

**SUPERVISION OF VIOLATIONS OF THE FUNDAMENTAL RIGHTS OF
DOMESTIC WORKERS (PRT): A PERSPECTIVE OF MANPOWER LAW
AND *MAQASHID AL-SHARIA***

**(STUDY AT THE EAST JAVA PROVINCIAL OFFICE OF MANPOWER
AND TRANSMIGRATION)**

THESIS

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**MAULANA MALIK IBRAHIM STATE ISLAMIC UNIVERSITY
MALANG**

2026

STATEMENT OF THE AUTHENTICITY

In the Name of Allah,

With full awareness and a profound sense of responsibility for the advancement of academic knowledge, the author hereby declares that this undergraduate thesis, entitled:

**SUPERVISION OF VIOLATIONS OF THE FUNDAMENTAL
RIGHTS OF DOMESTIC WORKERS (PRT): A PERSPECTIVE OF
MANPOWER LAW AND *MAQASHID AL-SHARIA*
(STUDY AT THE EAST JAVA PROVINCIAL OFFICE OF
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Malang, 28th of July 2026

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MANPOWER LAW AND *MAQASHID AL-SHARIA*
(STUDY AT THE EAST JAVA PROVINCIAL OFFICE OF
MANPOWER AND TRANSMIGRATION)**

the supervisor hereby declares that the thesis proposal has fulfilled the academic requirements to be submitted and examined by the Board of Examiners.

Malang, 28th of July 2026

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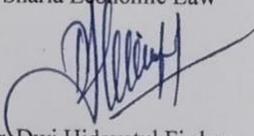
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MOTTO

“Kejarlah akhiratmu, maka duniamu akan mengikutimu”

PREFACE

Alhamdulillahirabbil'alamin, who has given Grace and help in writing a thesis entitled:, “**SUPERVISION OF VIOLATIONS OF THE FUNDAMENTAL RIGHTS OF DOMESTIC WORKERS (PRT): A PERSPECTIVE OF MANPOWER LAW AND *MAQASHID AL-SHARIA* (STUDY AT THE EAST JAVA PROVINCIAL OFFICE OF MANPOWER AND TRANSMIGRATION)**”, we can complete it well. Our prayers and greetings to the Prophet Muhammad PBUH who has given uswatun hasanah to us in living this life according to shari'i. By following him, may we be classified as believers and receive his intercession on the last day of the apocalypse. Amien.

With all the teaching, guidance/direction, as well as the assistance of the service that has been given, with all humility the author expresses his incomparable gratitude to:

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2. Prof. Dr. Hj. Umi Sumbulah, M. Ag., as the Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
3. Dwi Hidayatul Firdaus, S. HI., M. SI., as the Head of the Sharia Economic Law Study Program, Maulana Malik Ibrahim State Islamic University/
4. Rizka Amaliah, M.Pd., as the author's guardian lecturer while studying at the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University, Malang.
Thank you to the author for providing guidance, advice, and motivation during the lecture.
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7. All employees and staff of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang, the author would like to express his great gratitude for helping the process of writing this thesis.
8. The campus and almamater are proud, thank you for being a place for writers to gain knowledge with all the facilities provided, may Allah SWT. always give His Grace and Gifts.
9. The author would like to express gratitude to the members of the East Java Provincial Department of Manpower and Transmigration who were involved in this research. Thank you for providing permission, assistance, and cooperation throughout the research process. The openness in providing information and the kindness of all personnel greatly helped the author in obtaining the necessary data, allowing this undergraduate thesis to be completed properly.
10. The author's beloved parents, Bapak Nurul Huda and Ibu Aisyah, who have always provided prayers, love, moral support, and endless sacrifices. Through their patience, sincerity, and continuous motivation, the author was able to complete this undergraduate thesis successfully. Therefore, the author is able to become the first person in the family to earn a Bachelor's degree.

11. To the author's siblings, Damai, Izza, Nauval, Emir, Hamzah, and Alma, who have provided encouragement, support, attention, entertainment, and motivation throughout the process of writing this undergraduate thesis
12. To my beloved husband, Chasan Alubaid, for his unwavering encouragement, protection, comfort, and continuous support throughout the process of completing this thesis. Thank you for your time, for the laughter and moments of joy you have shared with me, and for always keeping me in your prayers. I am deeply grateful for your patience and for standing by me during the most difficult moments of this journey. Your presence has been a constant source of strength, giving me the courage to remain strong whenever I faced challenges and difficulties throughout the preparation of this thesis. Thank you for always supporting me, comforting me, listening to my concerns, and offering thoughtful advice whenever I needed it. Your presence has meant more to me than words can express.
13. To Shevi, Fita, and Bella who accompanied the lecture period from the beginning to the end. Also assist the author in the process of compiling this thesis. Thank you for this beautiful friendship, so that the writer can continue to be excited to complete this lecture.
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16. For every invisible fatigue, hidden tears, and prayers that are silently offered, all of them are witnesses to this long journey. The steps that had been faltering finally reached the goal. Hopefully this process will make the personal writer stronger, more patient, and more appreciative of every struggle.

Malang, 28 July 2025

Author

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TRANSLITERATION GUIDELINES

The list of Arabic letters and their transliteration into Indonesian Latin is in the following table:

Arab	Indonesia	Arab	Indonesia
أ	‘	ط	t
ب	b	ظ	ẓ
ت	t	ع	‘
ث	th	غ	gh
ج	j	ف	f
ح	h	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	ه	h
ش	sh	ء	‘
ص	ṣ	ي	y
ض	ḍ		

Hamzah (ء) which is at the beginning of the word which is often denoted by alif follows the vowel without needing any signs. However, if it is in the middle or at the end, it is written with the upper comma (‘).

To show the sound of long life (madd), the trick is to write horizontal scribbles on top of the letters, such as ā, ī and ū. (أ, ي, و). The Arabic double living sound is transliterated by combining two letters "ay" and "aw" such as layyinah, lawwāmah. Words that end in tā' marbūṭah and function as an attribute or muḍāf ilayh are transliterated with "ah", while those that serve as muḍāf are transliterated as "at".

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ABSTRAK

Ayu Salma Damayanti, NIM 220202110132, Pengawasan Terhadap Pelanggaran Hak Fundamental Pekerja Rumah Tangga (PRT) Perspektif Undang-Undang Tentang Ketenagakerjaan Dan *Maqashid Syariah* (Studi Di Disnakertrans Prov. Jatim), Skripsi, Program Studi Hukum Ekonomi Syariah, Fakultas Syariah, Universitas Maulana Malik Ibrahim Malang, Pembimbing: Dr. Su'ud Fuadi, S.HI., M.EI.

Kata Kunci: Pengawasan; Pekerja Rumah Tangga, Disnakertrans Prov.Jatim; *Maqashid Syariah*

Penelitian ini dilatarbelakangi oleh kerentanan pekerja rumah tangga (PRT) terhadap kekerasan, eksploitasi, dan minimnya perlindungan hukum, meskipun hak-haknya telah diatur dalam UUD 1945, UU Ketenagakerjaan, Permenaker Nomor 2 Tahun 2015 dan UU PPRT. Penelitian ini bertujuan menganalisis pengawasan Disnakertrans Provinsi Jawa Timur terhadap perlindungan hak fundamental PRT, termasuk kendala dan efektivitas pelaksanaannya, dari perspektif hukum ketenagakerjaan dan *maqashid syariah*. Penelitian ini menggunakan metode yuridis empiris dengan pendekatan lapangan di Disnakertrans Provinsi Jawa Timur. Data dianalisis secara kualitatif untuk memberikan gambaran sistematis mengenai pelaksanaan pengawasan dan perlindungan hak PRT.

Perlindungan terhadap pekerja rumah tangga (PRT) merupakan persoalan penting karena pekerjaan mereka berlangsung di lingkungan domestik yang bersifat privat dan sulit dijangkau pengawasan pemerintah. Berdasarkan hasil wawancara, pengawasan Disnakertrans Provinsi Jawa Timur terhadap hak fundamental PRT belum dilakukan secara langsung dan menyeluruh. Pengawasan lebih banyak dilakukan melalui sosialisasi, pembinaan, penerimaan pengaduan, dan koordinasi ketika terdapat laporan pelanggaran. Dengan demikian, pengawasan cenderung bersifat tidak langsung dan reaktif karena bergantung pada laporan pihak terkait. Meskipun demikian, PRT tetap berhak memperoleh upah yang layak, kondisi kerja yang wajar, perlindungan sosial, dan perlakuan yang menghormati martabat manusia. Dalam perspektif *maqashid syariah*, perlindungan tersebut berkaitan dengan *hifz al-nafs* dan *hifz al-mal*.

Pelaksanaan pengawasan Disnakertrans Provinsi Jawa Timur terhadap perlindungan hak fundamental pekerja rumah tangga (PRT) masih menghadapi hambatan struktural dan kultural. Sifat pekerjaan PRT yang berlangsung di lingkungan domestik dan privat menyulitkan pengawasan secara langsung. Rendahnya kesadaran hukum juga menyebabkan sebagian PRT tidak memahami haknya, tidak memiliki perjanjian kerja tertulis, dan enggan melaporkan pelanggaran. Keterbatasan jumlah pengawas, luas wilayah kerja, serta koordinasi antarinstitusi turut memengaruhi efektivitas pengawasan. Meskipun demikian, Disnakertrans tetap melakukan perlindungan melalui sosialisasi, pembinaan, penerimaan pengaduan, dan koordinasi penanganan kasus. Upaya tersebut mencerminkan perlindungan preventif dan represif, tetapi pelaksanaannya masih belum optimal dalam menjamin pemenuhan hak fundamental PRT.

ABSTRACT

Ayu Salma Damayanti, Student ID 220202110132, Supervision Of Violations Of The Fundamental Rights Of Domestic Workers (PRT): A Perspective Of Manpower Law and *Maqashid Al-Sharia* (Study At The East Java Provincial Office Of Manpower And Transmigration). Undergraduate Thesis, Department of Sharia Economic Law, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University of Malang. Supervisor: Dr. Su'ud Fuadi, S.HI., M.EI.

Keywords: Supervision; Domestic Workers; East Java Provincial Department of Manpower and Transmigration; *Maqāṣid al-Sharī'ah*.

This research is motivated by the vulnerability of domestic workers (PRTs) to violence, exploitation, and inadequate legal protection, despite the fact that their rights are regulated under the 1945 Constitution of the Republic of Indonesia, the Manpower Law, Minister of Manpower Regulation Number 2 of 2015, and the Domestic Workers Protection Law. This study aims to analyze the supervision conducted by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans) in protecting the fundamental rights of domestic workers, including the challenges and effectiveness of its implementation, from the perspectives of labor law and *maqashid al-shariah*. This research employs an empirical juridical method with a field approach conducted at the East Java Provincial Office of Manpower and Transmigration. The data were analyzed qualitatively to provide a systematic description of the implementation of supervision and the protection of domestic workers' fundamental rights.

The protection of domestic workers (PRT) remains significant because their work takes place in private households, limiting direct government supervision. Interview findings indicate that the East Java Provincial Office of Manpower and Transmigration (Disnakertrans) exercises largely indirect and reactive supervision through public outreach, guidance, complaint handling, and coordination concerning reported violations. Nevertheless, domestic workers are entitled to fair wages, decent working conditions, social protection, and treatment consistent with human dignity. From the perspective of *maqashid al-shariah*, such protection reflects *hifz al-nafs* and *hifz al-mal*.

The supervision conducted by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans) in protecting the fundamental rights of domestic workers (PRTs) continues to face structural and cultural challenges. The private nature of domestic work limits direct supervision, while low legal awareness contributes to limited understanding of workers' rights, the absence of written employment agreements, and reluctance to report violations. Limited labor inspectors, extensive coverage, and inter-agency coordination further affect supervisory effectiveness. Nevertheless, Disnakertrans provides protection through public outreach, guidance, complaint handling, and case coordination. These efforts represent preventive and repressive legal protection; however, their implementation remains suboptimal in ensuring the effective protection of domestic workers' fundamental rights.

ملخص

آيو سلمى دامايانتي، رقم القيد ٢٢٠٢٠٢١١٠١٣٢، الرقابة على انتهاكات الحقوق الأساسية للعاملين في الخدمة المنزلية من منظور قانون العمل ومقاصد الشريعة (دراسة في دائرة القوى العاملة والهجرة في محافظة جاوة الشرقية)، بحث جامعي (رسالة البكالوريوس)، قسم قانون الاقتصاد الإسلامي، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية بمالانغ. المشرف: الدكتور سعود فؤادي، S.HI., M.EI.

الكلمات المفتاحية: الرقابة؛ عمال المنازل؛ إدارة العمل والتوظيف في إقليم جاوة الشرقية؛ المقاصد الشرعية ينطلق هذا البحث من واقع هشاشة وضع العاملين في الخدمة المنزلية (PRT) وتعرضهم لمخاطر العنف والاستغلال، فضلاً عن محدودية الحماية القانونية المقررة لهم، رغم تنظيم حقوقهم بموجب دستور جمهورية إندونيسيا لعام 1945، وقانون العمل، ولائحة وزير القوى العاملة رقم 2 لعام 2015، وقانون حماية العاملين في الخدمة المنزلية (UU PPRT) ويهدف هذا البحث إلى تحليل الرقابة التي تقوم بها دائرة القوى العاملة والهجرة في مقاطعة جاوة الشرقية (Disnakertrans) في مجال حماية الحقوق الأساسية للعاملين في الخدمة المنزلية، بما في ذلك دراسة المعوقات وفعالية تنفيذها، من منظور قانون العمل ومقاصد الشريعة. ويستخدم هذا البحث المنهج القانوني التجريبي من خلال منهج ميداني في دائرة القوى العاملة والهجرة في مقاطعة جاوة الشرقية. وقد تم تحليل البيانات تحليلاً نوعياً بهدف تقديم صورة منهجية عن تنفيذ الرقابة وحماية الحقوق الأساسية للعاملين في الخدمة المنزلية.

