secondary level certificates is low as compared to the national level, especially for the junior and senior secondary school where only 43 per cent and 32.4 per cent, out of the total number of people with disability, have junior and senior secondary level certificates respectively.³⁵

In terms of access to the National Health Insurance, as indicated by Susenas, 67 per cent of people with disability have some access to either public or private insurance. This indicates that almost 33 per cent of this population are still without access to any health insurance.³⁶

The government provides PIP to almost 20 million children of 6-21 year old who are registered in formal and non-formal schools. Nonetheless, PIP only reaches approximately 11.7 per cent of the 780,558 children with disability in the 7-18 age group, and approximately 16.8 per cent of the 338,406 children with disability from the bottom 40 per cent.³⁷

Social Protection

The 2019 expansion of the PKH is an important step towards broader coverage of people with disability access to social protection. An issue, however, is that the severely disabled persons do not receive PKH support if their family income exceeds the threshold level for the scheme, even though their situation may be dire.³⁸

Non-government organisations working with people with disability called accordingly on the government to shift their focus, from perceiving citizens with disability as objects of charity to treating them as an empowered community worthy of rights. They call for the government to adopt human rights-based approach to the issue, which would ensure that people with disabilities can actively participate in the decision-making process and exercise their rights, rather than being passive recipients of assistance.

People in The Care Sector

³⁴ TNP2K, 2020

³⁵ *ibid*

³⁶ *ibid*

³⁷ *ibid*

³⁸ Burke & Siyaranamual, 2019 in TNP2K 2020

In Indonesia, the government applies the politics of economic developmentalism by pushing women to participate in the labour market as a cheap labourer.³⁹ Unfortunately, domestic gender division of labour does not adjust accordingly to the increasing number of women working outside the house. Care giving for the underage and elderly, especially the sick elderly, is in the hands of women family members or women domestic workers.

Baby Sitter and Care Giver for the Elderly

Statistics as to the exact number of baby sitter in Indonesia is not available. Baby sitter as such is most commonly employed by affluent middle class families. In families with lower economic status, it is part of the job of domestic worker.

In light salary for baby sitter, however, data gathered from rather scattered sources indicate a range from IDR 2,5 million per month for beginner to IDR 3,5 million/month inclusive, while salary for care worker for the elderly ranges from IDR 2 million to IDR 3,5 million per month based on experience. In the case of woman domestic worker, caring for the baby and the elderly is in the package of her responsibility, hence the care is inclusive in the salary.

Migrant worker

Based on data from the Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), there were 10 million Indonesian citizens, around 60% are women, working overseas as migrant workers in 2017. More than three quarters are low-skilled workers, the majority of which is maid and baby sitter (32%). Due to the pandemic, the number decreases to 3,44 million in 2022.⁴⁰

Country of destination includes

Country	Person
Malaysia	1.67 million
Saudi Arabia	837.000
Hong Kong	339.000
Taiwan	331.000
Singapore	95.000
Jordan	43.000
Unite Arab Emirate	39.000

Source: <http://dataindonesia.id>

The number above may not be accurate since there are many Indonesian migrant workers in the country of destinations that are not registered. In the case of Malaysia, for instance,

³⁹ Social Sciences & Humanities Open · November 2021

⁴⁰ Bank of Indonesia, 2022

Hermono, Indonesia's Ambassador to Malaysia, says that there are approximately 2.7 million Indonesian migrant workers in Malaysia.⁴¹

Remittance in 2016 is more than IDR 118 trillion (USD 8,9 billion), equivalent to 1 per cent of Indonesia's total GDP.⁴² In 2019, it decreases to USD 3,252 billion.⁴³ The government of Indonesia affirms that remittances from migrant workers supports left-behind families and contributes to the national economy. Accordingly, supporting migrant workers and protecting their rights by, among others, develop a safe working conditions for migrant workers are in accordance with national development targets (RPJMN 2015-2019), Nawacita and Goal 8 of the Sustainable Development Goals (SDGs).

