

# Local and Migrant Domestic Worker

## Editorial

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Discrimination, Violence, and the Neglect of Rights: Domestic Workers in the Absence of Legal Protection

*Anita Dhewy*

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## Local and Migrant Domestic Worker

**D**omestic workers do not only play an important role in families, but also in society and the country's economy. Unfortunately, domestic workers are often overlooked, although domestic work—including care work—is a set of complex activities with deep implications on personal, social, and economic welfares, considering domestic workers who perform housework make it possible for members of (employing) households to perform social and economic activities outside their home, and this in turn allows public sectors to function. Apart from being overlooked, domestic workers are often not viewed as part of the labor force. According to Wong (2012), this is because domesticity is conventionally seen as feminine virtue, and this view limits women to domestic work and makes them reliant on men. Secondly, because mothers are already performing domestic work—without getting paid, with the assumption that these tasks are done voluntarily—domestic workers are not seen as “true workers,” due to the nature of their perceived “non-work.” Third, this type of work is often naturally viewed as women's work. Because the work can be done “naturally,” as opposed requiring skills (which would necessitate training and some sort of certification), women's work is unappreciated. The traditional view of domestic work has contributed to the invisibility of domestic workers, which is perpetuated by relations within the family, society, and systemic regulations, which are in turn manifested in low and often inadequate wages for domestic workers.

According to the International Labour Organization (ILO), 1 in 25 women workers worldwide is a domestic worker. Although a great number of men work in this sector—often as gardeners, drivers, or heads of domestic staff—the sector is a feminine sector, with women making up 80 percent of all domestic workers. In Indonesia, according to the analysis of the 2012 National Labour Force Survey (Sakernas), there are 2,555,000 domestic workers above 15 years old working in the country, 1.7 million of whom work in the Java Island (ILO 2013). Meanwhile, of the 6.5 million

Indonesian migrant workers, around 80 percent are migrant domestic workers (ILO 2012). Domestic workers in Indonesia are usually women from rural areas with low levels of education. The majority of domestic workers in Indonesia do not have clear work contracts—either verbal or written—with their employers in regard to their duties, work hours, weekly days off, and pay. Additionally, not many domestic workers have social security (Migrant CARE & Jala-PRT 2016).

Jala-PRT's data shows that as of September 2016, there were 217 cases of violence against domestic workers. Jala-PRT's National Coordinator Lita Anggraini stresses that from the perspective of zero violence, even one such case, in fact, signals a serious problem, which means that the urgency of having a legal umbrella to provide protection for domestic workers should not be based on the frequency of cases or reported incidents. On the principle of welfare, the government has the responsibility to provide protection. But the draft bill for the protection of domestic workers, proposed in 2004, has not yet been passed. Furthermore, the Indonesian government has not yet ratified ILO Convention No. 189, which mandates what constitutes as decent work for domestic workers. The mandate is in line with the Sustainable Development Goals, particularly No. 8, i.e., actualizing decent work for all workers. To this end, JP94 analyzes studies on domestic workers' steps in self-empowerment, employers' position in regard to their domestic workers, the role of media in advocacy efforts, the position of domestic workers in the New Order's gender politics, domestic workers' organizational efforts, the legislative process of the domestic workers bill in the Special Region of Yogyakarta, domestic workers' contribution to children's well-being and domestic workers' work environment in regard to violence and discrimination. We hope that our documentary collection will encourage the creation of a legal umbrella for the protection of domestic workers.

**(Anita Dhewy)**



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Safira Prabawidya Pusparani & Ani Widayani Soetjipto  
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**Women and Their Journey to Self-Empowerment:  
A Case Study of Six Indonesian Female  
Migrant Domestic Workers**

DDC: 305  
Jurnal Perempuan, Vol. 22 No. 3, Agustus 2017, pp. 115-125, 19 ref.

In Indonesia, female migrant domestic workers are often presented in a negative light. Although they are named as "heroes of development," they're treated as mere commodity for the benefit of the country. This treatment leaves female migrant domestic workers vulnerable to violence and exploitation by employers, agents, and government staff. Nevertheless, there is an alternative narrative that is rarely highlighted in literature or media, namely of female migrant domestic workers as powerful actors. This paper aims to fill in this alternative narrative by highlighting the actions taken by six female migrant domestic workers with agency. The author believes that by using the perspective of "standpoint feminism" to analyze these six female migrant domestic workers's struggles in self-empowerment following oppressive experiences, we may see that female migrant domestic workers have demonstrated their agency while in the process of migrating. This study reveals female domestic migrant workers showed self-empowerment in their decision to migrate amid a patriarchal structure and capacity in resisting said structure through activism, and performed roles as agents of development and transformation for their communities.

Keywords: migration, female migrant domestic workers, standpoint feminism, agency, empowerment

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Ida Ruwaida (Department of Sociology, Faculty of Social and  
Political Science, Universitas Indonesia, Jawa Barat, Indonesia)

**Decent Work for Domestic Workers as Perceived by  
Employers: Results of Surveys Performed in Makassar,  
Surabaya, and Bandung**

DDC: 305  
Jurnal Perempuan, Vol. 22 No. 3, Agustus 2017, pp. 127-136, 2 graphic,  
2 table, 6 ref.

This article is based on a study on the level of information, attitudes, and practices in regard to the rights and protection of domestic workers in three cities (Surabaya, Makassar, and Bandung). This paper aims to describe the working conditions of domestic workers, not from the perspective of domestic workers themselves, but rather from the perspective of their employers. An interesting discovery in this research process is the employers' tendency to adopt double standards when faced with the way employer-domestic worker relations have developed from a more social relation to an economic relation, which signals decent work for domestic workers. An economic relation between employers and domestic workers means that domestic workers must be recognized as part of the workforce, like other types of workers, and that their rights must also be fulfilled and protected. Assuming that the protection of domestic workers is the result of social development, in the context of Indonesia, a structural intervention through state policy for creating decent work for domestic workers will prove to be tough and will have to face some resistance from cultural

elements. This study's findings in three cities show that a long, guided and comprehensive social process is needed in order to build an equal and just relation between employers and domestic workers.