من القضايا المهمة في مجال قانون العمل، نظراً إلى أن عملهم يتم تُعدّ حماية العاملين في الخدمة المنزلية في بيئة منزلية خاصة يصعب على الجهات الحكومية الوصول إليها ومراقبتها بصورة مباشرة. وبناءً على نتائج المقابلات، لم تُنفذ الرقابة التي تقوم بها دائرة القوى العاملة والهجرة في مقاطعة جاوة الشرقية الحقوق الأساسية للعاملين في الخدمة المنزلية بصورة مباشرة وشاملة. وتتركز الرقابة بصورة أكبر على التوعية والإرشاد، واستقبال الشكاوى، والتنسيق عند ورود تقارير عن وقوع انتهاكات. ولذلك، تتسم الرقابة بطابع غير مباشر وتفاعلي، إذ تعتمد الإجراءات اللاحقة بدرجة كبيرة على بلاغات الأطراف المعنية. ومع ذلك، يظل العاملون في الخدمة المنزلية مستحقين للحصول على أجور عادلة، وظروف عمل مناسبة، والحماية الاجتماعية، والمعاملة التي تصون كرامتهم الإنسانية. ومن منظور مقاصد الشريعة، ترتبط هذه الحماية بمقصد حفظ النفس وحفظ المال

(Disnakertrans) لا يزال تنفيذ الرقابة التي تقوم بها دائرة القوى العاملة والهجرة في مقاطعة جاوة الشرقية يواجه عدداً من العقبات الهيكلية والثقافية. (PRT) على حماية الحقوق الأساسية للعاملين في الخدمة المنزلية وتتمثل إحدى العقبات الرئيسية في طبيعة عمل العاملين في الخدمة المنزلية، الذي يتم داخل بيئة منزلية خاصة، مما يجعل إجراء الرقابة المباشرة أمراً صعباً. كما يؤدي انخفاض الوعي القانوني لدى بعض العاملين في الخدمة المنزلية إلى عدم فهم حقوقهم بصورة كافية، وغياب عقود العمل المكتوبة، وترددتهم في الإبلاغ عن الانتهاكات. وتؤثر محدودية عدد مفتشي العمل، واتساع نطاق منطقة العمل، فضلاً عن التنسيق بين الجهات المعنية، في فعالية الرقابة. ومع ذلك، تواصل دائرة القوى العاملة والهجرة جهودها في حماية حقوق العاملين في الخدمة المنزلية من خلال التوعية والإرشاد، واستقبال الشكاوى، والتنسيق في معالجة الحالات. وتعكس هذه الجهود أشكالاً من الحماية القانونية الوقائية والردعية، إلا أن تنفيذها لا يزال غير أمثل في ضمان الوفاء الكامل بالحقوق الأساسية للعاملين في الخدمة المنزلية

CHAPTER I

INTRODUCTION

A. Background

The contribution of domestic workers (hereinafter referred to as “Domestic Workers”) to sustaining family life has long been recognized by Indonesian society, particularly in major urban areas such as Malang City. The increasing mobility of the workforce and the growing participation of women in the formal urban labor market in Malang City have contributed to a corresponding increase in the demand for childcare services within households. In this context, Domestic Workers constitute an important form of support for families in which parents are engaged in employment or professional careers. This situation places Domestic Workers in a strategically important yet vulnerable position, particularly with regard to their legal protection and the availability of a formal regulatory framework governing their employment. According to records maintained by JALA PRT, 1,184 cases of violence against Domestic Workers were recorded throughout 2025. Of these, 372 cases involved multiple forms of violence, encompassing psychological, physical, economic, and sexual violence experienced concurrently by Domestic Workers. Furthermore, 104 cases involved economic violence, while 26 cases constituted cases of sexual violence.¹ In Indonesia, the number of Domestic Workers is

¹ Riana A Ibrahim, “Apa Saja Yang Diatur Dalam Uu Perlindungan Pekerja Rumah Tangga? – Dari Upah, Cuti, Hingga Bpjs,” *Bbc News Indonesia*, 23 April 2026, Di Akses 23 Juli 2026 <https://www.bbc.com/indonesia/articles/cn08j04xjwdo>.

estimated to exceed four million, the majority of whom work in informal and private household settings, with domestic work constituting their primary occupation.²

Within the context of employment in Indonesia, domestic work has not yet been fully recognized as “work” within the comprehensive meaning of the term under the principal labor and employment regulations. For instance, existing studies indicate that domestic work continues to be predominantly categorized as part of the informal sector due to the lack of formal legal recognition. In general, Domestic Workers occupy a vulnerable position within the Indonesian employment system, as their work is frequently situated within the informal sector, their employment relationships are often not governed by clear employment agreements, and their access to legal protection remains limited.³

Domestic Workers remain among the groups of workers most vulnerable to violence, exploitation, and discrimination. Based on the Annual Records of the National Commission on Violence Against Women (Komnas Perempuan) for the period from 2020 to 2024, at least 128 Domestic Workers were recorded as victims of violence. These figures demonstrate that violence against Domestic Workers continues to recur, reflecting their vulnerable position within unequal employment relationships, where they remain subject to limited legal recognition and lack adequate guarantees of justice.⁴ For example, a Domestic Worker was subjected to

² Rewang Rencang, *Urgensi Ratifikasi Konvensi Ilo 189 Dalam Perlindungan Hukum Pekerja Rumah Tangga: Implikasi Terhadap Ruu Pprt Indonesia*, 2025, <https://doi.org/10.56370/Jhlg.V6i5.667>.

³ Baby Ista Pranoto, “Perlindungan Hukum Bagi Pekerja Rumah Tangga Di Indonesia,” *Jurnal Lex Renaissance* 7, No. 4 (2022): 745–62, <https://doi.org/10.20885/Jlr.Vol7.Iss4.Art5>.

⁴ “Siaran Pers Komnas Perempuan Peringatan Hari Pekerja Rumah Tangga (Prt) Internasional 2025,” Diakses 28 Februari 2026, <https://komnasperempuan.go.id/Siaran-Pers-Detail/Siaran-Pers-Komnas-Perempuan-Peringatan-Hari-Pekerja-Rumah-Tangga-Prt-Internasional-2025>.

abuse by her employer following the death of the employer's dog. According to witness testimony, the dog died after inadvertently ingesting a plant-based substance. The incident allegedly prompted the employer to vent his anger against the Domestic Worker by withholding food from her for two consecutive days, causing her to become physically weak, and subsequently subjecting her to physical abuse.⁵ Based on an interview with Ms. Sarianah, a domestic worker who is privately employed by an individual employer/private domestic worker in Malang Regency, it was revealed that she frequently experienced working hours that exceeded the initially agreed-upon schedule. At the commencement of the employment relationship, it was agreed that she would work for eight hours per day. However, she did not receive overtime pay for the additional hours worked beyond the agreed working hours. Furthermore, no written employment contract was established or mutually agreed upon at the beginning of the employment relationship. Instead, the terms and conditions of employment were based solely on a verbal agreement between Ms. Sarianah and her employer.⁶

As provided under Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia, "Every person shall have the right to work and to receive fair and proper remuneration and treatment in an employment relationship." More specifically, this provision affirms the fundamental right to decent work, fair remuneration, and humane treatment in the workplace. Such recognition constitutes a fundamental component of the protection of human rights in the field of

⁵ Hilda Rinanda, "5 Fakta Pilu Art Di Malang Disiksa Majikan Gegara Anjing," Detikjatim, Diakses 28 Februari 2026, <https://www.detik.com/jatim/hukum-dan-kriminal/d-7571416/5-fakta-pilu-art-di-malang-disiksa-majikan-gegara-anjing>.

⁶ Sarianah, (Malang, 28 Agustus 2026)

employment.⁷ This principle is also enshrined in Article 5 of Law Number 13 of 2003 concerning Manpower, which provides that “Every worker shall have an equal opportunity, without discrimination, to obtain employment.” Fundamental workers’ rights include, among others, the right to fair and adequate remuneration, social security, occupational safety, and freedom of association.⁸ Through these statutory provisions, the fundamental rights of workers should, in principle, be adequately protected. Nevertheless, numerous violations continue to occur, raising serious concerns regarding the effectiveness of supervision and enforcement mechanisms carried out by the relevant authorities.

The Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2015 concerning the Protection of Domestic Workers sets forth specific provisions governing domestic work. These provisions encompass the qualifications and scope of domestic work, the employment agreements of Domestic Workers, domestic worker placement agencies, business licenses for domestic worker placement agencies, the rights and obligations of Domestic Workers, the rights and obligations of Users (i.e., persons who engage the services of Domestic Workers), as well as the responsibilities of the Minister of Manpower in relation to the protection of Domestic Workers.⁹ However, the Regulation does

⁷ Dewi Asri Puannandini Dkk., “Kesejahteraan Pekerja Sebagai Upaya Perlindungan Hak Asasi Manusia,” *Jurnal Media Akademik (Jma)* 3, No. 7 (2025), <https://doi.org/10.62281/V3i7.2558>.

⁸ Maydi Sandi Dan Christine Kansil, “Hak Dan Kewajiban Pekerja: Analisis Hukum Kepegawaian Di Indonesia,” *Journal Of Education Religion Humanities And Multidiciplinary* 2 (November 2024): 1360–64, <https://doi.org/10.57235/Jerumi.V2i2.4296>.

⁹ “Permenaker No. 2 Tahun 2015,” Database Peraturan | Jdih Bpk, Diakses 28 Februari 2026, <http://Peraturan.Bpk.Go.Id/Details/145968/Permenaker-No-2-Tahun-2015>.

not contain any specific provision expressly stipulating the legal protection afforded to Domestic Workers.

Although Domestic Workers are regulated under the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2015, the Domestic Workers Bill has, to date, not yet been enacted into law.¹⁰ This situation has significant implications for the implementation of the Regulation of the Minister of Manpower of the Republic of Indonesia, particularly with regard to the supervision and enforcement of fundamental rights. Although numerous previous studies have examined the legal protection of Domestic Workers, there remains a lack of research specifically addressing the empirical implementation of supervision and the enforcement of fundamental rights in relation to Domestic Workers.

In principle, the protection of Domestic Workers' fundamental rights is regulated under Law Number 13 of 2003 concerning Manpower, as well as the Regulation of the Minister of Manpower of the Republic of Indonesia Number 2 of 2015 concerning the Protection of Domestic Workers. In order to identify the obstacles encountered in supervising violations of fundamental rights under Law Number 13 of 2003, this study focuses on the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province). This focus is based on the authority stipulated under Article 28 of the Regulation of the Minister of Manpower Number 2 of 2015 concerning the Protection of Domestic

¹⁰ Fahmi "Ruu Pprt Didesak Kembali Untuk Disahkan Di Dpr Periode Saat Ini," Diakses 28 Februari 2026, <https://mediaindonesia.com/humaniora/743763/Ruu-Pprt-Didesak-Kembali-Untuk-Disahkan-Di-Dpr-Periode-Saat-Ini>.

Workers, which provides that “The implementation of this Ministerial Regulation shall be further regulated by the Governor.” This authority is further elaborated in Article 13 paragraph (2) letter (a) of the East Java Governor Regulation Number 79 of 2016, which stipulates that one of the functions of the Department of Manpower and Transmigration of East Java Province is the “formulation of technical policies concerning labor inspection and Occupational Safety and Health (OSH).”

Based on the foregoing legal framework, the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province) is functionally vested with the authority to supervise and take enforcement measures against violations of labor regulations. Accordingly, this study seeks to examine and analyze the extent to which the role and effectiveness of supervision conducted by the Disnakertrans of East Java Province contribute to ensuring legal protection for Domestic Workers employed as household workers. This study focuses on the regulatory framework, policy implementation, and the obstacles encountered in the implementation of such supervision, particularly given the position of Domestic Workers as a category of workers who frequently remain beyond the effective reach of formal mechanisms for the protection of their fundamental rights.

From the perspective of Islamic law, the current vulnerable position of Domestic Workers is inconsistent with the fundamental principles of the *ijarah* contract (a contract for the provision of services), which establishes the employer (*musta'jir*) and the worker (*ajir*) as equal parties within a contractual relationship,

rather than as master and servant.¹¹ Islam emphasizes that the protection of workers' fundamental rights, including the timely payment of fair and adequate wages and humane treatment, constitutes an obligation rooted in the principles of brotherhood (*ukhuwah*) and the inherent dignity of human beings (*karamah basyariyah*).¹² Adanya praktik eksploitasi, pengabaian hak, hingga kekerasan fisik yang dialami PRT di lapangan secara tegas dilarang karena bertentangan dengan prinsip '*adl*' (keadilan) dan *ihsan* (kebajikan), di mana seorang pemberi kerja dilarang keras memberikan beban kerja yang melampaui batas kemampuan pekerjanya.¹³ From this perspective, inadequate supervision and legal protection for Domestic Workers not only undermine the principle of social justice but also constitute a breach of the *amanah* mandated by Sharia, which requires the preservation of a balance between rights and obligations in *muamalah* and the protection of parties in a weaker bargaining position.¹⁴

Accordingly, this study aims to provide a comprehensive examination of the existing supervisory mechanisms for the protection of the fundamental rights of Domestic Workers, as well as to identify concrete measures that may be undertaken to enhance the welfare and protection of Domestic Workers in East Java Province. The research gap lies in the limited number of studies that specifically examine the

¹¹ Eva Zulfa N, "Pengupahan Berkeadi Lan Menurut Hukum Islam, Kajian Terhadap Ump Jakarta," *Jurnal Indo-Islamika* 5, No. 2 (2015): 317–37, <https://doi.org/10.15408/Idi.V5i2.11752>.

¹² Hanifiyah Yuliatul Hijriah Dan Elfira Maya Adiba, "The Labor Market: An Overview From An Islamic Perspective," *Tijab (The International Journal Of Applied Business)* 3, No. 1 (2019): 24–37, <https://doi.org/10.20473/Tijab.V3.I1.2019.24-37>.

¹³ Mirza Satria Buana Dan Rahmat Budiman, "Indonesia's Minimum Wage Policy After The Omnibus Law: A Comparative Analysis From Islamic Principles," *Uum Journal Of Legal Studies* 13, No. 2 (2022): 187–214, <https://doi.org/10.32890/Uumjls2022.13.2.8>.

¹⁴ Siti Julaicha Dkk., "The Basis Of Minimum Wages Determination For Worker In Indonesia Positive Law And Sharia," *Justitia Jurnal Hukum* 6, No. 1 (2022), <https://doi.org/10.30651/Justitia.V7i1.13157>.

position of Domestic Workers from the perspective of labor and employment law. To date, Domestic Workers have frequently remained outside the scope of formal employment and, consequently, have not been adequately covered by existing statutory mechanisms for legal protection.

Previous studies have extensively examined violations concerning Domestic Workers primarily within the scope of normative legal regulation. However, such studies have largely been limited to normative analysis and have not sufficiently examined the practical implementation of supervision. Therefore, empirical research is necessary to assess the implementation and effectiveness of supervisory mechanisms in protecting the fundamental rights of Domestic Workers, particularly in East Java Province.