"Migrant workers are often dehumanised,"⁴⁴ UN High Commissioner for Human Rights Volker Türk states. They are vulnerable to abuses such as low wages, unsafe working conditions, discrimination and trafficking. Data from various sources cite that about 2% of Indonesian migrant workers are victims of human trafficking.

In response, in 2017 Indonesia passed the Migrant Worker Protection Law (Law No.18/2017). This law aims at giving protection workers' rights in the destination countries. Replacing the old law, the new law reinforces policies to provide end-to-end protection to overseas workers. In detail, it includes the following measures: socio-economy and legal protection before, during and after recruitment; provide social security system for Indonesian Migrant workers (IMW); integrated services for IMW at any level of governance, from local government to central government; skill improvement program for IMW; strengthen the public agency for IMW recruitment, under National Agency for the Protection and Placement of International Migrant Workers; and private sector roles are limited only to IMW placement, not recruitment.⁴⁵

The government of Indonesia also insists on signing a Memorandum of Understanding (MoU) on the placement and protection of Indonesian workers with destination countries.

Manpower Ministry Ida Fauziyah stated that Law No. 18/ 2017 on protection for migrant workers affirms the government's thorough protection and guarantee of every right of Indonesian migrant workers from beginning to the end of their work period, fulfil their human rights, protect legal, economic, and social aspects of the worker and their whole family.⁴⁶

In Country Domestic Worker

⁴¹ Green Network, April 5, 2022

⁴² the world bank, Indonesia's Migrant Workers, 2017

⁴³ Bank Indonesia, Indonesian post-migrant workers: a challenging problem for human security, 2022

⁴⁴ UN Human Rights Office, December 2022

⁴⁵ Global Forum on Migration and Development, March 12, 2019

⁴⁶ Antara News Agency, December 2022

An estimated 4.5 million Indonesians, by year the number keeps increasing⁴⁷, are employed as in country domestic workers. In contrast to the big number and their important contribution to the domestic daily life of the majority of families in Indonesia, few enjoy privileges such as health and life insurance, standard working hours, and a working-age limit.⁴⁸ The workers, many come from disadvantaged social economic background, are key to implementing all the household chores, such as cooking, washing, ironing, babysitting and caring for the elderly, all in one, yet are paid lower wages, work longer hours, are vulnerable to violence and sexual abuse and other human rights violation. In many cases, domestic workers enjoy around one week annual leave only during Eid al Fitr, the main holiday for the Muslims.

Data from ILO⁴⁹ shows that number of live-out domestic workers is 2,55 million in 2008 and decrease from 3,35 in 2015, and the number of the live-in decreases from 1 million in 2008 to 683 thousand in 2015. The sex ratio does not change significantly, i.e. from 320 female to 100 male in 2008 to 292 to 100 male workers in 2015. Minister of Public Work states that 75,5 per cent workers are female and 25 per cent out of it are children.

Live-in domestic workers salary ranges from IDR 1,2 million to 2,5 million/month (around USD 80-100) with minimum 16 standby working hour. The main tasks they carry out are house cleaning, cooking, laundry, ironing, washing, child and sick elderly care giving.

Live-out domestic workers receive between IDR 800 thousand to IDR 1 million inclusive for the with from 8 am-2 pm working hours.⁵⁰ In most cases, almost no employers pay for overtime. They have no provision for medical care and sickness, and public pension. Lita Anggraini from Jala PRT states that in general the salary of domestic workers is 20-30 per cent of regional minimum wage.⁵¹

As a comparison, the average national minimum wage for workers in the formal economy by January 2023 is IDR 4,9 million per month, with 8 working hours.⁵² The workers also receive 12 working days paid annual leave (after one year of continuous service), overtime pay for those working on public holidays, and paid sick leave.⁵³