Keywords: decent work, protection of domestic workers, social relations, economic relations, social development, structural intervention, cultural intervention.

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Mary Austin (Centre for Gender Studies, School of Oriental and  
African Studies, University of London, London, UK)

**Challenging Disregard: Advocacy Journalism and  
the campaign for domestic worker legislation in Indonesia**

DDC: 305  
Jurnal Perempuan, Vol. 22 No. 3, Agustus 2017, pp. 137-148, 3 table, 37  
ref.

This article examines a recent ILO funded project designed to engage more Indonesian journalists and media organizations in advocacy journalism on behalf of domestic worker legislation. Applying Ann Stoler's notion of 'disregard' in the context of post-Suharto democratization, I illustrate how established newsroom practices and patterns of reporting helped maintain distinctions between 'home' and overseas domestic workers which impeded progress towards comprehensive legislation. Indonesia's endorsement of the adoption of ILO Convention 189 in June 2011 opened up political opportunities, provided a framework for re-scripting media narratives and encouraged journalists to give more space to domestic workers' voices. At the same time, increased media coverage enabled those opposed to legislation to reiterate a gendered disregard for the social and economic value of domestic work.

Keywords: advocacy journalism, domestic workers, Indonesia, disregard, victim narratives.

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Diah Irawaty (Department of Anthropology, State University of  
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**Domestic Workers in the Paradox of Politics of  
Gender and the Politics of Developmentalism:  
A Case Study of Indonesia in the New Order Era**

DDC: 305  
Jurnal Perempuan, Vol. 22 No. 3, Agustus 2017, pp. 149-159, 56 ref.

The New Order regime produced and applied two contradictory forms of gender politics as political control over women, so that women would adhere to the state's narrative of the ideal woman. On the one hand, Suharto campaigned for state maternalism to endorse the ideal good mother, or one that performs domestic work full-time. Such women are claimed to be the pillars of the nation. On the other hand, the government endorsed the politics of developmentalism based on the "women in development" perspective and campaigned for women's participation in the national development agenda. Women were encouraged to leave the home, and even to be willing to leave their family. How were (the contradictions between) the two political approaches applied to domestic workers? What sociopolitical contexts were behind these political approaches? And how were/are domestic workers affected?

Keywords: Gender Politics, Developmentalism, International Division of Labor, Sexual/ Reproductive Division of Labor

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Purnama Sari Pelupessy (Mitra Imadei, Jakarta, Indonesia)

### **Domestic Workers' Efforts to Realize Decent Work: Learning, Organizing and Fighting**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 3, Agustus 2017, pp. 161-171, 1 picture, 3 table, 17 ref.

This paper discusses the situation of domestic workers (PRT) and the author's process—as a community organizer—of organizing domestic workers. Using a feminist framework, the author explores the history of oppression of women in regard to unpaid domestic work and in its impacts on current domestic workers, who are paid low wages. This article also discusses the state's attitude in viewing domestic workers as workers, as citizens and as women, as well as the state's reluctance to ratify ILO Convention No. 189 as well as the draft bill on the protection of domestic workers. The author uses her experience in and knowledge of the labor movement and is informed by the particular characteristics of domestic workers. This study concludes that efforts to change domestic workers' working conditions must be done by organizing domestic workers, so that they have the power to urge the state to realize decent work.

Keywords: Female domestic workers, domestic workers union, decent work, Domestic Workers Protection Bill

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Sargini, Jumiye, Muryanti (The Tunas Mulia Domestic Workers Union [SPRT], Yogyakarta, Indonesia)

### **The Legislation Process of the Regional Regulation on Domestic Workers in the Special Region of Yogyakarta and its Challenges**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 3, Agustus 2017, pp. 173-181, 5 table, 12 ref.

This paper examines the legislation process of the Proposed Regional Regulation on Domestic Workers (Raperda PRT) in DIY. The regional regulation is crucial because domestic workers play a significant role for the working family and for those who are active in the public sphere. This resulted in an increased demand for the profession each year. Unfortunately, the absence of a governing regulation for the profession has led to very unclear and messy practices in the working relationship between the Domestic Worker (DW/PRT) and the customer (service user). Violations of the employment relationship have become frequent occurrences, including violence experienced by domestic workers, whether physical, psychological, economic, sexual or social. In Yogyakarta, the Domestic Workers Protection Network (JPPRT) of the Special Region of Yogyakarta (DIY) has suggested that the various type of violence experienced by domestic workers cannot be viewed separately from the absence of a regulation that governs the working relationship between domestic workers and their service users. Against this background, the JPPRT decided to pioneer and propose a draft for regional regulation on domestic workers in the Special Region of Yogyakarta (DIY).

Keywords: domestic workers protection, Proposed Regional Regulation on Domestic Workers, Domestic Workers Protection Network (JPPRT), political support

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Maria Ulfah Anshor (Indonesian Commission on Child Protection [KPAI], Jakarta, Indonesia)

### **The Contribution of Indonesian Women Migrant Workers (TKIP) to the Welfare of Their Children**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 3, Agustus 2017, pp. 183-193, 19 ref.