Several previous studies have examined the legal protection of Domestic Workers; however, no study has specifically examined the supervision conducted by the competent supervisory authorities. One such study concerns the legal protection of Domestic Workers employed through Domestic Worker Placement Agencies. The study highlights that Domestic Worker Placement Agencies operating without the required licenses may give rise to legal issues, particularly where they fail to satisfy the applicable requirements. Consequently, such agencies may be subject to sanctions, while the fulfillment and protection of the Domestic Workers' rights remain the responsibility of the relevant outsourcing company.¹⁵ Another study examining the legal protection afforded to Domestic Workers,

¹⁵ Nor Ainah, *Perlindungan Hukum Terhadap Pekerjaan Rumah Tangga Yang Bekerja Melalui Lembaga Penyalur Pekerja Rumah Tangga*, 8 (2024).

particularly those engaged through Domestic Worker Placement Agencies (LPPRT) or related foundations, found that Domestic Workers who experience violence in the workplace continue to face numerous obstacles in obtaining adequate legal protection. Although legal measures have been established through regulations such as the Regulation of the Minister of Manpower Number 2 of 2015 and Law Number 23 of 2004 concerning the Elimination of Domestic Violence, the effectiveness of these legal protections remains subject to question.¹⁶ In addition, Legal Protection in Indonesia uses the application of *permnaker*, but its preparation is still misguided by not being based on the Labor Law, therefore the substance of this regulation focuses on the provisions of the Distribution Institution rather than the interests of the rights of domestic workers. The sanctions given also do not provide legal certainty because there are no criminal sanctions but only administrative sanctions. The government must pay attention to informal workers, especially domestic workers.¹⁷ The three aforementioned findings demonstrate that the legal framework governing the supervision of violations of the fundamental rights of Domestic Workers remains inadequate. Accordingly, this study seeks to examine, from an empirical perspective, the implementation of supervision over violations of the fundamental rights of Domestic Workers.

B. Research Question

¹⁶ Astri Maharani Dkk., “Perlindungan Hukum Terhadap Asisten Rumah Tangga (Art) Yang Mengalami Kekerasan Ditinjau Dari Hukum Ketenagakerjaan,” *Aktivisme: Jurnal Ilmu Pendidikan, Politik Dan Sosial Indonesia* 1, No. 3 (2024): 279–87, <https://doi.org/10.62383/aktivisme.V1i3.365>.

¹⁷ Muhammad Yafi Azhari Dan Abdul Halim, “Hak-Hak Pekerja Rumah Tangga Dan Perlindungan Hukum Di Indonesia,” *Media Iuris* 4, No. 2 (2021): 173–88, <https://doi.org/10.20473/mi.V4i2.25492>.

Based on the background that has been described, the formulation of the problem in this study is as follows:

1. What are the forms and mechanisms of supervision employed by the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province) in addressing violations of the fundamental rights of Domestic Workers from the perspectives of Manpower Law?
2. How does the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province) supervise the protection of Domestic Workers' fundamental rights, and what measures are undertaken to address the obstacles encountered in the implementation of such supervision?

C. Research Objectives

The purpose of the research is the direction to be achieved as an answer to the formulation of the problem that has been formulated. The objectives of this study are:

1. To describe the forms and mechanisms of supervision employed by the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province) in addressing violations of the fundamental rights of Domestic Workers from the perspectives of Manpower Law and *Maqashid al-Shariah*.

2. To analyze the supervision conducted by the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province) in protecting the fundamental rights of Domestic Workers, as well as the measures undertaken to address the obstacles encountered in the implementation of such supervision.

D. Research Benefits

1. Theoretical Benefits

This research is expected to contribute to the development of labor law, especially related to the concept and mechanism of supervision against violations of the fundamental rights of domestic workers. In addition, this research can be an academic reference material for further research related to labor protection and supervision.

- a. Practical Benefits

Practically, the results of this research are expected to provide real benefits for various parties.

- 1) For the Government and Government Agencies

This research is expected to be an evaluation and input for relevant agencies in increasing the effectiveness of supervision of violations of the fundamental rights of domestic workers. In addition, the results of this research can support the formulation of policies and more optimal strategic steps in the implementation of the supervisory function in accordance with the provisions of applicable laws and regulations.

- 2) For Domestic Workers (PRT)

This research is expected to provide a clearer understanding for domestic workers about their fundamental rights and the monitoring mechanisms available in the event of violations. In addition, this research is expected to encourage increased legal protection and certainty for domestic workers through more effective supervision by the competent agencies.

E. Operational Definitions

Operational definition is an explanation that describes the meaning of the terms used in operational research. This definition provides details of the terms that are measured and applied in the context of the research to be carried out. In order to prevent errors in the terms used in this study, the researcher conveyed the following:

1. Supervision

Supervision in this study is a series of actions carried out by the East Java Provincial Manpower and Transmigration Office in order to ensure compliance with labor norms and the protection of workers' basic rights. Supervision is measured through the form of activities such as socialization, inspection, receipt and handling of complaints, administrative examinations, and the provision of recommendations or sanctions according to their authority.

2. Violation of Fundamental Rights

Violation of Fundamental Rights is any act or negligence that results in the non-fulfillment of the basic rights of domestic workers as referred to in this study, such as non-payment of wages, physical or psychological violence, discriminatory

treatment, or lack of security at work. Violations are identified based on reports, interview results, or data obtained from relevant agencies.

3. Fundamental Rights

The fundamental rights in this study are the basic rights of domestic workers in employment relations which are the object of supervision by the Malang City Manpower Office. These rights include: (1) the right to a decent wage; (2) the right to fair and non-discriminatory treatment; (3) the right to protection from violence and exploitation; (4) the right to social security; and (5) the right to a sense of security at work. The fulfillment of fundamental rights is measured through the presence or absence of a monitoring mechanism, follow-up of reports, and administrative actions against alleged violations.

4. Domestic Workers (PRT)

Domestic Worker (PRT) is any person who works for a single person within the scope of the household to do domestic work by receiving wages or other forms of rewards. In this study, domestic workers are positioned as subjects who have the potential to experience violations of fundamental rights in employment relations, even though the legal arrangements are not fully in the formal labor regime as stipulated in Law Number 13 of 2003 concerning Manpower.

5. The East Java Provincial Manpower and Transmigration Office (Disnakertrans Prov. East Java)

The East Java Provincial Manpower and Transmigration Office, hereinafter referred to as the East Java Provincial Manpower and Transmigration, is a regional

apparatus that has authority in the field of manpower in accordance with laws and regulations. In this study, the agency is positioned as an administrative subject that carries out the function of supervision over the implementation of labor norms, especially those related to the protection of workers' fundamental rights.

F. Systematics of Discussion

Regarding the systematics of discussion, this research is arranged in five main chapters that are interrelated, as follows the provisions in the Guidelines for Writing Scientific Papers of the Faculty of Sharia UIN Maulana Malik Ibrahim Malang. Each chapter is arranged in order and has a logical relationship between one chapter and the next, thus forming a complete and systematic unity of discussion. The description of the systematics of the writing is explained as follows:

CHAPTER I Introduction, This chapter contains a description of the background of the problem that explains the importance of supervision of violations of the fundamental rights of domestic workers in the perspective of labor law and the perspective *of maqashid sharia*. This chapter is the first part that provides an overview of the background of the title selection. The author outlines the urgency of monitoring the fundamental rights of domestic workers that are often neglected in informal work relationships. Legal protection in this chapter is seen as an effort to protect the dignity and dignity of domestic workers and the recognition of their human rights as legal subjects in order to avoid arbitrary actions. It also contains the formulation of problems, research objectives, and research benefits for the development of labor law and related agencies.

CHAPTER II Literature Review, This chapter outlines the theoretical foundations and conceptual studies relevant to the research. The discussion included theories about labor supervision, the concept of workers' fundamental rights, labor relations, and legal protection for workers, including domestic workers. In this chapter, normative provisions related to workers' rights and supervision mechanisms are also discussed. In addition, this chapter contains the results of previous research that are relevant as comparative material and strengthen research arguments.

CHAPTER III Research Methods, This chapter describes the methods used in research, including the type of research, research approach, data sources, data collection techniques, and data analysis techniques. This study uses an empirical juridical method by examining the implementation of legal norms in practice, especially related to the supervision of violations of the fundamental rights of domestic workers by the East Java Provincial Manpower and Transmigration Office. This chapter aims to provide an overview of the procedures and steps taken by researchers in obtaining and analyzing data to answer the formulation of the problem.

CHAPTER IV Research Results and Discussion, This chapter presents the results of research obtained from field studies and literature studies. The description includes the implementation of supervision of violations of the fundamental rights of domestic workers by the East Java Provincial Manpower and Transmigration Office, the obstacles faced in the implementation of supervision, and the efforts made to overcome these obstacles. Furthermore, the results of the research are

analyzed based on the provisions of the Law on Manpower and the legal theories that have been described in the previous chapter, so that a comprehensive and systematic discussion is obtained.

CHAPTER V Closing, This chapter is the final part of the thesis which contains conclusions and suggestions. The conclusion contains the answer to the formulation of the problem based on the results of research and discussion. Meanwhile, suggestions are addressed to related parties, especially the East Java Provincial Manpower and Transmigration Office, as well as other interested parties in efforts to increase supervision of violations of the fundamental rights of domestic workers. With this systematics, it is hoped that the preparation of this thesis can provide a continuous, systematic, and easy-to-understand flow of discussion.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

In general, this research is a continuation of various previous studies that are related to the topic being studied. Therefore, it is important to conduct a review of previous research that is relevant to the problem being discussed. The results of this study are expected to add, complement, or provide scientific justification (verification) to the findings that have been produced by previous research.

This section was prepared with the aim of avoiding the repetition of research with similar themes, as well as to affirm the position and contribution of this research in the field of law, especially in the study of supervision of violations of the fundamental rights of domestic workers. Previous research that has been conducted is as follows:

1. Eginia Apulita BR Sembiring, Elrita BR Nduru, Fitri First Nova Butar-Butar, Najiyyah, Rachel Calista A. Sirait, Rani Sari Purba, Stepen Nainngolan, Yosika Silaen with the title "Pelaksanaan Pancasila dalam Kasus Kekerasan yang Dilakukan oleh *Pengasuh Terhadap* Anak Selebriti "Aghnia Punjabi" with Descriptive Qualitative Research Methods with Literary Studies has been published in 2024".¹⁸ The focus of this research is on the factors that occur in cases of violence based on the values of

¹⁸ Eginia Apulita Br Sembiring Dkk., "Implementasi Pancasila Dalam Kasus Kekerasan Yang Dilakukan Babysitter Terhadap Anak Selebgram 'Aghnia Punjabi,'" *Jurnal Intelek Dan Cendekiawan Nusantara* 1, No. 3 (2024): 4223–28, <https://jicnusanantara.com/index.php/jicn/article/view/558>.

Pancasila. The factors that cause violence against children are the personal characteristics of the child, the characteristics of the perpetrator, the physical environment, and the culture. Thus, the prevention and control of violence against children must be a priority to realize the basic ideals and principles of the Indonesian state. And there are five forms of violence against children, namely: 1) physical violence 2) psychological violence 3) sexual violence 4) economic violence 5) social violence against children.

2. Nikmah Dalimunthe and Rahmah Aliyah with the title "Perlindungan Hukum Pekerja Rumah Tangga di Indonesia: Studi Literatur tentang Pelaksanaan Undang-Undang No. 13 tahun 2003 & Konvensi ILO No. 189"¹⁹ with normative research methods published in 2025. The result of this study is that legal protection for domestic workers in Indonesia is a crucial issue because there are no specific regulations that protect their rights, causing vulnerability to exploitation and unfair treatment. This situation is contrary to the basic principles of the 1945 Constitution which guarantees equality and the right to decent work for every citizen. Although Law No. 13 of 2003 on Manpower is the main legal basis, it has not explicitly regulated the status and rights of domestic workers, so they do not receive protection of basic rights such as living wages, human working hours, leave, or social security.

¹⁹ Nikmah Dalimunthe Dan Rahmah Aliyah, "Perlindungan Hukum Terhadap Pekerja Rumah Tangga Di Indonesia: Studi Literatur Implementasi Uu No. 13 Tahun 2003 & Konvensi Ilo No. 189," *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 4, No. 3 (2025): 205–19, <https://doi.org/10.55606/Jurrish.V4i3.5796>.

3. Muhammad Suarga Nabil Akbar Ramadhan, Patra Orlen Sianturi, Reza Nurahman, and Alif Naufal Istiqlal. Article title "Studi Kasus Analisis Tanggung Jawab Pidana: Pelecehan Anak Selebrim oleh Pengasuh Anak di Malang"²⁰ This study uses normative research methods with a literature study and was published in 2023. The results show that perpetrators of child abuse can be held criminally responsible based on Law Number 35 of 2014 concerning Child Protection, with a maximum imprisonment of 5 years and/or a fine of Rp100,000,000. According to the Criminal Code, perpetrators of severe abuse may receive a maximum sentence of 8 years. The study also discusses restorative justice as an alternative approach focusing on victim and perpetrator recovery. However, its implementation must prioritize child safety, victim consent, perpetrator responsibility, and the absence of coercion.
4. Gusti Ayu Putri Pratiwi, I Made Sepud, and Diah Gayatri Sudibya. Title "Efektivitas Sanksi Pidana terhadap Pengasuh karena Kelalaian yang Berujung pada Kematian di Pusat Penitipan Anak Denpasar"²¹ This study uses empirical legal research methods and was published in 2020. The results show that the death of foster children at Princess House Childcare was caused by negligence from caregivers and the owner as the person

²⁰ M. Suarga Nabil Akbar Ramadhan Dkk., "Analisis Pertanggungjawaban Pidana Studi Kasus: Penganiayaan Terhadap Anak Selebgram Yang Dilakukan Oleh Pengasuh Anak Di Malang," *Indonesian Journal Of Law And Justice* 1, No. 4 (2024): 8–8, <https://doi.org/10.47134/Ijlj.V1i4.2721>.

²¹ Gusti Ayu Putri Pratiwi Dkk., "Efektifitas Sanksi Pidana Terhadap Pengasuh Anak Karena Kelalaiannya Mengakibatkan Kematian Di Taman Penitipan Anak Denpasar," *Jurnal Konstruksi Hukum* 1, No. 1 (2020): 140–44, <https://doi.org/10.22225/Jkh.1.1.2137.140-144>.

responsible. The negligence was influenced by internal factors, including lack of experience, caution, preparation, training, and professionalism, as well as external factors such as environmental, resource, and economic conditions. Such negligence is regulated under Article 359 of the Criminal Code and Law Number 35 of 2014 concerning Child Protection. The court imposed sanctions under Article 76B in conjunction with Article 77B, which were considered effective.

5. Muhammad Falah Dawanis, Faya Maritza Dahayu Anggani, Dea Safira Setiono. Title "Perlindungan Hukum untuk Pelanggaran Hak Asasi Manusia terhadap Pekerja Rumah Tangga di Sektor Bisnis Distribusi Pekerja Rumah Tangga di Indonesia".²² This study uses normative research methods and was published in 2022. The results indicate that the rights of domestic workers are guaranteed under Article 27 paragraph (2) of the 1945 Constitution regarding the right to work and a decent livelihood. However, legal protection for domestic workers remains inadequate due to weak regulations, limited supervision of recruitment agencies, and increasing human rights violations. Although various national and international regulations have been established, their implementation still faces challenges. Therefore, strengthening legal protection through Law Number 23 of 2004 concerning the Elimination of Domestic Violence is necessary to ensure the fulfillment of domestic workers' rights.