Type of relation between domestic workers and their employers depict feudalistic serfdom and lordship system, where domestic workers are not considered as workers but modern-day type of slave. Most, 63 per cent, work 7 days a week, with longer hours than other workers, no contract

⁴⁷ Survey by ILO dan University of Indonesia, 2015

⁴⁸ The minimum age employment is 18 years, 15 years for all child labour (ILO Worst form of Child Labour Convention [182] ratified by Indonesian Law No. 1/2000)

⁴⁹ Promoting Decent Work for Domestic Workers in Indonesia, 2015

⁵⁰ Detik.com, 9 February 2021

⁵¹ Interview with Lita Abggraini, Jala PRT

⁵² Trading Economics

⁵³ <http://www.3ecpa.co.id>

and social protection and health insurance.⁵⁴ Very few of them are registered in the social services system, preventing them from accessing unemployment benefits, life insurance and a pension.⁵⁵

Interviews with Yuni, Wiwin, and Nani (not real names) members of Sapulidi, domestic workers organisation in Jakarta, a member of the Jala Network, reveal the discrimination and abusive treatments against them. They affirm discrimination and abuse is a common case for domestic workers in Jakarta and other cities, both of the live-in and the live-out. Allstate longer work hours as compared to workers their like such as cleaning service, hotel security, or private driver - 10 instead of 8 hours, in many cases even longer; carry out all domestic chores, from cooking to cleaning, to taking care of babies or small children and the sick elderly, and many others. Some of them hold no work contract. All who work in housing apartments are required to take freight elevators, usually for non-human stuff and garbage, are searched when they come and leave, are exposed to sexual insinuation and harassment. They are treated differently, are not allowed to use the same chair as others when in public, are scorned when they admit that they belong to a domestic worker organisation.

The interview also confirms that female domestic workers with family carry double burdens - long work hours at the workplace, and responsibility to carry out all domestic works at home including child and elderly care. Many if not most elderly parents usually feel more comfortable to have their daughters take care of them. In addition, conventional gender division of labour where responsibility for domestic works is still persistently strong.

The National Advocacy Network for Domestic Workers (JALA PRT) states it received 3,255 complaints of violence against domestic workers from 2015 to 2022, ranging from work unpaid to torture and rape. The actual number could be much higher, as many cases are to go unreported.

The government of Indonesia does not ratify the ILO no. 189 Domestic Worker Convention. It claims, instead, to have some relevant regulations that can be used to protect domestic workers, among which are the Penal Code, Act No. 13 of 2003 on Employment, Act No. 23 of 2004 on the Elimination of Violence in the Household, Act No. 23 of 2002 on Protection of Children and the Act No. 35 of 2014 on Amendments to Act No. 23 of 2002 on Child Protection, Act No. 20 of 2002 on National Education System, Act No. 39 of 1999 on Human Rights and Act No. 21 of 2007 on the Eradication of Trafficking in Persons. Provisions concerning domestic workers are governed only through the Minister of Labour of Republic of Indonesia No. 2 of 2015 on the Protection of Domestic Workers that is considered by many legal experts as a rule that does not have a legal umbrella.⁵⁶ Even the present Minister of Labour publicly opines that it

⁵⁴ Minister of Labour, 30/8/2022

⁵⁵ Jakarta Post, jakartapost.com, 01/02/2023

⁵⁶ Ni Luh Winarni, "Protection of Domestic Workers in Indonesian Legal System," International Journal of Business, Economics and Law, vol.15, 5 April 2018 issue

does not adequately protecting the rights of domestic workers for it does not stipulate working hour, overtime compensation, care sickness, health insurance, and public pension scheme.