This article is part of the dissertation research on the care of Indonesian Women Migrant Workers' (TKIP) children in pesantren (Islamic boarding school), using a qualitative approach and an analysis unit on these children and their environment. This study applies Bronfenbrenner's ecological system theory and the "global care chain" concept with a child protection perspective. Our results show that TKIP's children who are left behind by their mothers who have gone overseas, lose "care", their welfare is psychologically and socially disrupted, and experience mutual dependence between them, their family and the TKIP overseas; the *pesantren* (Islamic boarding school) has become an option for TKIP's family because there are no professional child cares to care for the children of TKIP when their mothers have gone overseas. Institutionally, the pesantren has the potential to break the global care chain of injustices in regard to the care for TKIP's children, with the support of religious values and pesantren traditions. But policy support is needed to guarantee the community-based care and social welfare of TKIP's children, comprehensively integrated into the policy blueprint for Indonesian migrant workers.

Keywords: Childcare of migrant workers, children's rights and child welfare.

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Anita Dhewy (Jurnal Perempuan, Jakarta, Indonesia)

### **Discrimination, Violence, and the Neglect of Rights: Domestic Workers in the Absence of Legal Protection**

DDC: 305

Jurnal Perempuan, Vol. 22 No. 3, Agustus 2017, pp. 195-204, 15 ref.

This paper focuses on the experiences of domestic workers who have been subjected to violence, discrimination and the neglect of rights by employers as well as apartment managements where these domestic workers work. The data of six domestic workers from diverse backgrounds who were interviewed in depth reflects the violence experienced by all domestic workers at work. There are forms of violence that can be easily recognized as violence, but some types of discrimination and violence are not viewed as violence or are simply seen as the norm. These types of discrimination and violence are usually associated with inappropriate/indecent work conditions. Domestic workers' vulnerability, because their work falls under the private domain, is the result of the absence of laws to protect domestic workers at work. This is why a legal umbrella for the protection of domestic workers, like other types of workers, is a fundamental need.

Keywords: violence, discrimination, neglect of rights, bill on the protection of domestic workers

## The Legislation Process of the Regional Regulation on Domestic Workers in the Special Region of Yogyakarta and its Challenges

**Sargini, JumiyeM, Muryanti**

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### Abstract

This paper examines the legislation process of the Proposed Regional Regulation on Domestic Workers (Raperda PRT) in DIY. The regional regulation is crucial because domestic workers play a significant role for the working family and for those who are active in the public sphere. This resulted in an increased demand for the profession each year. Unfortunately, the absence of a governing regulation for the profession has led to very unclear and messy practices in the working relationship between the Domestic Worker (DW/PRT) and the customer (service user). Violations of the employment relationship have become frequent occurrences, including violence experienced by domestic workers, whether physical, psychological, economic, sexual or social. In Yogyakarta, the Domestic Workers Protection Network (JPPRT) of the Special Region of Yogyakarta (DIY) has suggested that the various type of violence experienced by domestic workers cannot be viewed separately from the absence of a regulation that governs the working relationship between domestic workers and their service users. Against this background, the JPPRT decided to pioneer and propose a draft for regional regulation on domestic workers in the Special Region of Yogyakarta (DIY).

Keywords: domestic workers protection, Proposed Regional Regulation on Domestic Workers, Domestic Workers Protection Network (JPPRT), political support

### Introduction

Indonesian citizens working as domestic workers are not few in number. According to JALA PRT's rapid assessment in 2010, there were, at the time, 10.7 million domestic workers. While according to ILO's survey in Jakarta, there were 4.5 million local domestic workers working in the country in 2016. The number will continue to increase in parallel with Indonesia's economic growth. The annually increasing number of domestic workers shows that domestic workers are an important part in the society's social and economic structures. Domestic workers make it possible for the significant number of service users to have their housework completed. As a result, each member of the service user's household can perform various public activities in all sectors comfortably and securely, because their domestic work has been completed by the domestic worker. The domestic workers' role may be on a micro scale, i.e., performing domestic work, but, in fact, the micro household work plays a vital role because domestic work is the primary pillar of household activities and relations—or can be said as the pillar of the household. This shows that the presence of a domestic worker in a household significantly contributes, both socially and economically,

to the continuity of activities performed by family members, as the smallest unit of society, both in the domestic worker's own home as well as in her workplace. All put together, the domestic worker's roles in the family are of course truly meaningful in the larger societal unit, namely the nation.

The significance of domestic workers' role at the micro level (family) to the level of the nation is unequal to the social, economic, and political conditions of domestic workers. In society's social and economic structures, they occupy the lowest class and group. As a result, the community is vulnerable to various forms of discriminatory treatment and violence. Based on the labor report recorded by the Jakarta Legal Aid Institute (LBH Jakarta), there were 18 reports by domestic workers throughout 2016, among others on months of unpaid wages as well as physical and psychological violence. Economically, domestic workers do not have clear wage standards. Employers pay domestic workers according to their own standards or according to societal norms, without knowing whether or not these standards stack up to actual standards [of decent work]. Research performed by the author in Yogyakarta shows that wages received by domestic workers in 2015 were as follows:

**Table 1: Wages received by domestic workers, 2015**

| Wage categories (Rp) | Number of workers | Notes                                    |
|----------------------|-------------------|--|
| ≤ 350 000            | 08                | Live-out domestic workers                |
| 351 000-500 000      | 28                | Live-out domestic workers                |
| 551 000-700 000      | 22                | Live-out and live-in domestic workers    |
| 701 000-1 000 000    | 12                | Majority are babysitters                 |
| ≥ 1 000 000          | 04                | Live-in babysitters and domestic workers |
| Uncertain            | 26                | Majority are household workers           |
| Total                | 100               |  |

Note: uncertain, depending on whether or not the domestic worker receives overtime pay or extra work

Source: Muryanti 2016

Based on the table with domestic workers’ wages above, it’s evident that their wages are very small compared to their various needs and expenditures, which are no different from their employers’. These small wages produces a new fact, namely the high reliance of domestic workers on their service users. This economic reliance manifests in various forms of debts, traded by the domestic worker with her service user, exchanged with her energy. The service user will provide many forms of assistance to fulfill the domestic workers’ needs, but as a consequence, the domestic worker has to become a “client” who is always ready to complete housework at the service user’s home.