²² Muhammad Falah Dawanis Dkk., "Perlindungan Hukum Atas Pelanggaran Hak Asasi Manusia Terhadap Pekerja Rumah Tangga Dalam Sektor Bisnis Penyaluran Pekerja Rumah Tangga Di Indonesia," *Jurist-Diction* 5, No. 3 (2022): 955–72, <https://doi.org/10.20473/Jd.V5i3.35786>.

6. Nirmalah with title "Perlindungan Hukum Terhadap Asisten Rumah Tangga Ditinjau dari Undang-undang Cipta Kerja"²³ This research uses normative research methods and was published in 2021. The results of the study show that the rights of Domestic Workers (PRT) have not been explicitly regulated in Law Number 13 of 2003 concerning Manpower jo. Law Number 11 of 2020 concerning Job Creation because domestic workers are still considered informal sector workers. The legal protection of domestic workers is regulated through Permenaker Number 2 of 2015, but there are significant differences with the protection of formal workers, especially related to wages, social security, occupational safety, occupational health, and termination of employment. Therefore, special regulations are needed to ensure legal rights and protection for domestic workers.
7. Fajrianto with the title " Perlindungan Hukum Terhadap Pekerja Rumah Tangga Dalam Perspektif Hak Konstitusional Dan Hambatan Penerapannya di Indonesia"²⁴ This research uses an empirical juridical method with a legislative approach. The results of the study show that legal protection for domestic workers (PRT) in Indonesia is an urgent need because the legal vacuum has had an impact on the neglect of domestic workers' constitutional rights, such as the right to legal equality, decent work, and fair remuneration. The legal protection barriers for domestic workers are influenced by

²³ Nirmalah, "Perlindungan Hukum Terhadap Asisten Rumah Tangga Ditinjau Dari Undang-Undang Cipta Kerja | *Sol Justicia*," <https://Ojs.Ukb.Ac.Id/Index.Php/Sol/Article/View/461>.

²⁴ Fajrianto, "Perlindungan Hukum Terhadap Pekerja Rumah Tangga Dalam Perspektif Hak Konstitusional Dan Hambatan Penerapannya Di Indonesia" *Jurnal Al Azhar Indonesia Seri Ilmu Sosial* No.3(2023) <http://Dx.Doi.Org/10.36722/Jaiss.V4i3.2347>

sociological and political factors. Sociological factors are in the form of public assumptions that domestic workers are not workers, while political factors are related to the low support of the government and the House of Representatives in forming special regulations regarding legal protection for domestic workers.

8. Muhammad Yafi Azhari and Abdul Halim. Title " Hak-Hak Pekerja Rumah Tangga dan Perlindungan Hukum di Indonesia"²⁵ This research uses qualitative research methods and was published in 2021. The results of the study show that the protection of the rights of informal Domestic Workers (PRT) is regulated in Permenaker Number 2 of 2015 concerning the Protection of Domestic Workers. However, the fulfillment of domestic workers' rights is still not optimal, especially related to wages, working hours, work agreements, leave, and dispute resolution. The regulation is considered not to fully refer to the Labor Law and focuses more on distribution institutions than the protection of workers' rights. In addition, the sanctions given are still limited to administrative sanctions so they do not provide legal certainty for domestic workers.
9. Baby Ista Pranoto with the title " Perlindungan Hukum Bagi Pekerja Rumah Tangga di Indonesia"²⁶ This research uses normative juridical methods and was published in 2022. The results of the study show that legal protection for Domestic Workers (PRT) is still not optimal because there is no clear

²⁵ Muhammad Yafi Azhari Dan Abdul Halim Halim, "Hak-Hak Pekerja Rumah Tangga Dan Perlindungan Hukum Di Indonesia," *Media Iuris* 4, No. 2 (2021): 173–173, <https://doi.org/10.20473/Mi.V4i2.25492>.

²⁶ Ista Pranoto, "Perlindungan Hukum Bagi Pekerja Rumah Tangga Di Indonesia."

legal umbrella. Although domestic workers are recognized as workers, their protection has not been fully covered in the Labor Law. Permenaker Number 2 of 2015 concerning the Protection of Domestic Workers also has weaknesses in regulating wage rights, working hours, social security, work safety, leave, and dispute resolution. The inconsistency of regulations has caused the rights of domestic workers to not be effectively protected so that there are still many violations against domestic workers.

10. Gilang Chesar Andreansyah and Emmilia Rusdiana. Title "Perlindungan Hukum tentang PRT Mengenai Jam Kerja"²⁷ This research uses normative juridical methods and was published in 2022. The results of the study show that Permenaker Number 2 of 2015 concerning the Protection of Domestic Workers has not been able to provide optimal legal protection because it does not fully reach the provisions of Law Number 13 of 2003 concerning Manpower. Domestic workers are considered not workers in formal employment relationships so they do not receive the same protection as other workers. The regulation also does not regulate in detail the rights of domestic workers, such as wages, working hours, leave, social security, freedom of association, and written work agreements. This condition has the potential to lead to violations and exploitative practices against domestic workers.

²⁷ Gilang Chesar Andreansyah, *Perlindungan Hukum Tentang Pekerja Rumah Tangga (Prt) Mengenai Jam Kerja*, Art 1, No. <https://ejournal.unesa.ac.id/index.php/novum/issue/view/1923> (November 2022), <https://doi.org/10.30996/dih.v0i0.1594>.

Table 2. Previous Research

No	Name, Title, Year	Research Results	Differences	Equations
1.	Nama: Eginia Apulita BR Sembiring, Elrita BR Nduru, Fitri First Nova Butar-Butar, Najiyah, Rachel Calista A. Sirait, Rani Sari Purba, Stepen Nainngolan, Yosika Silaen Title : Implementasi Pancasila dalam Kasus Kekerasan yang dilakukan <i>babysitter</i> Terhadap Anak Selebgram “Aghnia Punjabi” Metpen: kualitatif deskriptif dengan studi kepustakaan Year : 2024	The focus of this research is on the factors that occur in cases of violence based on the values of Pancasila. The factors that cause violence against children are the personal characteristics of the child, the characteristics of the perpetrator, the physical environment, and the culture. Thus, the prevention and control of violence against children must be a priority to realize the basic ideals and principles of the Indonesian state. And there are five forms of violence against children, namely: 1) physical violence 2) psychological violence 3) sexual violence 4) economic violence 5) social violence against children.	Discussing the causes of the persecution that occurred and the employer's child who was abused by his caregiver	Discussing babysitter treatment
2.	Name : Nikmah Dalimunthe, Rahma Aliyah Title : Perlindungan Hukum terhadap Pekerja Rumah Tangga di Indonesia : Studi Literatur	The result of this study is that legal protection for domestic workers in Indonesia is a crucial issue because there are no specific regulations that protect their rights,	The theory used normatively refers to Law No. 13 of 2003 & ILO Convention No. 189	Discuss about legal protection for domestic workers

No	Name, Title, Year	Research Results	Differences	Equations
	Implementasi UU No. 13 Tahun 2003 & Konvensi ILO No. 189 Year: 2025	causing vulnerability to exploitation and unfair treatment. This situation is contrary to the basic principles of the 1945 Constitution which guarantees equality and the right to decent work for every citizen. Although Law No. 13 of 2003 on Manpower is the main legal basis, it has not explicitly regulated the status and rights of domestic workers, so they do not receive protection of basic rights such as living wages, human working hours, leave, or social security.		
3.	Name : Muhammad Suarga Nabil Akbar Ramadhan, Patra Orlen Sianturi, Reza Nurahman, Alif Naufal Istiqlal Title : " Analisis Pertanggungjawaban Pidana Studi Kasus: Penganiayaan terhadap Anak Selebgram yang dilakukan oleh Pengasuh Anak di Malang" Year : 2023	The results show that perpetrators of child abuse can be held criminally responsible based on Law Number 35 of 2014 concerning Child Protection, with a maximum imprisonment of 5 years and/or a fine of Rp100,000,000. According to the Criminal Code, perpetrators of severe abuse may receive a maximum sentence of 8 years. The study also discusses restorative justice as an alternative	Children who are abused by their caregivers	The focus of the research on persecution in general is not by domestic workers

No	Name, Title, Year	Research Results	Differences	Equations
		approach focusing on victim and perpetrator recovery. However, its implementation must prioritize child safety, victim consent, perpetrator responsibility, and the absence of coercion.		
4.	Name: Gusti Ayu Putri Pratiwi, I Made Sepud, dan Diah Gayatri Sudibya Title : Efektifitas Sanksi Pidana Terhadap Pengasuh Anak Karena Kelalaiannya Mengakibatkan Kematian di Taman Penitipan Anak Denpasar Year : 2020	The results show that the death of foster children at Princess House Childcare was caused by negligence from caregivers and the owner as the person responsible. The negligence was influenced by internal factors, including lack of experience, caution, preparation, training, and professionalism, as well as external factors such as environmental, resource, and economic conditions. Such negligence is regulated under Article 359 of the Criminal Code and Law Number 35 of 2014 concerning Child Protection. The court imposed sanctions under Article 76B in conjunction with Article 77B, which were considered effective.	A very different object, the abuse is carried out by the caregiver	Talk about babysitters

No	Name, Title, Year	Research Results	Differences	Equations
5.	Name : Muhammad Falah Dawanis, Faya Maritza Dahayu Anggani, Dea Safira Setiono Title : Perlindungan Hukum atas Pelanggaran Hak Asasi Manusia terhadap Pekerja Rumah Tangga dalam Sektor Bisnis Penyaluran Pekerja Rumah Tangga di Indonesia Year : 2022	The results indicate that the rights of domestic workers are guaranteed under Article 27 paragraph (2) of the 1945 Constitution regarding the right to work and a decent livelihood. However, legal protection for domestic workers remains inadequate due to weak regulations, limited supervision of recruitment agencies, and increasing human rights violations. Although various national and international regulations have been established, their implementation still faces challenges. Therefore, strengthening legal protection through Law Number 23 of 2004 concerning the Elimination of Domestic Violence is necessary to ensure the fulfillment of domestic workers' rights.	Direct objects on LPPRT	Legal protection for domestic workers
6.	Name : Nirmalah Title: Perlindungan Hukum Terhadap Asisten Rumah Tangga Ditinjau dari Undang-undang Cipta Kerja	The results of the study show that the rights of Domestic Workers (PRT) have not been explicitly regulated in Law Number 13 of 2003 concerning	Referring to the Ciptaker Law	Legal protection from ART/PRT

No	Name, Title, Year	Research Results	Differences	Equations
	Year : 2022	Manpower jo. Law Number 11 of 2020 concerning Job Creation because domestic workers are still considered informal sector workers. The legal protection of domestic workers is regulated through Permenaker Number 2 of 2015, but there are significant differences with the protection of formal workers, especially related to wages, social security, occupational safety, occupational health, and termination of employment. Therefore, special regulations are needed to ensure legal rights and protection for domestic workers.		
7.	Name : Fajrianto Title : Perlindungan Hukum Terhadap Pekerja Rumah Tangga Dalam Perspektif Hak Konstitusional Dan Hambatan Penerapannya di Indonesia Tahun: 2023	The results of the study show that legal protection for domestic workers (PRT) in Indonesia is an urgent need because the legal vacuum has had an impact on the neglect of domestic workers' constitutional rights, such as the right to legal equality, decent work, and fair remuneration. The legal protection	Perspectives on Constitutional Rights in Indonesia	Legal protection for domestic workers

No	Name, Title, Year	Research Results	Differences	Equations
		barriers for domestic workers are influenced by sociological and political factors. Sociological factors are in the form of public assumptions that domestic workers are not workers, while political factors are related to the low support of the government and the House of Representatives in forming special regulations regarding legal protection for domestic workers.		
8.	Name : Muhammad Yafi Azhari dan Abdul Halim Title : Hak-Hak Pekerja Rumah Tangga dan Perlindungan Hukum di Indonesia Tahun: 2021	The results of the study show that the protection of the rights of informal Domestic Workers (PRT) is regulated in Permenaker Number 2 of 2015 concerning the Protection of Domestic Workers. However, the fulfillment of domestic workers' rights is still not optimal, especially related to wages, working hours, work agreements, leave, and dispute resolution. The regulation is considered not to fully refer to the Labor Law and	Discussing the rights of domestic workers	Legal protection for domestic workers

No	Name, Title, Year	Research Results	Differences	Equations
		focuses more on distribution institutions than the protection of workers' rights. In addition, the sanctions given are still limited to administrative sanctions so they do not provide legal certainty for domestic workers.		
9.	Name : Baby Ista Pranoto Title: Perlindungan Hukum Bagi Pekerja Rumah Tangga di Indonesia Year : 2022	The results of the study show that legal protection for Domestic Workers (PRT) is still not optimal because there is no clear legal umbrella. Although domestic workers are recognized as workers, their protection has not been fully covered in the Labor Law. Permenaker Number 2 of 2015 concerning the Protection of Domestic Workers also has weaknesses in regulating wage rights, working hours, social security, work safety, leave, and dispute resolution. The inconsistency of regulations has caused the rights of domestic workers to not be effectively protected so that there are still many	The method refers to the Permenaker (normative).	Legal Protection for Domestic Workers.

No	Name, Title, Year	Research Results	Differences	Equations
		violations against domestic workers.		
10.	Name : Gilang Chesar Andreansyah dan Emmilia Rusdiana Title I: Perlindungan Hukum tentang Pekerja Rumah Tangga (PRT) Mengenai Jam Kerja Year : 2023	The results of the study show that Permenaker Number 2 of 2015 concerning the Protection of Domestic Workers has not been able to provide optimal legal protection because it does not fully reach the provisions of Law Number 13 of 2003 concerning Manpower. Domestic workers are considered not workers in formal employment relationships so they do not receive the same protection as other workers. The regulation also does not regulate in detail the rights of domestic workers, such as wages, working hours, leave, social security, freedom of association, and written work agreements. This condition has the potential to lead to violations and exploitative practices against domestic workers.	Focus on business hours only.	Legal protection for domestic workers.

Thus, the *novelty* of this study is that this study will discuss the supervision carried out by the East Java Provincial Manpower and Transmigration Office in

carrying out its duties to supervise violations that often occur by domestic workers as workers who must be protected like other formal workers.