The continued failure to pass a domestic workers' law places domestic workers in Indonesia at continued risk of economic exploitation, gender-based discrimination as well as physical, psychological and sexual violence.⁵⁷

A draft bill was first presented to the House in 2004 by the national advocacy coalition JALA PRT, formed by 26 groups that same year. Nothing moved for years until the current president, President Jokowi took it up in February 2023 and strongly proposes to the House to speed up the deliberations. One of the issues being questioned, for example, is the obligation of employers to pay domestic workers according to the minimum wage or to provide health benefits. In addition, the issue of providing overtime pay is also one of the problems that is considered aggravating.⁵⁸

The House of Representatives finally approved the domestic worker protection bill (RUU PPRT) as a House initiative on Tuesday, 21 March 2023, taking the long-gestating bill one step closer to being passed into law after civil society groups publicly called on House Speaker Puan Maharani to resume deliberations on the bill.⁵⁹

Luluk Nur Hamidah, one of the member of the House of Representatives that supports the bill quoted by Kompas daily states that domestic worker protection bill is a historical precedence to abolish modern-day slavery practices, violence and discrimination against domestic workers in Indonesia. It is a protection for at least 5 million workers, 84 percent of which are women and 14 percent are child workers.⁶⁰

RESEARCH HIGHLIGHTS

In line with the guidelines provided by the Asia research leader, the focus of the highlights is on domestic workers, employing the following ILO 5R Framework.

1. Recognise

- Migrant worker numbers 10 million, around 60% are women, in 2017, decrease to 3,44 million 2022, remitted USD 8,9 billion in 2016, and USD 3,252 billion in 2019. As an important leeway to domestic job scarcity and the remittance it draws, migrant domestic worker obtains recognition as a priority in the national agenda. the Migrant Worker

⁵⁷ Amnesty International, November 2021

⁵⁸ Jakarta Post, 1/2/2023

⁵⁹ thejakartapost.com

⁶⁰ <https://kompas.id>, 22/2/2023

Protection Law (Law No.18/2017) gives protection and reinforces policies to provide end-to-end protection to overseas workers.

- In contrast to their important contribution to the domestic daily life of the majority of families in Indonesia, in-country domestic workers do not enjoy privileges such as health and life insurance, standard working hours, and a working-age limit. There is no protection law that prevents violation of their human rights, and they bear the heaviest load of care work resulted from the growing demand of care for children and the sick elderly.
- female domestic workers with family carry double burdens - long work hour at the work place, and responsibility to carry out all domestic works at home including child and elderly care.

2. Redistribute

- Forty per cent 45 per cent of elderly people live in households with the lowest 40 percent socioeconomic status, out of which 67 percent of them living in very poor and neglected conditions. Only around 12 percent of elderly people have had access to contributory social security schemes, including pension funds for civil servants, and those who are recipients of the non-contributory social security programs or social assistance (Bantuan Sosial or Bansos), constitute only 2 percent of all social security program recipients.
- one-third of underage children do not have access to the education service (PAUD). In 2019 one in every seven girls married before age of 18, and the total number of child workers amounts to 0.94 million.
- The current non-contributory social protection schemes that are tax-funded by the government cover less than 1 per cent of the total population of people with disability.
- The government of Indonesia applies the politics of economic developmentalism by pushing women to participate in the labour market as a cheap labourer.
- Domestic gender division of labour does not adjust accordingly to the increasing number of women working outside the house. Care giving for the underage and elderly, especially the sick elderly, is in the hands of women family members or women domestic workers.

3. Reduce care burdens and working hours

- In general, the salary of in-country domestic workers is 20-30 per cent of regional minimum wage.

4. Reward

- As compared to baby sitter and elderly care giver whose salaries are based on experience, such scheme does not apply to domestic worker.
- Most domestic workers do not entitle to overtime compensation.
- Only on Tuesday, 21 March 2023, The House of Representatives approved the domestic worker protection bill as a House initiative, after 19 year-long-gestation, a step closer to being passed into law.

5. **Represent** (Representation in decision-making & the care agenda)

- Domestic worker union is not formally recognised by government, hence no involvement in public decision making pertaining their rights.

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