The primary factor causing these low wages is that the work performed by domestic workers is associated with women’s work. The patriarchal culture positions women as the group responsible over domestic work, so that women are assumed to be capable and to be fully responsible over domestic work. This, in turn, results in low wages for domestic workers when compared to other types of work.

Socially, a person ends up working as a domestic worker due to various factors, among others the limited access to formal education, causing her to opt more for working as a domestic worker, out of necessity at first, though then the work becomes habitual. Research performed by Muryanti shows that the majority of domestic workers’ education levels are primary and middle school, and primary and middle school drop-outs (2016). Because of the low levels of education and the lack of skills, domestic workers perform household chores according to the limits of their abilities. For the most part, domestic workers work without adequate domestic work skills, considering that they work without proper training. They are willing to perform the work because women are socially constructed to be under

the obligation to complete household work. Socially, domestic work is also stereotyped as a “low” type of work. Upon hearing the term “domestic worker,” in general society will assume domestic work with no monetary value, so that individuals who perform the work are automatically devalued because they do not produce money for performing domestic work. Conversely, those who work outside the house are seen as professionals and are respected because their jobs produces money and has some social standing.

When we scrutinize Law No. 13/2003 on Labor, particularly Chapter 1 Article 1 on general stipulations, the section in fact directly points out that domestic workers are part of the labor force. By reading the article that says that labor is each person who has the ability to perform work to produce items or services, both to fulfill his/her own needs or the to fulfill the needs of society. In this case, domestic workers are part of the labor force because they sell their domestic services. Eiler believes that workers are people who participates, both directly and indirectly, in production (2004, p. 11). They do not own production tools, so that in order to preserve their lives, they must sell their energy to be traded for pay. Domestic workers occupy this position because they only possess their energy. They are in a trap of exploitation, both performed by intermediaries as well as service users, who feel that they’ve paid (domestic worker agencies) quite a steep price to hire a domestic worker, outside of the salary given to the domestic worker.

Meanwhile, if we consider the employment role and number of domestic workers, a substantial element appears that must be brought to light in order to transform societal as well as the government’s views and attitudes toward domestic workers. First, the view that domestic work is informal work that has developed in society to support formal work, or that domestic

workers aren't workers. Fact is, domestic workers can't be legally said as workers because they work in a sector that is perceived as an informal sector. Because of this, they have a lack of certainty in regard to wages, work hours, as well as job description, which causes domestic workers to be seen not as workers but as helpers in the employing family. This in turn results in domestic workers' low bargaining position. Those who work as domestic workers do so not to fight for certain idealisms or existence, but in order to continue living.

Empowerment for domestic workers, or making the work more valued by all groups, cannot be done only by domestic workers themselves, but rather requires support from other groups, i.e., the society, who should give an appreciation to domestic workers that is equal to the appreciation they give other types of workers. Likewise, service users should not view domestic workers as helpers or slaves. Another important element is the state's role in providing legal protection for domestic workers. Unfortunately, the government has very low commitment to providing legal protection for marginal groups, including domestic workers. As said by Putri, chair of KPI (now P2TP2A/Integrated Services for the Empowerment of Women and Children), as quoted by Baroyatul in *Suara Serikat*, issue 3, year 2004:

The government or the state, with the responsibility to protect citizens, sometimes becomes a tool to accommodate violence against and oppression of its citizens. Even members of legislative bodies or candidates for legislative bodies do not have an adequate understanding of marginal groups. (Baroyatul 2004, p. 4)

Departing from this concern, the need that arises is the need to empower and protect in the form of rules and regulations, both via laws at the national levels as well as regional regulations at the local level. On the other hand, the struggle to realize policies for the protection of domestic workers has been launched by several groups. At the national level, there is the National Network for Domestic Workers Advocacy (JALA PRT), which continues to perform efforts so that laws can be created. Various methods are performed so that the government is willing to ratify the draft bill on the protection of domestic workers. Legal protection for domestic workers can take shape, among others, through forming legal policies through the formal-juridical channel. This is the government's valid intervention tool for providing a guarantee of protection for domestic workers. So far, the government's commitment to creating policies that protect domestic workers is not yet evident. Although the draft bill on the protection of domestic workers has been

proposed to the Indonesian House of Representatives (DPR) since 2004, the draft bill only entered the legislation program in 2010, and even then, discussions on the draft bill have not gone smoothly until today. Furthermore, in 2015, the DPR eliminated the draft bill from the national legislation program's priority list (Rusqiyati 2013).

The fight to realize protection for domestic workers does not only happen at the national level, but first at the local level. The Special Region of Yogyakarta (from here on referred to as DIY) has carried out a movement to fight for the protection of domestic workers. The movement is performed to realize a regional regulation and was initiated by organizations under the DIY Domestic Workers' Protection Network. The process in Yogyakarta has not been easy and requires a long period of time and precise strategizing. There have been a push and pull of interests, pro-cons, and political interests. But the step is one step forward and an achievement for organizations as well as individuals who care about and have fought for domestic workers, because so far there has not been one single policy on domestic workers in Indonesia. The movement initiated in Yogyakarta is a point of reference that must also be developed nationally and in other regions.