B. Research Theory

1. Theory of Administrative Supervision

The theory of administrative supervision in Administrative Law constitutes a fundamental instrument for ensuring government accountability in the exercise of its functions in accordance with the principle of legality. Such supervision serves both preventive and repressive purposes: it seeks to prevent irregularities and deviations from occurring (preventive supervision) and to correct violations or errors committed by state officials (repressive supervision), thereby ensuring that the performance of bureaucratic functions remains consistent with the applicable legal framework.²⁸ Through this mechanism, every action undertaken by government agencies or public officials is expected to remain within the bounds of the law, particularly in safeguarding the fundamental rights of vulnerable citizens within the labor sector.²⁹

From a structural perspective, supervision can be divided into internal and external dimensions. Internal supervision is carried out by units or superiors that are structurally situated within the government administration itself, such as hierarchical supervision exercised by the Head of the Department over the

²⁸ Adhe Ismail Ananda Dan Sri Kusriyah, "The Role Of Regional / City Governments In Developing And Supervising Of Village Regulation," *Jurnal Daulat Hukum* 3, No. 3 (2020): 345–345, <https://doi.org/10.30659/Jdh.V3i3.11267>.

²⁹ Mohammad Fandrian Adhianto, "Politik Hukum Pembentukan Rancangan Undang-Undang Cipta Kerja (Studi Klaster Ketenagakerjaan)," *Pamulang Law Review* 3, No. 1 (2020): 1–1, <https://doi.org/10.32493/Palrev.V3i1.6530>.

performance of labor inspectors as a form of *built-in control*.³⁰ Conversely, external supervision is exercised by institutions outside the executive branch, such as the Ombudsman, the Audit Board of the Republic of Indonesia, or the judiciary, which serve as checks and balances to address maladministration or violations of codes of ethics that remain unresolved through internal mechanisms.³¹

Administrative supervision may be carried out through two principal methods, namely direct and indirect supervision. Direct supervision (active supervision) involves factual verification in the field through on-site inspections, including unannounced inspections, to assess the actual conditions prevailing in the workplace.³² Meanwhile, indirect supervision (passive supervision) is conducted through the examination and verification of administrative documents, periodic reports, and accountability statements submitted by employers or Domestic Worker Placement Agencies to the relevant authorities, with the aim of verifying formal compliance with the applicable requirements.³³

From a temporal perspective, supervision may be categorized as either preventive or repressive, depending on the timing of its implementation.

³⁰ Putu Eva Ditayani Antari, "Implementasi Fungsi Pengawasan Dewan Perwakilan Rakyat Dalam Upaya Memperkuat Sistem Presidensial Di Indonesia," *Refleksi Hukum Jurnal Ilmu Hukum* 4, No. 2 (2020): 217–38, <https://doi.org/10.24246/irh.2020.v4.i2.p217-238>.

³¹ Aisyah Aisyah Dkk., "Manajemen Kinerja Pegawai Subbag Kepegawaian Kantor Wilayah Kementerian Agama Provinsi Sulawesi Tenggara," *Al-Munazzam Jurnal Pemikiran Dan Penelitian Manajemen Dakwah* 2, No. 2 (2022): 56–56, <https://doi.org/10.31332/munazzam.v2i2.5376>.

³² Rosita Indrayati, "Revitalisasi Peran Hakim Sebagai Pelaku Kekuasaan Kehakiman Dalam Sistem Ketatanegaraan Indonesia," *Kertha Patrika* 38, No. 2 (2016), <https://doi.org/10.24843/Kp.2016.V38.I02.P02>.

³³ Rizqy Aulia Fitri Dan Arinto Nugroho, "Pengawasan Dinas Tenaga Kerja Terkait Pemenuhan Persyaratan Dokumen Calon Pekerja Migran Indonesia Di Kabupaten Ponorogo," *Novum : Jurnal Hukum* 4, No. 4 (2017): 38–45, <https://doi.org/10.2674/Novum.V4i4.24864>.

Preventive supervision (*a priori*) is carried out before a legal action or measure is undertaken through the dissemination of legal norms, technical guidance, and licensing mechanisms, with the objective of preventing irregularities or violations from occurring.³⁴ Conversely, repressive supervision (*a posteriori*) is corrective in nature and is carried out after a legal action has taken place, with the purpose of comparing the actual circumstances with the established plan or applicable requirements. Where violations are identified, such supervision may result in the imposition of administrative sanctions or the annulment of the relevant policy or administrative measure.³⁵

The relevance of the theory of administrative supervision is particularly significant to the role of the Department of Manpower in mitigating violations of the fundamental rights of Domestic Workers. Given that Domestic Workers perform their duties within private and largely inaccessible household environments, the combination of preventive supervision through educating employers and direct on-site supervision constitutes a critical determinant of the State's effective presence in protecting workers in the informal sector.³⁶ In Indonesia, optimizing these various forms of supervision, both internal supervision through enhancing the capacity of labor inspectors and external supervision through public participation, is crucial to ensuring that labor

³⁴ Nurul Aprianti Dkk., "Dualisme Model Pengujian Peraturan Daerah Pasca Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja," *Jurnal Ius Kajian Hukum Dan Keadilan* 9, No. 2 (2021): 472–85, <https://doi.org/10.29303/Ius.V9i2.919>.

³⁵ Hanif Hardianto Dan Ratna Herwati, "Ambiguitas Hasil Pemantauan Dan Evaluasi Dewan Perwakilan Daerah Terhadap Rancangan Peraturan Daerah Dan Peraturan Daerah," *Pandecta Research Law Journal* 15, No. 1 (2020): 93–110, <https://doi.org/10.15294/Pandecta.V15i1.23842>.

³⁶ Khoirul Hidayah, "Optimalisasi Pengawasan Ketenagakerjaan Di Kota Malang," *De Jure Jurnal Hukum Dan Syar'iah* 7, No. 2 (2015): 101–15, <https://doi.org/10.18860/J-Fsh.V7i2.3517>.

standards do not merely remain rules on paper, but are effectively implemented to guarantee the welfare and legal protection of Domestic Workers.³⁷

2. Theory of Legal Protection

The theory of legal protection developed by Philipus M. Hadjon is grounded in the recognition of human dignity and the protection of human rights vested in every legal subject. Hadjon distinguishes legal protection into two fundamental forms, namely preventive legal protection and repressive legal protection.³⁸ This distinction is based on the timing at which legal protection is afforded. Preventive legal protection focuses on measures aimed at preventing disputes from arising, whereas repressive legal protection is directed toward resolving disputes or legal violations after they have occurred.³⁹

Preventive legal protection is particularly significant in relation to governmental actions based on administrative discretion, as it encourages state officials to exercise caution in the decision-making process. Under this form of legal protection, individuals are afforded the opportunity to submit objections (*inspraak*) or express their views before a governmental decision is finalized. Its

³⁷ Azhari Dan Halim, "Hak-Hak Pekerja Rumah Tangga Dan Perlindungan Hukum Di Indonesia."

³⁸ Barzah Latupono, "Perlindungan Hukum Dan Hak Asasi Manusia Terhadap Pekerja Kontrak (Outsourcing) Di Kota Ambon," *Sasi* 17, No. 3 (2011): 59–59, <https://doi.org/10.47268/Sasi.V17i3.366>.

³⁹ Dwi Atmoko, "Efektivitas Peran Hubungan Industrial Pada Perusahaan Go Public Ditinjau Dari Uu Nomor 13 Tahun 2003 Tentang Ketenagakerjaan," *Jurnal Hukum Sasana* 6, No. 2 (2020): 203–14, <https://doi.org/10.31599/Sasana.V6i2.387>.

primary objective is to serve as an early preventive measure aimed at minimizing the potential for harm or violations of the rights of legal subjects.⁴⁰

In its implementation with respect to Domestic Workers, preventive legal protection is manifested through the establishment of legal instruments that provide legal certainty for workers in the domestic sector. Such measures include the formulation of clear labor regulations and the widespread dissemination of information concerning rights and obligations in order to enhance legal awareness among both Domestic Workers and employers. Furthermore, periodic supervision by the relevant authorities and the provision of accessible complaint mechanisms prior to the escalation of conflicts constitute essential preventive measures, enabling instances of exploitation and violence to be identified at an early stage.

Conversely, repressive legal protection refers to protection provided by the State after a dispute or legal violation has occurred, with the primary objective of resolving the matter. This form of protection functions as a law enforcement instrument that compels compliance with legal norms through investigative or examination procedures and the imposition of sanctions. Through repressive legal protection, the State intervenes to restore rights that have been violated and to provide legal certainty for victims through mechanisms available within judicial institutions and government administrative authorities.⁴¹

⁴⁰ Fahrul Ramdan Suwandi Dan Dodi Jaya Wardana, “Aspek Hukum Keberlakuan Bpjs Ketenagakerjaan Terhadap Perlindungan Dan Keamanan Kerja,” *Sibatik Journal Jurnal Ilmiah Bidang Sosial Ekonomi Budaya Teknologi Dan Pendidikan* 2, No. 1 (2022): 251–62, <https://doi.org/10.54443/Sibatik.V2i1.539>.

⁴¹ Suwandi Dan Wardana, “Aspek Hukum Keberlakuan Bpjs Ketenagakerjaan Terhadap Perlindungan Dan Keamanan Kerja.”

For domestic workers, repressive protection includes concrete state actions in dealing with reports of violations of fundamental rights, such as intensive inspections by labor supervisors of working conditions in the domestic space. Law enforcement also involves providing strict administrative sanctions for employers who are proven to have violated the provisions, as well as providing recommendations for dispute resolution to ensure the fulfillment of neglected workers' rights. This entire series of repressive actions is a form of state responsibility in ensuring that every violation of the law is not left without consequences. For Domestic Workers, repressive legal protection encompasses concrete measures undertaken by the State in addressing reports of violations of fundamental rights, including thorough examinations conducted by labor inspectors into working conditions within domestic settings. Such law enforcement measures also involve the imposition of appropriate administrative sanctions on employers found to have violated applicable legal provisions, as well as the provision of dispute-resolution recommendations to ensure the fulfillment of workers' rights that have been neglected or violated. Collectively, these repressive measures constitute an expression of the State's responsibility to ensure that violations of the law are not left without legal consequences.

Philipus M. Hadjon's Theory of Legal Protection is highly relevant to analyzing the extent to which the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province) performs its function in protecting Domestic Workers. By examining the preventive and repressive dimensions of legal protection, this study can assess the effectiveness of State

supervision through the variables of regulatory frameworks, legal dissemination, and the enforcement of administrative sanctions in response to violations of the fundamental rights of Domestic Workers. The application of this theory enables the study to determine whether the measures undertaken by the State are sufficiently effective to provide legal security for Domestic Workers before disputes arise, while also ensuring an equitable and decisive legal response when violence or exploitation occurs within the workplace.

3. Theory of Human Rights in Employment

The concept of human rights in employment relationships recognizes workers not merely as factors of production or economic assets, but as legal subjects whose human dignity must be respected and upheld.⁴² The protection of workers' rights constitutes an embodiment of the principle of social justice, whereby every individual is entitled to legal protection against exploitation and arbitrary conduct by parties in a stronger bargaining position.⁴³ From a human rights perspective, employment relationships should be founded upon the principle of equality, recognizing that workers' fundamental rights constitute an integral part of human rights that must not be diminished or derogated from under any circumstances.⁴⁴

⁴² Dani Amran Hakim Dan Budi Ispriyarso, "Pemenuhan Hak-Hak Tenaga Kerja Melalui Penerapan Corporate Social Responsibility Pada Suatu Perusahaan (Studi Penerapan Csr Di Pt. Great Giant Pineapple, Provinsi Lampung)," *Law Reform* 12, No. 2 (2016): 197–197, <https://doi.org/10.14710/Lr.V12i2.15874>.

⁴³ Ni Nengah Adiyaryani Dkk., "Pengenalan Hubungan Kerja Dan Penyelesaian Perselisihan Hubungan Industrial Kepada Siswa," *Buletin Udayana Mengabdi* 21, No. 1 (2022): 34–34, <https://doi.org/10.24843/Bum.2022.V21.I01.P06>.

⁴⁴ Marisa Amalia Putri, "Hak Pekerja Dalam Perspektif Hak Asasi Manusia," *Konstruksi Sosial*. 2, No. 2 (2024): 68–73, <https://doi.org/10.56393/Konstruksisocial.V1i8.1326>.

From a human rights perspective, employment relationships should be founded upon the principle of equality, recognizing that workers' fundamental rights constitute an integral part of human rights that must not be diminished or derogated from under any circumstances.⁴⁵ This provision guarantees that the State has an obligation to ensure that every citizen is able to attain a decent standard of living through humane and dignified employment. Violations of the rights guaranteed under the Constitution may constitute violations of human rights, as they undermine the fundamental rights of citizens to achieve material and spiritual well-being.⁴⁶

Furthermore, Law Number 13 of 2003 concerning Manpower serves as a specific legal instrument that elaborates upon these fundamental rights. Article 88 requires the provision of remuneration that ensures a decent standard of living in accordance with human dignity, while Article 99 regulates workers' entitlement to social security as a form of long-term economic protection.⁴⁷ This regulatory framework demonstrates that the protection of workers encompasses social welfare considerations aimed at providing workers and their families with security and

⁴⁵ Lalu Husni Dan Any Suryani Hamzah, "Pelaksanaan Hubungan Kerja Dengan Sistem 'Outsourcing' Se^{TEL}Ah Putusan Mahkamah Konstitusi No. 27/Puu-Ix/2011 Di Nusa Tenggara Barat," *Masalah-Masalah Hukum* 45, No. 3 (2016): 207–207, <https://doi.org/10.14710/Mmh.45.3.2016.207-215>.

⁴⁶ Andreansyah, *Perlindungan Hukum Tentang Pekerja Rumah Tangga (Prt) Mengenai Jam Kerja*.

⁴⁷ Andre Azka Hanifan Dan Sudahnan Sudahnan, "Perlindungan Hukum Pekerja Alih Daya Di Perusahaan Penyedia Jasa Pekerja Pailit," *Perspektif* 19, No. 2 (2014): 81–81, <https://doi.org/10.30742/Perspektif.V19i2.11>.

stability in their livelihoods, while simultaneously safeguarding their dignity in the workplace.⁴⁸

Beyond economic considerations, the theory of human rights in employment emphasizes the importance of protecting the physical and psychological integrity of workers through the principle of non-discrimination. Pursuant to Article 86 of Law Number 13 of 2003 concerning Manpower, every worker is entitled to protection of occupational safety and health, as well as treatment that respects human dignity,⁴⁹ This protection encompasses the right to be free from all forms of violence, sexual harassment, and psychological intimidation in the workplace, which are frequently experienced by workers in vulnerable sectors of employment.⁵⁰

From a theoretical perspective, the fulfillment of these fundamental rights constitutes a collective responsibility, particularly that of the State through its labor inspection and supervisory functions. The State is obligated to monitor, inspect, and ensure that minimum standards concerning wages, occupational safety, and fairness are effectively implemented by employers. Effective supervision constitutes a key instrument for ensuring that human rights regulations do not

⁴⁸ Zahra Zara Mahasin Dkk., “Wage Problems In Indonesia In The Human Rights Perspective (Case Of Inappropriate Wages For Pot Workers In Tangerang),” *The Indonesian Journal Of International Clinical Legal Education* 2, No. 1 (2020): 1–14, <https://doi.org/10.15294/ijicle.V2i1.37326>.