With this background mind, this research aims to understand the process of proposing the draft regional regulation on the protection of domestic workers (from here on referred to as Raperda PRT) in Yogyakarta and how far the process can be said as failing to produce a regional regulation on domestic workers' protection in Yogyakarta. By knowing the process, we will have a picture of how the domestic workers' issues, which initially did not receive attention from many, managed to become a public agenda. This can also be a learning and reflective media for a not-yet successful struggle. Considering the deliberation and proposal processes for a draft regional regulation are quite complex and lengthy, this research is focused on the legislation process for Raperda PRT in DIY (Special Region of Yogyakarta). This research aims to narrate the legislation process of Raperda PRT, which has not been successfully passed as a Perda PRT (regional regulation on the protection of domestic workers), or in other words, this research aims to analyze the journey of the domestic workers' issue that failed to be included in the DIY government's agenda.

The research approached used is qualitative analysis. This methodology is used because it can better answer the needs of this research, which aims not only to locate the causal relationship between variables, but also to describe the legislation process of the draft bill on the

protection of domestic workers (Raperda PRT) in the Special Region of Yogyakarta (DIY). This research looks at various phenomena throughout the process, the actors involved as well as their interests. The methodology for collecting primary data used were in-depth interviews with several figures involved in drafting the Raperda PRT as well as board members who performed decision-making in regard to the raperda. Secondary data was obtained from RTND (Rumpun Tjoet Nyak Dien) and Domestic Workers' Union's records. Data analysis was performed using qualitative data analysis, encompassing the processes of data reduction, categorization, data presentation, and conclusion forming (Moleong 1999).

**The Initiative to Draft a Regional Regulation on the Protection of Domestic Workers in the Special Region of Yogyakarta**

The conceptual foundation for the drafting of the regional regulation was the authority possessed by autonomous regions and the government, from higher level regulations. The authority in question is as regulated under Government Law No. 38/2007 on the Division of Government Affairs between the Government, Provincial Regional Governments and Regency/Municipal Regional Governments. The definition of this regional regulation is in line with Law No. 10/2004 on the Establishment of Regulations, or the regional regulation that stimulates that draft regional regulations can come from Regional Legislative Councils (DPRD), from the governor, or

the regent/mayor for further deliberation. There are at least three foundations for the drafting of regional regulations: (1) philosophical foundation, i.e., foundation that concerns the fundamentals or ideology of the nation; (2) sociological foundation, i.e., foundation that concerns empirical conditions or realities in society and takes the form of demands or needs of the society as well as society's propensities and expectations; (3) juridical foundation, i.e., foundation that concerns the authority to form, the compatibility between the type and material of the content, certain procedures, and harmony with higher level laws and regulations. Meanwhile, the drafting of the regional regulation itself must go through several processes, namely social, political, and legal processes.

In regard to these affairs, the process of drafting Raperda PRT until it's within the government's territory is a very crucial stage in the process of creating public policies. No matter how important an issue or a problem, it won't be considered in policy-making before it enters the government's agenda or the legislation process. The process of drafting Raperda PRT in DIY occurred throughout a long period of time, around 10 years, before the draft regulation was in the DIY government's hands. But in the end the Raperda PRT was rejected and failed to become Perda PRT (Regional Regulation on the Protection of Domestic Workers) with the issuance of Governor Regulation (Pergub) No. 31/2010 on Domestic Workers and Mayor's Regulation No. 48/2011 on Domestic Workers.

**Table 2 : Regions and Responses to the Raperda PRT Proposal Draft in DIY**

| Year | Region               | Response  |
|------|----------------------|---|
| 1997 | PROVINCIAL DPRD      | No positive response                                    |
| 2002 | SLEMAN               | Many factions rejected a regulation on domestic workers |
| 2003 | MUNICIPAL DPRD       | Agreed with protection for domestic workers             |
| 2003 | MUNICIPAL Government | Agreed with protection for domestic workers             |

Source: Lita Anggraini, interview June 21, 2017

Table 2 above shows that the fight to create a draft regional regulation had already been acted upon since 1997, in the municipal, Sleman, and provincial DPRDs. In general, the draft regional regulation (from here on referred to as "Raperda") did not receive positive response (no response and rejection) based on socio-legal and political arguments, while those who agreed with the raperda made no concrete steps to legislate the draft regulation. The government of the city of Yogyakarta, in fact, had already taken a progressive step by entering domestic workers in the 2009 Regional Regulation on Labor Affairs, although the particulars are

unclear. This shows that the Yogyakarta City government acknowledges that domestic workers are part of the labor force.

**Raperda PRT's Legislation Process**

Domestic workers are among the largest marginal groups in Yogyakarta, both as a pocket region as well as a working region for domestic workers. The extremely multidimensional problems faced by the domestic workers are what necessitates protection for this group.

In general, both directly and indirectly, domestic workers experience discrimination in their workplace. Discriminative treatments occur because of the domestic workers generally come from situations of poverty, low levels of education, and the lack of employment

opportunities open available to them. These factors cause low wages, heavy workloads, long work hours and their vulnerability to violence. These facts are factors that have encouraged efforts to protect domestic workers.