⁴⁹ Barzah Latupono, “Perlindungan Hukum Dan Hak Asasi Manusia Terhadap Pekerja Kontrak (Outsourcing) Di Kota Ambon,” *Sasi* 17, No. 3 (2011): 59–59, <https://doi.org/10.47268/Sasi.V17i3.366>.

⁵⁰ Putri Liyana Amalia, “Peran Korban Dalam Tindak Pidana Prostitusi Ditinjau Dari Victim Precipitation Theory (Studi Putusan Pn Surabaya),” Januari 2026.

remain merely written norms, but are translated into practice to protect workers from structural vulnerabilities within the employment relationship.

The Theory of Human Rights in Employment is highly relevant to this study as an analytical framework for evaluating the effectiveness of supervision in protecting the fundamental rights of workers, particularly those belonging to groups vulnerable to exploitation. This theory provides a normative framework for assessing whether fundamental aspects of employment, including decent wages, social security, and protection from violence, have been adequately fulfilled through the supervisory mechanisms implemented by the relevant authorities.⁵¹ By adopting a human rights-based approach, this study examines the extent to which the State has fulfilled its constitutional obligation to protect the dignity of workers and ensure their safety in the workplace. This approach enables the study to assess the effectiveness of the existing supervisory system and to identify whether the current mechanisms have succeeded in providing adequate protection for the fundamental rights of workers.

4. Theory of Maqashid al-Shariah

Maqashid al-Shariah constitutes a fundamental concept in Islamic law that seeks to realize *maslahah* (public benefit and welfare) for humankind in both this world and the Hereafter.⁵² In the context of employment, this theory holds that

⁵¹ Harin Nadindra Kirti, "Mendapat Bayaran Dibawah Ketentuan Upah Minimum Regional (Umr)," *Notarius* 11, No. 1 (2018): 68–68, <https://doi.org/10.14710/Nts.V11i1.23126>.

⁵² Lidia Febrianti Dkk., "Perlindungan Hukum Terhadap Upah Pekerja Kontrak Di Tinjau Dari Undang-Undang Ketenagakerjaan Indonesia Dan Hukum Islam," *Journal Of Economic, Bussines And Accounting (Costing)* 5, No. 2 (2022): 1755–64, <https://doi.org/10.31539/Costing.V6i1.4120>.

employment relationships should be founded upon the principles of justice, a balance between rights and obligations, and respect for human dignity.⁵³ For Domestic Workers, who often occupy a position of weak bargaining power, *Maqashid al-Shariah* serves as an ethical and legal framework for ensuring that their labor is not subject to exploitation, but is instead protected in order to achieve genuine well-being and prosperity (*falah*).⁵⁴

The protection of the fundamental rights of Domestic Workers is analyzed through the framework of *Al-Kulliyat Al-Khamsah* (the five essential objectives), whereby the fulfillment of workers' rights constitutes an integral part of preserving religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*).⁵⁵ For instance, the preservation of life (*hifz al-nafs*) requires that Domestic Workers be protected from physical and psychological violence and be afforded adequate rest periods. Meanwhile, the preservation of property (*hifz al-mal*) entails the provision of fair and timely remuneration commensurate with the workload performed, thereby preventing financial harm and hardship to workers.⁵⁶

⁵³ Rohma Vihana Enggardini Dan Moh Qudsi Fauzy, "Kesejahteraan Karyawan Perspektif Maqashid Syariah Pada Pusat Penelitian Kopi Dan Kakao," *Jurnal Ekonomi Syariah Teori Dan Terapan* 4, No. 8 (2017): 599–612, <https://doi.org/10.20473/Vol4iss20178pp599-612>.

⁵⁴ Muhammad Habibi Miftakhul Marwa Dkk., "Analysis Of Child Labor Rights Fulfillment Based On Maqashid Syariah," *Justisi* 10, No. 2 (2024): 489–504, <https://doi.org/10.33506/Js.V10i2.2861>.

⁵⁵ Vrinda Liana Anisa Alim Dan Muhammad Iqbal, "Tinjauan Maqashid Al-Syariah Terhadap Praktik Hutang Piutang Antara Badan Usaha Milik Desa (Bumdes) Dengan Masyarakat Desa (Studi Di Desa Lalowosula Kec. Ladongi Kab. Kolaka Timur)," *Fawaid: Sharia Economic Law Review* 3, No. 2 (2021), <https://doi.org/10.31332/Flr.V3i2.3291>.

⁵⁶ Soni Hari Triwasono Dkk., "Workers's Rights On Omnibus Law Seen From Islamic Perspective In The Context Of Maqasid Syariah," *Al-Insyiroh: Jurnal Studi Keislaman* 8, No. 2 (2022): 19–36, <https://doi.org/10.35309/Alinsyiroh.V8i2.5476>.

Substantively, fundamental rights in Islam encompass the right to fair remuneration, access to health protection, and humane and equitable treatment consistent with human dignity.⁵⁷ Islam strictly prohibits all forms of oppression in employment relationships, including the imposition of workloads that exceed human capacity without adequate compensation or sufficient periods of rest and recovery.⁵⁸ Violations of the fundamental rights of Domestic Workers, such as the withholding of wages or restrictions on their freedom to worship, directly contravene the fundamental objectives of the Shariah, which uphold social justice and the protection of vulnerable and disadvantaged persons (*mustadh'afin*).

The exercise of supervisory authority by the relevant institution, namely the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province), constitutes an implementation of the legal maxim *jalb al-masalih wa dar al-mafasid*, which reflects the active role of the government in pursuing public benefit and preventing harm within the public sphere. Labor supervision serves as a primary mechanism for ensuring that normative legal provisions, including those established under the Manpower Law, are effectively implemented in practice to protect Domestic Workers.⁵⁹ Without a robust supervisory function, the fundamental rights of Domestic Workers would remain

⁵⁷ Zulaikah Zulaikah, "Implementasi Maqashid Al-Syariah Dalam Penetapan Upah Minimum Pekerja Berbasis Keadilan," *Jurnal Justisia Ekonomika: Magister Hukum Ekonomi Syariah* 6, No. 1 (2022), <https://doi.org/10.30651/Justeko.V6i1.10689>.

⁵⁸ Ahmad Syafii Rahman Dkk., "Wanita Karir, Studi Kritis Perspektif Maqashid Syariah," *Ulumuddin: Jurnal Ilmu-Ilmu Keislaman* 12, No. 1 (2022): 1–18, <https://doi.org/10.47200/Ulumuddin.V12i1.940>.

⁵⁹ Muhammad Makhmuri Dan Mahbub Ainur Rofiq, "Perlindungan Hukum Bagi Pekerja Perjanjian Kerja Waktu Tertentu (Pkw) Perspektif Ham Dalam Islam Abdullahi Ahmed An-Na'im," *Muslim Heritage* 7, No. 2 (2022): 379–408, <https://doi.org/10.21154/Muslimheritage.V7i2.4951>.

merely provisions on paper, failing to prevent violations of their human rights within the domestic sphere.⁶⁰

The Theory of *Maqashid al-Shariah* is highly relevant to this study as it provides both a philosophical and normative foundation for evaluating the extent to which the supervisory function of the Department of Manpower and Transmigration of East Java Province (Disnakertrans of East Java Province) has been effectively implemented. Through the framework of *Maqashid al-Shariah*, this study examines whether supervision over violations of Domestic Workers' rights adequately fulfills the objectives of preserving life (*hifz al-nafs*), property (*hifz al-mal*), and human dignity, in accordance with the applicable statutory framework and Islamic values.

The relevance of this theory lies in strengthening the argument that State supervision should not be regarded merely as an administrative procedure, but also as a moral and legal obligation to uphold justice for Domestic Workers, who are frequently overlooked or insufficiently protected within the formal legal system.

⁶⁰ Mario Borneo Tarigan, "Juridical Review Of Legal Protection For Domestic Workers (Prt)," *Journal Of Law Science* 3, No. 1 (2021): 25–35, <https://doi.org/10.35335/Jls.V3i1.1651>.

CHAPTER III

RESEARCH METHODS

A. Types of Research

The type of research used in this thesis is empirical legal research. Empirical legal research is "a method of legal research that functions to see law in a real sense and examine how law works in society". Because this research examines people in living relationships in society, the empirical legal research method can be said to be sociological law research. It can be said that legal research is taken from the facts that exist in a society, legal entity or government institution.⁶¹

In the context of this study, what was studied was the implementation of Supervision of Violations of Fundamental Rights of Domestic Workers (PRT) from the perspective of the Law on Manpower and Sharia Maqashid (Study of the East Java Provincial Directorate of Transmigration). This research focuses on the reality of supervision in the field and the obstacles faced in protecting the rights of domestic workers.

B. Research Approach

The approach used in this study is: Sociological Approach. The *Sociological Approach* is an approach that analyzes how reactions and interactions occur when the norm system works in society. In addition, it is also known as the sociological approach to law. This approach is constructed as a social behavior that is unusual, institutionalized and gains social legitimacy.⁶²

⁶¹ Muhaimin,. "Metode Penelitian Hukum" (Mataram: Mataram University Press 2020) <https://Eprints.Unram.Ac.Id/20305/1/Metode%20penelitian%20hukum.Pdf>.

⁶² Muhaimin, "Metode Penelitian Hukum" (Mataram: Mataram University Press 2020) <https://Eprints.Unram.Ac.Id/20305/1/Metode%20penelitian%20hukum.Pdf>.

C. Research Location

The research was conducted at the East Java Provincial Office of Manpower and Transmigration, which is located in Surabaya. This institution was selected because it has the authority to provide guidance, conduct supervision, and enforce labor standards within the Province of East Java, including addressing various issues concerning the protection of workers' rights. Although domestic workers (PRTs) have employment relationship characteristics that differ from those of workers in the formal sector, the Office of Manpower and Transmigration continues to play a role in policy formulation, coordination, and supervision of the implementation of labor standards. Therefore, this research site is considered relevant for examining the implementation of supervision over violations of the fundamental rights of domestic workers from the perspectives of labor law and *maqashid al-shariah*.

D. Types and Types of Data Sources

1. Primery Data

Primary data is the main foundation in any analysis that requires reliability. The authenticity and high accuracy that characterize it guarantees undeniable integrity. As a direct source, this data is free from over-filtering or interpretation, ensuring that the information presented truly reflects pure reality. The circumstances reflected in the primary data provide invaluable value, revealing the true essence of the observed situation. This authenticity not only provides valid

information, but is also a key element in building solid analysis and informed decision-making.⁶³

2. Data Seconds

Secondary data is data obtained indirectly from the source (the object of research), but through other sources. Researchers get ready-made data collected by other parties in various ways or methods, both commercially and non-commercially.

- a. Primary legal materials, namely legal materials that have the power to judge juridically, consist of: the basic norms of Pancasila, the 1945 Constitution, the Tap MPR, UU/PERPU, Government Regulations, Presidential Regulations, Provincial Regulations, Regency/City Regulations and Laws and Regulations related to Manpower.
- b. Secondary legal materials, in the form of materials that are closely related to primary legal materials and can help analyze and understand primary legal materials, can be in the form of: invitations that are not valid, the results of scholars' scientific works, research results, journals and so on.

⁶³ Tiyas Vika, Achmad Irwan, Dan Fajar Dian, Metodologi Penelitian Dan Penulisan Hukum Teori Dan Praktek (Medan: Pt Media Penerbit Indonesia 2024), 35 .
[Http://Repository.Mediapenerbitindonesia.Com/429/1/T%2099%20-%20%28finish%20layout%29%20metodologi%20penelitian%20dan%20penulisan%20hukum%20teori%20dan%20praktek.Pdf](http://Repository.Mediapenerbitindonesia.Com/429/1/T%2099%20-%20%28finish%20layout%29%20metodologi%20penelitian%20dan%20penulisan%20hukum%20teori%20dan%20praktek.Pdf)

- c. Tertiary legal materials, in the form of complementary to secondary and tertiary legal materials, for example the legal dictionary (*Balack's law disctionary*), index and bibliography.⁶⁴

E. Data Collection Methods

1. Interview

Interviews are data collection techniques that are carried out through direct questions and answers between researchers and respondents to obtain information relevant to the research. Interviews were conducted in a structured or semi-structured manner with related parties at the East Java Provincial Directorate of Transmigration.

2. Literature Studies

Literature study is a data collection technique by examining literature, documents, and laws and regulations related to the problem being studied, especially the provisions in Law Number 13 of 2003 concerning Manpower.

3. Documentation

Documentation techniques are a way of collecting data through the study of written sources such as books, reports, meeting minutes, diaries and so on that contain data or information needed by researchers.⁶⁵

F. Data Processing Methods

⁶⁴Muhammad Syarif, Dkk, *Metode Penelitian Hukum*, (Padang: Get Press Indonesia), https://www.researchgate.net/profile/Mohamad-Hidayat-Muhtar/publication/381460823_Metode_Penelitian_Hukum/links/666e76f8de777205a32ff37b/Metode-Penelitian-Hukum.Pdf

⁶⁵ Rifa'i, *Pengantar Metodologi Penelitian*, (Yogyakarta: Suka Press 2021), 114
<https://digilib.uin-suka.ac.id/id/eprint/42716/1/Pengantar%20metodologi%20penelitian.Pdf>

Data analysis is the act of reducing data to a manifestation that can be understood and interpreted in a certain way so that the relationship of research problems can be examined and tested. Data analysis aims to answer research problems and prove the basic assumptions of the research (hypothesis); compiling and interpreting the data obtained; organize the data in a meaningful way so that it can be understood, making it easier for readers to understand the results of the research; explain the fit between the theory and the researcher's findings; and explain the arguments of the findings.⁶⁶ The data analysis in this study was carried out qualitatively. Qualitative data analysis is a data processing process that is carried out by organizing data, grouping, interpreting, and drawing conclusions based on systematic thinking logic.

The data analysis steps include:

1. Data reduction, which is the process of selecting and simplifying data obtained from field and literature studies.
2. Data presentation, which is the preparation of data in the form of a systematic description so that it is easy to understand.
3. Drawing conclusions, namely the process of formulating research findings regarding the effectiveness of supervision of violations of the fundamental rights of domestic workers based on the provisions of the Manpower Law

⁶⁶ Nur Solikin, *Pengantar Metodologi Penelitian Hukum*, (Pasuruan: Cv Penerbit Qiara Media 2021), 116
<https://Digilib.Uinkhas.Ac.Id/12273/1/Buku%20pengantar%20metodologi%20penelitian%20hukum-Nur%20solikin%20%281%29%20%281%29.Pdf>

and practices carried out by the East Java Provincial Directorate of Transmigration.

With this research method, it is hoped that the research can provide a comprehensive picture of the implementation of supervision of violations of the fundamental rights of domestic workers as well as the obstacles and efforts to resolve them from the perspective of labor law.