**Table 3: The Problems of Domestic Workers**

| Region of Origin   | Workplace  | Cause   |
|--|--|---|
| <ul style="list-style-type: none"> <li>- Poverty</li> <li>- Low education level</li> <li>- Limited employment opportunities</li> </ul> | <ul style="list-style-type: none"> <li>- Low wages</li> <li>- Heavy workloads</li> <li>- Long hours</li> <li>- Violence</li> <li>- Child Domestic Workers</li> </ul> | Domestic workers are discriminated against as workers |

Source: Kabar PRT (Domestic Workers News) Team 2006b

Because of these problems, several stakeholder groups, among them NGOs joined together in networks, have attempted to realize protection for domestic workers. In 1999, the Care Network for the Protection of Domestic Workers (JPPRT) was formed. Organizations included in the network, among others: Rumpun Tjoet Njak Dien (RTND), Sekretariat Bersama Perempuan Yogyakarta (Joint Secretariat of Yogyakarta Women/SBPY), LBH Yogyakarta (Yogyakarta Legal Aid Institute), PKBI DIY, YABINKAS, YLKI Yogyakarta, PSW Universitas Muhammadiyah Yogyakarta, Rifka Annisa WCC, PKBH UMY, LKBH UII, KPI DIY, Serikat PRT Tunas Mulia DIY, and several individuals. The courage to form JPPRT and the struggle to effectuate policies on the protection of domestic workers emerged in 1999, or one year after reform.

According to Kingdon (1984), the process of planning public policies (legislation), as performed by the JPPRT, encompasses:

a. The Problem Stream

The process of defining the issue/problem. This has to do with the measurement use to gauge a problem, the incident causing to make decisions focused on the problem, feedback to provide information on performance and the process of decision-making that views a certain condition as problematic.

b. The Policy Stream

The process when solutions for addressing a problem emerge, including alternative solutions, an evaluation of solutions, and persuasive efforts. Many solutions are offered to address a problem, although these solutions are often in conflict, complementary, and can transform along with policymakers’ process of learning and understanding.

c. The Political Stream

Politics influenced the journey of Raperda PRT, a new and developing issue. Conditions that have the ability the influence the success or failure of an interest group’s request to the government, among others: transformation in the national mood, ideological distribution in representative institutions, the roles of various interest groups. (Kingdon 1984, p. 19)

The establishment of JPPRT aimed to effectuate policies for protecting domestic workers by demanding more concrete actions. The stage of looking for access and support is, in fact, the stage when JPPRT convinced related stakeholders that the domestic workers’ issue it supported was real and required a solution. Many groups had to be convinced that domestic workers must be protected by a clear legal umbrella. JPPRT needed support from the legislative and executive groups, in order to realize this goal—even from domestic workers themselves. The process of garnering public and government support was divided into three periods: 1999-2003, 2004-2009, and 2009-2010.

In the stage of finding access and support in the 1999-2003 period, both the government and domestic workers were approached. JPPRT proposed their demand for the creation of Perda PRT to the provincial government. The method used at the time was by drafting Raperda PRT, to then be proposed to all elements of government and legislative bodies at the provincial and regency/ municipality level. JPPRT performed a series of hearings and audiences to stakeholders in the 1999-2003 period. While Raperda PRT was formulated and proposed, domestic workers were also assisted. This was done to develop awareness in the targets of the policy that was hoped to emerge. One might say that in this period, the provincial government already responded to the domestic workers’ issue to be followed up. This is

strengthened by the fact that the Regional Legislative Councils (DPRD) had performed comparative research and issued a circular letter. But what happened after was instead a slide down in regional scale, as domestic workers' issues were diverted from the provincial level to domestic workers' issues at the level of the Yogyakarta City. Because of this, JPPRT's demand to create a Perda PRT at the provincial level was unfulfilled. The change in course or the policy demand's failure was the result of the absence of strong political support. Additionally, Yogyakarta was still thick with the *ngenger* culture, for example as evident in the presence of *abdi dalem* (the Sultan or Sultanate's "servants") in the Yogyakarta Sultanate. The whole affair sparked a heated debate because the Sultan's family would have been very burdened if the Perda PRT was issued in Yogyakarta.

At the stage of finding access and support in the 2004-2009 period, JPPRT possessed new power, namely domestic workers who had been assisted and wanted to fight alongside JPPRT. JPPRT's demand in this period was indeed not as massive as in the previous period. JPPRT decided to focus on the Yogyakarta City region, because at the time the Yogyakarta City government gave the most positive response among other DIY regions. This is because the Yogyakarta City had a revolutionary leader (Mayor Herry Zudianto) in public issues. The demand for a provincial Perda PRT was then adjusted to a demand for a Perda PRT at the city/municipality level. This condition necessitated the reformulation of material and methods used by JPPRT. The strategy for finding access and support also included a more comprehensive

involvement of domestic workers and mass media. But the effort to propel the domestic workers' policy at the city/municipality level was met with challenges, when the municipality government did not legislate Perda PRT, but rather the regional regulation (Perda) on Labor Affairs, which contained one article, namely article 37, on domestic workers. Although said article 37 was clarified by DIY's provincial government in 2009 ("Perda Ketenagakerjaan Ditetapkan" (*Regional Regulation on Labor Issued*) 2009). This cancellation of course nullified all representative efforts performed by JPPRT. In the 2004-2009 period, domestic workers' issues were well-defined and received strong political support from the mayor, but the policy stream was weak because the policy solution offered did not yet have the ability to solve the actual problem. The process for realizing policy for domestic workers in this period experienced a long step backward.