CHAPTER IV

RESULTS OF RESEARCH AND DISCUSSION

A. Research Results

The East Java Provincial Office of Manpower and Transmigration (Dinas Tenaga Kerja dan Transmigrasi Provinsi Jawa Timur/Disnakertrans Prov. Jatim) is a regional government agency responsible for administering governmental affairs in the fields of manpower and transmigration at the provincial level. In carrying out its duties, Disnakertrans Prov. Jatim assists the Governor in formulating, implementing, evaluating, and reporting policies in the fields of manpower and transmigration in accordance with the authority vested in the provincial government.

Institutionally, the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) comprises several divisions that support the implementation of its core functions, including Training and Productivity; Employment Placement and Expansion of Employment Opportunities; Labour Inspection and Occupational Safety and Health (OSH); the Secretariat of the Office of Manpower and Transmigration; Technical Implementation Units; as well as Industrial Relations and Social Security. This division of responsibilities demonstrates that Disnakertrans Prov. Jatim is not solely focused on the creation of employment opportunities, but also on the protection of workers, the supervision of labour standards, and the promotion of harmonious industrial relations.⁶⁷

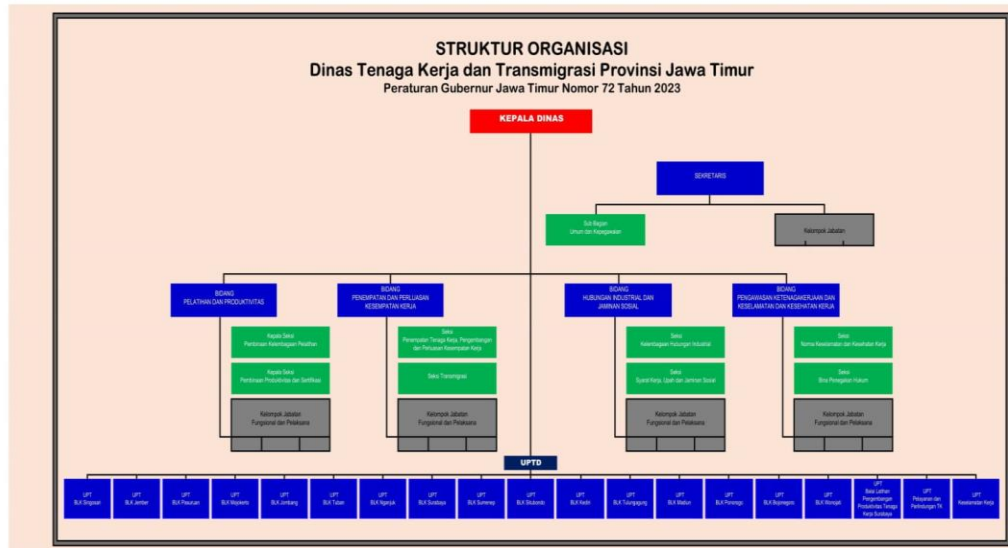
⁶⁷ Disnakertrans Provinsi Jawa Timur, Diakses Pada 9 Juli 2026, <https://Disnakertrans.25codes.Com/#>

With regard to its vision and mission, the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) supports the vision of the East Java Provincial Government to realize a just, prosperous, and excellent society grounded in strong moral values through participatory and inclusive governance. One of the missions relevant to the field of manpower is to promote socially just welfare, fulfill basic needs, and provide employment opportunities while taking into consideration vulnerable groups.

Figure 4.1 East Java Provincial Manpower and Transmigration Office



Figure 4.2 Structure of the East Java Provincial Directorate Transmigration



Based on the findings of the interviews, legal protection for domestic workers in Indonesia is understood as part of the fulfillment of every citizen's constitutional right to employment and fair treatment. Domestic workers are regarded as a vulnerable group due to the nature of their work within households, which constitute part of the informal sector, thereby making direct supervision difficult to carry out. This condition renders domestic workers particularly vulnerable to various forms of injustice within employment relationships.⁶⁸ However, the domestic workers referred to in this study are domestic workers placed under the protection and supervision of a Domestic Worker Placement Company (Perusahaan Penempatan PRT/P3RT), as regulated under Law No. 2 of 2026 concerning the Protection of Domestic Workers. Article 1 paragraph (6) of the

⁶⁸ Laila Nur Hayati, S.H., (Surabaya, 16 Juli 2026)

Law provides that: “A Domestic Worker Placement Company, hereinafter referred to as P3RT, is a legal entity that has obtained a business license to provide domestic worker placement services.”

The need for more specific legal protection for domestic workers arises from the distinct nature of their employment relationships compared to those of workers in the formal sector. Domestic workers are employed in private households, where working hours are often unclear, employment relationships are personal in nature, and workers may be vulnerable to exploitation, violence, discrimination, and the absence of social security protection. Therefore, specific legal regulation is necessary to ensure that the rights of domestic workers are adequately protected.⁶⁹

Prior to the enactment of the new Domestic Worker Protection Law, the protection of domestic workers was governed solely by Minister of Manpower Regulation No. 2 of 2015 concerning the Protection of Domestic Workers. This regulation was considered insufficient to provide optimal legal protection. Furthermore, the Manpower Law did not expressly recognize domestic workers as subjects within its regulatory scope, resulting in a legal protection framework that remained incomplete.

With regard to the most significant changes following the enactment of the new Domestic Worker Protection Law, Laila Nur Hayati, S.H. was unable to provide further clarification, as the Law had only recently been enacted and no dissemination or socialization had yet been conducted by the Ministry of Manpower

⁶⁹ Diah Meilanasari, S.Psi, (Surabaya, 16 Juli 2026)

of the Republic of Indonesia. A similar response was given when she was asked whether the new Law had addressed the shortcomings of the previous regulatory framework. Accordingly, at this initial stage, the concrete impact of the new Domestic Worker Protection Law cannot yet be elaborated in detail by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim).

Regarding the role of the Manpower Law prior to the enactment of the Domestic Worker Protection Law, it was explained that the Manpower Law essentially regulates employment relationships between employers and workers within companies. Since domestic workers are employed by individual households rather than companies, many of the provisions of the Manpower Law could not be directly applied to domestic workers. Therefore, prior to the enactment of the Domestic Worker Protection Law, the legal protection of domestic workers relied primarily on Minister of Manpower Regulation No. 2 of 2015 concerning the Protection of Domestic Workers.

Minister of Manpower Regulation No. 2 of 2015 was regarded as the primary legal basis for the protection of domestic workers prior to the enactment of the Domestic Worker Protection Law. This regulation governs employment relationships, the rights and obligations of domestic workers and employers, as well as the role of Domestic Worker Placement Companies (P3RT). Nevertheless, as it is only a ministerial regulation, its binding force and regulatory scope are considered limited when compared with those of a statute.⁷⁰

⁷⁰ Diah Meilanasari, S.Psi, (Surabaya, 16 Juli 2026)

In practice, Minister of Manpower Regulation No. 2 of 2015 has not been fully effective. This is attributable to several obstacles in its implementation. The most common challenges include the difficulty of conducting supervision due to the fact that the workplace is located in a private residence, the absence of reports from domestic workers, the informal nature of employment relationships, and the lack of integrated data on domestic workers.⁷¹

According to Diah Meilanasari, S.Psi., prior to the enactment of the Domestic Worker Protection Law, domestic workers received more limited legal protection compared to other formal-sector workers. Formal-sector workers are afforded comprehensive protection under the Manpower Law, including provisions concerning minimum wages, termination of employment, social security, working hours, overtime, and labour inspection. In contrast, domestic workers were protected only under Minister of Manpower Regulation No. 2 of 2015, which has a more limited regulatory scope.

With regard to the forms of supervision, Article 30 of the Domestic Worker Protection Law provides for the guidance and supervision of the implementation of domestic worker protection by the Central Government and Regional Governments. Such guidance and supervision are carried out by the ministry responsible for governmental affairs in the field of manpower or by the agencies responsible for manpower affairs at the provincial and regency/municipal levels. Such guidance and supervision may also be conducted in coordination with relevant institutions

⁷¹ Laila Nur Hayati, S.H., (Surabaya, 16 Juli 2026)

and encompass the collection and reporting of data on domestic workers, the involvement of government officials, the dissemination and evaluation of policies, the regulation of licensing and the imposition of administrative sanctions on Domestic Worker Placement Companies (P3RT), as well as the empowerment of neighbourhood and community associations (RT/RW) to prevent violence against domestic workers.

The complaint-handling mechanism at the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) is conducted through several channels, including direct complaints submitted to the Disnakertrans Prov. Jatim office, written complaints, telephone calls, online complaint services where available, as well as referrals through Domestic Worker Placement Companies (P3RT) or organizations providing assistance to domestic workers. Upon receipt of a complaint, an initial verification of its substance is conducted. If the complaint indicates a violation of labour regulations, labour inspectors conduct an examination, obtain statements from the parties concerned, and seek to resolve the matter within the scope of their authority. Where elements of a criminal offense are identified, the case is coordinated with law enforcement authorities. In the event of a dispute involving a P3RT, domestic worker, and/or employer, the dispute is resolved through deliberation and consensus, mediation facilitated by the head of the local neighbourhood or community association (RT/RW), or mediation

involving a mediator from the regency/municipal or provincial Office of Manpower and Transmigration.⁷²

The East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) also conducts public outreach for the community and users of domestic worker services concerning the respective rights and obligations of each party. Such outreach is carried out through seminars, legal counseling, social media, cooperation with local governments, and collaboration with Domestic Worker Placement Companies (P3RT). These activities are conducted by the relevant unit responsible for employment placement and vested with the authority and primary functions in this field.⁷³

When an alleged violation of the rights of domestic workers is identified, the procedures undertaken include the receipt of information or complaints, initial verification, examination of the parties concerned, clarification and collection of evidence, the provision of guidance or the issuance of an Inspection Memorandum (Nota Pemeriksaan) where an administrative violation is identified, as well as coordination with the Police where there are indications of a criminal offense, such as violence, human trafficking, or forced labour.⁷⁴

In handling domestic worker cases, the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) also coordinates with various relevant parties, including the Police where criminal elements are present,

⁷² Laila Nur Hayati, S.H., (Surabaya, 16 Juli 2026)

⁷³ Diah Meilanasari, S.Psi, (Surabaya, 16 Juli 2026)

⁷⁴ Diah Meilanasari, S.Psi, (Surabaya, 16 Juli 2026)

the Office of Women's Empowerment and Child Protection where the victim is a woman or child in need of protection, legal aid institutions or civil society organizations assisting the victim, as well as the local head of the neighbourhood or community association (RT/RW). Nevertheless, to date, no complaints have been received concerning the extent to which Disnakertrans Prov. Jatim may take enforcement measures against violations occurring within private household environments.⁷⁵

According to Diah Meilanasari, S.Psi., with regard to fundamental rights, no complaints concerning the violations most frequently experienced by domestic workers have been received to date. In the absence of reported cases, it has not yet been possible to specifically determine whether the most common violations concern wages, working hours, violence, or the absence of employment agreements. The fulfillment of fundamental rights of domestic workers, including fair wages, reasonable working hours, adequate rest periods, and a safe working environment, is considered to be in accordance with the applicable regulations.

With regard to awareness of rights, domestic workers are considered not to have a full understanding of their rights. Many of them have limited educational backgrounds or have never received legal education concerning their employment rights. Therefore, outreach and dissemination efforts by the government and civil society organizations remain highly necessary. On the other hand, users of domestic worker services or employers also do not fully understand their obligations, as some

⁷⁵ Laila Nur Hayati, S.H., (Surabaya, 16 Juli 2026)

members of society continue to perceive their relationship with domestic workers as a familial relationship rather than an employment relationship. With the enactment of the Domestic Worker Protection Law, it is expected that awareness and understanding of the respective rights and obligations of both parties will improve.

According to Laila Nur Hayati, S.H., the main obstacles to supervising domestic workers include the fact that their workplaces are located in private residences, the absence of complaints or reports from victims, the informal nature of their employment relationships, and the fact that not all domestic workers have been officially registered. These obstacles are influenced by a range of factors, including legal frameworks, human resources, budgetary constraints, and public awareness. The domestic nature of such work also presents a significant challenge, as supervision cannot be conducted in the same manner as it is in a company setting. Consequently, labour inspectors rely primarily on complaints and reports, inter-agency coordination, and a persuasive approach in carrying out their supervisory functions.

In practice, domestic workers continue to be classified as workers in the informal sector. However, following the enactment of the Domestic Worker Protection Law, the status of domestic workers as workers has received legal recognition, thereby giving greater consideration to their rights and obligations. This recognition also provides a basis for the government to strengthen supervision and protection. With regard to the challenges involved in proving violations occurring within private household environments, no complaints have been

received to date. Meanwhile, the data on domestic workers maintained by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) are obtained from Domestic Worker Placement Companies (P3RT).

The efforts undertaken by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) to address obstacles to supervision include disseminating information on the rights and obligations of domestic workers and employers through seminars, legal counseling, social media, cooperation with local governments, and collaboration with Domestic Worker Placement Companies (P3RT). Such dissemination activities are carried out by the relevant unit responsible for employment placement and vested with the authority and primary functions in this field. However, with regard to labour inspection and Occupational Safety and Health (OSH), no specific activities have yet been undertaken.

The handling of domestic worker cases is coordinated with the Police, the Office of Women's Empowerment and Child Protection (DP3A), legal aid institutions or civil society organizations, as well as the local head of the neighbourhood or community association (RT/RW). However, no specific training has been provided for officers responsible for handling domestic worker cases. Under the Domestic Worker Protection Law, dispute resolution is conducted through deliberation and consensus and mediation. Where a dispute cannot be resolved through deliberation, it may be resolved through mediation facilitated by the head of the local neighbourhood or community association (RT/RW) or by a mediator from the relevant manpower authority, with the dispute required to be

resolved no later than seven days from the date on which the complaint is received. In wage disputes, the mediator's decision is final and binding and must be implemented in good faith.

With regard to the new Domestic Worker Protection Law, its implications cannot yet be elaborated in detail because the Law was only recently enacted and no dissemination or socialization has yet been conducted by the Ministry of Manpower of the Republic of Indonesia. Nevertheless, it is expected that the enactment of the new Law will facilitate the enforcement of legal protection for domestic workers. The East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) has also not yet prepared any adjustment measures or technical guidelines for the implementation of the new Law. Nevertheless, one of the most important measures considered necessary for immediate implementation is the requirement to establish written employment agreements, so that the respective rights and obligations of the parties can be clearly defined.⁷⁶

B. Discussion

1. Forms And Mechanisms Of Supervision Employed By The Department Of Manpower And Transmigration Of East Java Province (Disnakertrans Of East Java Province) In Addressing Violations Of The Fundamental Rights Of Domestic Workers From The Perspectives Of Manpower Law

⁷⁶ Laila Nur Hayati, S.H.