The 2009-2010 period can be said as a critical point for domestic workers' issues. Among others, a window opened for returning domestic workers' issues to government agenda. Realizing the opportunity, JPPRT pushed for the government to act through mass mobilization, so that finally the government decided to formulate a governor's regulation (Pergub). The development of policy for the protection of domestic workers is indeed quite difficult to explain through a theoretical framework. There were many changes throughout the development, because between the flow of issue, policy and politics cannot meet each other. Several stages of actions performed by JPPRT, as follows:

**Table 4 : The Chronology of JPPRT's Legislation Process**

| No | Year  | Action   |
|----|-------|--|
| 1  | 1990s | SBPY initiates (action) on domestic workers' issues  |
| 2  | 1995  | RTND is officially established   |
| 3  | 1997  | RTND and SBPY submits the Raperda PRT draft in the provincial and regency/municipality levels. The draft is formulated simultaneously by RTND and SBPY.  |
| 4  | 1999  | JPPRT is established, initiated by RTND and SBPY<br>JPPRT drafts the Raperda PRT   |
| 5  | 2000  | JPPRT submits the Raperda PRT draft to DPRD DIY's Commission E (now Commission D), DIY's provincial government, the legal bureau of DIY's Regional Secretariat (the demand for a provincial Perda PRT)<br>RTND begins to assist PRT by forming several Operata (domestic workers' organizations) |
| 6  | 2001  | DPRD DIY's Commission E performs a study in Jakarta, for Perda Jakarta No. 6/1993 on Domestic Workers  |
| 7  | 2002  | An audience with the Yogyakarta City Government, Bantul Regency Government, and Sleman Regency Government  |
| 8  | 2003  | Governor's Circular Letter No. 568/0807 on Working Relationship Between Domestic Workers and Service Users is issued.<br>A school for domestic workers is established, initiated by RTND.<br>The domestic workers' union Tunas Mulia is established.   |

| No | Year | Action  |
|----|------|---|
| 9  | 2004 | The Yogyakarta City Government prepares the government's version of Raperda PRT, enlisting academicians.<br>Yogyakarta Mayor Heri Zudianto delivers an address at the national seminar organized by JALA PRT.   |
| 10 | 2005 | The Raperda PRT movement is halted because Yogyakarta City did not have a regional regulation on labor.<br>Yogyakarta City Government's draft regional regulation (Raperda) on labor is formulated.   |
| 11 | 2006 | The deliberation on the Raperda on Labor is halted because funding is diverted for mitigating post-earthquake conditions in Yogyakarta.<br>Discussion on including domestic workers' issues in one article in Yogyakarta City's Raperda on Labor.<br><i>Workshop</i> JPPRT for comparing JPPRT's Raperda and the city's government version with clause(s) on domestic workers.<br>An Audience with Labor and Transmigration Services (Disnakertrans) of Yogyakarta City   |
| 12 | 2007 | The deliberation process for the Raperda on Labor is continued, including the inclusion of domestic workers' issue.<br>Mass action on February 15, marking Domestic Workers' Day, demanding domestic workers' day as well as weekly holidays and a law on domestic workers.   |
| 13 | 2008 | RTND organizes a workshop to discuss Yogyakarta City's Raperda on Labor, involving academicians from UGM, UII, and UMY.<br>February 15, mass action, hundreds of domestic workers in Yogyakarta demand days off during national holidays and weekly holidays for domestic workers, as well as a law on domestic workers.<br>JPPRT <i>hearing</i> and audience with Yogyakarta mayor, Yogyakarta City's Legal Bureau and Disnakertrans, Yogyakarta City PKK, DPRD DIY's PDIP Faction, Yogyakarta City's PUG, and chairman of Yogyakarta DPRD I, demanding for domestic workers' issues to be included in the regional law on labor.<br>The discussion on the Raperda on Labor begins at the Yogyakarta City DPRD.  |
| 14 | 2009 | (February 15) The commemoration of Domestic Workers' Day, the demand for domestic workers' day, weekly holidays, a law on domestic workers, and a regional law on domestic workers.<br>(June 8) The city government issued Yogyakarta City Regional Regulation No. 13/2009 on Labor, with one article regulating domestic workers, namely article 37.<br>(June 13) JPPRT issues a press release that supports article 37 of the Regional Law on Labor, although some words are revised.<br>JPPRT monitors the issuance of mayor's regulation<br>(December 9) DIY governor issue Governor's Decision No. 244/2009, which mentions the cancellation of article 37 in Yogyakarta City's Law on Labor Affairs.  |
| 15 | 2010 | JPPRT's <i>hearing</i> with the Yogyakarta City DPRD. Disnakertrans only discovers that article 7 in the Regional Regulation on the Management of Yogyakarta City has been cancelled.<br>(February 9) Mass action rejection the Governor's Decision as it is seen as not favoring domestic workers.<br>(February 10) DIY governor issues a statement saying that he will not withdraw the decision and will instead formulate a domestic workers' regulation at the provincial level.<br>(February 14) Mass action commemorating Domestic Workers' Day and protesting against the governor's stance.<br>(February 16) The provincial government issues a statement that the regulation will take the form of governor's regulation and that the formulating team has already been formed.<br>(October 1) Governor of the Special Region of Yogyakarta issued Governor Regulation No. 31/2010 on Domestic Workers. |

Source: Kabar PRT (Domestic Workers' News) Team 2006a; 2016; Sri Sulandari (SBPY & JPPRT member) interview June 16, 2017; Putro 2007; Hary 2013.

Based on the table above, we can see that the process of proposing protection for domestic workers began in the 1990s, along with a growing awareness of issues faced by domestic workers, the awareness that domestic workers' are not in an advantageous position, both as women and as labor, including a number of other issues present. These issues propelled JPPRT to find a solution to the conditions of domestic workers by working toward a policy that protects domestic workers.

### Actors and Interests in DIY's Policy for the Protection of Domestic Workers

In every battle to fight for a policy, sometimes emerge actors who dominate certain stages but are not involved in later stages, as was the case in the struggle for a policy to protect domestic workers. Actors may be involved both officially and unofficially. Official actors are executive and legislative bodies with the authority to create and issue policies. Meanwhile, unofficial actors

are made up of interest groups and mass media, who offer significant influence despite their lack of authority. Actors and stages in the process of creating a policy for

the protection of domestic workers in the Special Region of Yogyakarta (DIY), as follows:

**Table 5: Actors in DIY's Protection for Domestic Workers**

| No | Stage   | Actors   | Interests  |
|----|---|--|--|
| 1  | Formulating the issue-DIY domestic workers                                      | SBPY<br>RTND   | Initiating the discussion on domestic workers' issues in DIY<br>Initiating the discussion on domestic workers' issues in DIY   |
| 2  | The forming of JPPRT  | SBPY<br>RTND   | Empowering interest groups.  |
| 3  | Finding access and support<br>(1999-2003)<br><br>(2004-2009)<br><br>(2009-2010) | JPPRT<br>DPRD of the DIY Province<br><br>DIY's provincial government<br><br>JPPRT<br>Yogyakarta City Government<br>Yogyakarta City Government<br>Mass Media<br><br>DIY's provincial government<br>JPPRT<br><br>Media Massa | Demanding a provincial level Perda PRT.<br>Accommodating aspirations.<br><br>Responding JPPRT's demands through the Governor's circular letter<br><br>Demanding Perda PRT at the Yogyakarta City level<br>Including a clause on domestic workers in the Perda on labor<br>Discussing and Issuing Raperda on Labor<br>Deliver information/news<br><br>Canceling-clarifying article 37 in the Perda on Labor<br>Rejecting the Governor's decision<br>Delivering information/news |
| 4  | The decision of the DIY's provincial government                                 | DIY's provincial government  | Forming a formulating team for a governor's regulation   |

Source: Kabar PRT (Domestic Workers' News) Team 2010; Sri Sulandari, Linda, Nehik (SBPY management) 2017, interview June 17.

In 1999-2003, JPPRT focused on creating Perda PRT and advocacy at the provincial level. As an interest group, JPPRT carried domestic workers' issues to the government to find support for the creation of provincial Perda PRT. DPRD, as a legislative body, attempted to accommodate this aspiration, but did not wish to discuss it further. The demand to form provincial Perda PRT was indeed not yet successful. JPPRT, as an interest group carrying the torch domestic workers, succeeded in soliciting the provincial government's response, but the response was a mere gesture. At this stage, JPPRT, as an interest group, was still in an early phase in the process of convincing [the government] that domestic workers' issues were important to be included in the government agenda. JPPRT's weakness in this stage was that domestic workers were not yet directly involved, so that in an audience with the government, the government would repeatedly ask the primary objective of a legal umbrella to protect domestic workers (Sri Sulandari, interview June 16, 2017). DPRD, with the official authority to draft Perda PRT, also only responded to domestic workers' issues by performing comparative research in Jakarta

without following up by carrying the issue forward to the House, although they had the authority to do so. On the other hand, the provincial government issuing Governor's Circular Letter No. 568/0807 on the Work Relationship between Domestic Workers and Service Users as an executive response to JPPRT's demand. The provincial government did not resolutely express the willingness to create policy for protecting domestic workers, but instead left the task to Yogyakarta City government. In the 1999-2003 period, the provincial government played a role in the decision-making in regard to domestic workers' issues. But the response taken was to issue the governor's circular letter, demonstrating that the government was not yet very invested into including domestic workers' issues into its wider agenda.

In the 2004-2009 period, JPPRT had an interest to strive for the creation of a Perda at the Yogyakarta City level. Initially, the city government did wish to create a Raperda PRT, but with time, the city government then decided that it wished to instead include a clause or

clauses on domestic workers in the Regional Regulation on Labor Management. In response, JPPRT performed mass action to encourage the city government to include domestic workers' issues in its agenda. At the time, JPPRT was beginning to grow into a strong network, with domestic workers involved in the movement. This period shows that in order for an issue to be included in the government agenda, not only the urgings of interest groups are needed, but also a real commitment from the government as the authority.

In the 2009-2010 period, JPPRT urged the government not to cancel the article on domestic workers in Yogyakarta City's Perda on Labor Management, because article 37 is was an early step in providing legal protection for domestic workers. Meanwhile, the provincial government directly represented by the governor, believed that it had made the right move. The DIY provincial government then adopted domestic workers' issues, which had before only been progressing in the Yogyakarta City region, by clarifying article 37. Of course the provincial government's action nullified all advocacy efforts performed by JPPRT and the city government. After, the provincial government issued Governor's Regulation No. 31/2010. Changes in the provincial government's interest pattern was one of the factors that caused domestic workers' issues in DIY to progress much too slowly.

## Conclusion

A policy for the protection of the Special Region of Yogyakarta's (DIY's) domestic workers was the initiative of interest groups outside the government. Domestic workers' issues progressed in DIY not because the movement was initiated by domestic workers themselves, but rather by an NGO in Yogyakarta, namely SBPY and RTND, who later entrusted public policy advocacy to JPPRT. JPPRT played an important role in advocating for domestic workers' policy in DIY. What caused the prominence of interest groups in these developments was the government's absence in the efforts to address domestic workers' issues. The government was more passive and only reacted when demands were made intensively. Furthermore, the growing democracy allowed interest groups to voice their aspirations. DIY itself grew to become a region that supports the flourishing of non-governmental organizations.

Learning from policy advocacy on domestic workers' issues in DIY, one might say that what encouraged the agenda's shift from a public agenda to a government agenda was the presence of political strength, interest, and support, without undermining other factors/actions, such as clearly defining problems, performing mass action, as well as other efforts by interest groups to push the issue. But as it turned out, political support is always a significant factor in the adoption of any issue. In the case of domestic workers' issues, although the problems faced by domestic workers had already been clearly defined and was in a stage where inclusion in the government agenda was the appropriate move—there were even several alternative policies such as Raperda PRT proposed by JPPRT—the policy window would not open because there was a lack of political support and interest. Consequently, Raperda PRT failed to be signed into Perda PRT, both at the level of Yogyakarta City and at the DIY provincial level.

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