The protection of domestic workers constitutes an important issue in the field of labour, as their work is often performed in environments that are difficult to access for supervisory purposes. Domestic workers perform their duties within private and domestic settings, where the enforcement and supervision of their rights cannot be carried out in the same manner as for workers in the formal sector. This condition places domestic workers in a vulnerable position and exposes them to various forms of violations, including those concerning wages, working hours, and treatment that is inconsistent with the principles of decent work.⁷⁷

The supervision conducted by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) concerning violations of the fundamental rights of domestic workers has, in principle, not yet been carried out directly and comprehensively in the same manner as the supervision of formal-sector workers. This is attributable to the nature of domestic work, which takes place within private household environments and is therefore difficult to reach through routine field inspections. Based on the interview findings, Disnakertrans Prov. Jatim's efforts to mitigate violations of the fundamental rights of domestic workers are predominantly preventive in nature, focusing primarily on guidance, the receipt of complaints, and coordination for follow-up actions when reports or indications of violations are received. Accordingly, the supervision carried out tends

⁷⁷ Fajrianto, "Perlindungan Hukum Terhadap Pekerja Rumah Tangga Dalam Perspektif Hak Konstitusional Dan Hambatan Penerapannya Di Indonesia," *Jurnal Al Azhar Indonesia Seri Ilmu Sosial*, No.3(2023): 161-167 [Http://Dx.Doi.Org/10.36722/Jaiss.V4i3.2347](http://Dx.Doi.Org/10.36722/Jaiss.V4i3.2347)

to be indirect and reactive, as the institution can generally identify such issues only after receiving a report from a relevant party.

Under the theory of administrative supervision, this supervisory pattern can be understood as having two dimensions, namely internal and external supervision. From an internal perspective, supervision is carried out through mechanisms within the governmental structure, particularly by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) as the institution vested with authority in the field of manpower. From an external perspective, however, supervision relies heavily on reports submitted by domestic workers, employers, or members of the public who become aware of violations. Accordingly, supervision of domestic workers does not rely solely on supervisory authorities, but also on the participation of external parties who serve as an initial source of information regarding potential violations. In this regard, the supervision conducted by Disnakertrans Prov. Jatim demonstrates a stronger characteristic of external supervision than internal supervision.

When examined in terms of its supervisory methods, the supervision conducted by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) concerning violations of the fundamental rights of domestic workers is predominantly indirect in nature. This is evident from the absence of routine and proactive field inspections, as domestic workers' workplaces are located within the private sphere. Consequently, supervision is primarily conducted through complaints, public outreach, and follow-up actions in response to reports received. This pattern indicates that supervision has not yet become fully

proactive, but remains dependent on initiatives taken by affected parties or others who become aware of violations. Therefore, such supervision may be categorized as indirect or passive supervision.

In terms of its nature, the supervision conducted by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) tends to be more repressive than preventive. Repressive supervision is evident when Disnakertrans Prov. Jatim takes action following an alleged violation or a complaint, for instance, concerning wages, working hours, or improper treatment of domestic workers. Although preventive elements remain present, particularly through public outreach and guidance, their role is not yet predominant. This indicates that efforts to prevent violations have not yet been implemented optimally, and that the protection of domestic workers remains highly dependent on the awareness of the parties involved and their willingness to report violations.

Overall, the interview findings indicate that the supervision conducted by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) concerning violations of the fundamental rights of domestic workers continues to face significant limitations, both in terms of supervisory access and the effectiveness of enforcement. The current supervisory framework is predominantly reactive rather than proactive and is characterized primarily by external, indirect, and repressive supervision. Therefore, it is necessary to strengthen the preventive supervisory function to ensure that the protection of domestic workers is not limited to measures taken after violations have occurred, but is also implemented from the outset through legal education, guidance, and increased public legal awareness.

Based on the interview findings, the forms and mechanisms of protection implemented by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) in addressing violations of the fundamental rights of domestic workers do not yet fully take the form of direct field supervision. Disnakertrans Prov. Jatim primarily carries out its functions through guidance, public outreach, the receipt of complaints, and coordination with relevant parties when reports or indications of violations are received. This mechanism demonstrates that the protection provided does not involve directly and continuously monitoring all employment relationships involving domestic workers, but rather relies heavily on reports from parties who become aware of or experience violations. This situation is closely related to the nature of domestic work, which takes place within private household environments, thereby limiting the State's capacity to exercise effective supervisory access.

The interview findings also indicate that the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) seeks to prevent violations through public education, particularly targeting employers, to promote an understanding of the rights of domestic workers and the obligations arising from employment relationships. This effort demonstrates an emphasis on early prevention, as the institution does not merely intervene after a violation has occurred, but also seeks to foster legal awareness in order to minimize the occurrence of violations. However, these preventive efforts have not yet been accompanied by intensive and systematic field supervision. In other words, Disnakertrans Prov. Jatim has not fully exercised active control at domestic

workers' workplaces, but continues to rely primarily on an administrative approach and a responsive mechanism for handling complaints.

When examined in light of the theory of legal protection, legal protection may be divided into two forms, namely preventive and repressive legal protection. Preventive legal protection is intended to prevent violations before a dispute arises, whereas repressive legal protection is intended to address and resolve violations that have already occurred.⁷⁸ Based on the interview findings, the legal protection provided by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) is predominantly preventive in nature, as reflected in its dissemination activities, guidance, and educational efforts directed toward employers and the wider community. These measures demonstrate an effort to prevent violations of the fundamental rights of domestic workers from occurring in the first place.

However, such protection cannot be characterized as exclusively preventive, as, in practice, Disnakertrans Prov. Jatim also takes more substantive action when complaints or allegations of violations are received. At this stage, the repressive function becomes apparent, as the institution follows up on violations that have occurred through coordination, clarification, and further action involving the relevant parties. Accordingly, the protection provided does not merely focus on prevention, but also encompasses the resolution of violations that have already

⁷⁸ Dwi Atmoko, "The Effectiveness Of The Role Of Industrial Relations In Public Companies Reviewed From Law Number 13 Of 2003 Concerning Manpower," *Sasana 6 Law Journal*, No. 2 (2020): 203 14, <https://doi.org/10.31599/Sasana.V6i2.387>.

arisen. Nevertheless, the repressive element remains less prominent than the preventive element.

Overall, it can be concluded that, to date, the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) has exercised its legal protection function with regard to domestic workers, although such protection remains limited in scope. The protection provided is predominantly focused on preventive measures through education and guidance, while direct field supervision has not yet been implemented optimally due to the private nature of domestic work environments. Therefore, the protection of domestic workers in practice is more appropriately categorized as preventive legal protection accompanied by repressive elements, rather than repressive legal protection as the dominant approach. This condition demonstrates that Disnakertrans Prov. Jatim has played a role in protecting domestic workers, but has not yet fully maximized its function in ensuring the protection of their fundamental rights.

Based on the theory of human rights in the context of employment, the protection of domestic workers constitutes part of the fulfillment of fundamental labour rights inherent in every individual, regardless of the nature of their occupation. Domestic workers are entitled to fair treatment, respect for human dignity, decent working conditions, and protection against harmful conduct. From this perspective, domestic workers should not be placed outside the scope of legal protection merely because they perform their work within private domestic environments. Accordingly, the recognition of the rights of domestic workers

constitutes an integral part of the protection of human rights in the field of employment.

This is consistent with Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms that every person has the right to work and to receive fair and decent remuneration and treatment in an employment relationship. This constitutional provision demonstrates that the protection of workers' rights is not limited to those in the formal sector, but also extends to domestic workers as citizens who possess equal legal status. Therefore, where inadequate working conditions, insufficient remuneration, or degrading treatment of domestic workers continue to occur, such circumstances indicate that the fulfillment of the constitutional rights that should be guaranteed by the State has not yet been optimal.

Furthermore, Article 88 of Law No. 13 of 2003 concerning Manpower affirms that every worker is entitled to income sufficient to provide a decent livelihood for humanity. This provision is significant in establishing that wages are not merely compensation for work performed, but also serve as a means of ensuring that workers can sustain their lives in a humane manner. In the context of domestic workers, this provision indicates that they should receive fair remuneration commensurate with the agreed terms and the workload undertaken. Where wages are not paid fairly or are inconsistent with the employment agreement, such circumstances may be regarded as a violation of the principle of labour protection.

Article 99 of Law No. 13 of 2003 further affirms that workers and their families are entitled to employment-related social security. This provision demonstrates the State's commitment to providing protection against risks that may arise within employment relationships. For domestic workers, access to social security is particularly important because they work under conditions that may expose them to occupational accidents, illness, and uncertainty arising from the nature of their employment relationships. Although its implementation in practice continues to face various challenges due to the informal nature of such employment relationships, this provision nevertheless demonstrates that, in principle, domestic workers are entitled to social protection on an equal basis with other workers.

Furthermore, Article 86 of Law No. 13 of 2003 affirms that every worker is entitled to protection with respect to occupational safety and health, morality and decency, as well as treatment consistent with human dignity and religious values. This provision is particularly relevant to domestic workers because their work is performed in close proximity to the private lives of their employers, thereby creating a considerable risk of violations of their dignity, honor, and security. Therefore, the protection of domestic workers concerns not only economic aspects, but also the protection of human values and decency within employment relationships.

It is within this context that the enactment of the new Domestic Worker Protection Law becomes significant, as it strengthens the State's recognition of domestic workers as legal subjects entitled to clearer and more specific legal protection. The enactment of Law No. 2 of 2026 concerning the Protection of

Domestic Workers demonstrates that the State no longer relies solely on general labour law provisions, but has instead given specific attention to the working conditions of domestic workers, which have often remained beyond the reach of effective supervision. With the enactment of the new Law, the status of domestic workers is further affirmed as part of the workforce entitled to legal protection, employment security, and respect for their rights.

Based on these provisions, it can be understood that the protection of domestic workers should be realized effectively in practice and not merely recognized at the normative level. In this regard, the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) plays an important role in translating human rights and labour law norms into concrete forms of protection, including through education, guidance, and the handling of violations that occur. However, because domestic work is performed within the private sphere, the implementation of such protection continues to face various obstacles. Consequently, the protection provided has not yet been fully effective and requires further strengthening to ensure that the rights of domestic workers are genuinely fulfilled in a fair and humane manner.

From the perspective of *maqashid al-sharia*, the protection of domestic workers is not merely regarded as a State obligation in the field of employment, but also as a concrete manifestation of the preservation of human welfare and interests as a whole. Islamic law regards human beings as subjects whose life, property, intellect, lineage, and dignity must be protected. Among these five fundamental objectives, the protection of domestic workers is most closely related to *hifz al-nafs*

(preservation of life) and *hifz al-mal* (preservation of property), as both are directly connected to the safety and well-being of workers and the economic rights that sustain their livelihoods. In this context, the enactment of the new Domestic Worker Protection Law may be understood as an instrument that supports the realization of these maqashid objectives within the context of domestic employment relationships.

From the perspective of *hifz al-nafs*, domestic workers constitute a highly vulnerable group because they perform their work within closed domestic environments that are difficult to monitor. Such vulnerability concerns not only the risk of physical violence, but also the risks of excessive fatigue, psychological distress, verbal abuse, and treatment that undermines their dignity. Islamic law requires individuals to refrain from exposing themselves or others to harm, as reflected in the prohibition against bringing oneself to destruction and in the fiqh principle that rejects all forms of harm and injury. Within this framework, legal protection for domestic workers—both through constitutional norms and the new Domestic Worker Protection Law—may be understood as an implementation of the obligation to safeguard human life from all forms of exploitation and violence that may arise within employment relationships.

In this regard, *hifz al-nafs* concerns not only physical safety but also the protection of the dignity and honor of workers as human beings. Domestic workers who are treated merely as helpers, without recognition of their fundamental rights as workers and as human beings, are placed in a position that is inconsistent with the principles of justice under Islamic law. A sound employment relationship should

place workers and employers within a relationship based on mutual respect, rather than one characterized by unilateral dominance. Accordingly, the enactment of the Domestic Worker Protection Law, which expressly regulates the rights of domestic workers, including working hours, rest periods, and protection against violence, may be regarded as a concrete measure to ensure that the lives, dignity, and honor of domestic workers are not undermined by inhumane working practices.

Meanwhile, from the perspective of *hifz al-mal*, the protection of domestic workers concerns the preservation of the economic rights inherent in workers. In Islamic teachings, wages constitute a right that must be paid fairly and in a timely manner, as benefiting from a person's labour without providing fair compensation constitutes a form of injustice. Domestic workers have historically faced issues concerning unclear wages, remuneration that does not correspond to the agreed terms, or compensation that fails to reflect the workload undertaken. Such circumstances are inconsistent with the principle of *hifz al-mal*, which requires that a person's property and economic rights not be unlawfully appropriated or unfairly diminished. The enactment of the new Domestic Worker Protection Law, through provisions concerning wages, social security, and certainty in employment relationships, may therefore be regarded as an effort to strengthen the protection of domestic workers' economic rights, ensuring that they are no longer treated merely as "helpers" without proper recognition of the value of their work.

Within the framework of *maqashid al-sharia*, *hifz al-mal* also encompasses the prevention of broader harm arising from unequal employment relationships. Domestic workers who lack certainty regarding wages, social security, or

employment protection may suffer long-term economic losses that adversely affect both themselves and their families. Islamic law emphasizes the importance of justice in *muamalah* (transactions and interpersonal dealings), including in employment agreements, such that every employment relationship should be established on the basis of clear and mutually beneficial terms. The new Domestic Worker Protection Law, through more detailed provisions concerning the rights and obligations of workers and employers, serves as an instrument to ensure that domestic employment relationships are conducted in accordance with the principle of justice and do not result in unilateral harm to domestic workers.

When considered in relation to the role of the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) and the interview findings, it can be observed that the protection of *hifz al-nafs* and *hifz al-mal* has not yet been fully realized in practice. Disnakertrans Prov. Jatim has carried out functions involving public outreach, guidance, and the handling of complaints as initial forms of protection. However, from the perspective of *maqashid al-sharia*, these efforts require further strengthening to ensure that the prevention of violations can be implemented more effectively. Maqashid emphasizes that preventing harm is preferable to merely remedying it after it has occurred. Therefore, the preventive functions of Disnakertrans Prov. Jatim—through education for employers, increasing domestic workers’ awareness of their rights, and strengthening complaint mechanisms—constitute important elements in the implementation of *hifz al-nafs* and *hifz al-mal* within the context of domestic worker protection.

Accordingly, the enactment of the new Domestic Worker Protection Law and the role of the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) in its implementation may be understood as two complementary aspects within the framework of *maqashid al-sharia*. The Domestic Worker Protection Law provides a normative foundation for protecting the lives and property of domestic workers, while Disnakertrans Prov. Jatim is responsible for translating this normative framework into concrete measures through supervision, guidance, and case handling. However, as long as protection remains predominantly reactive and has not fully reached domestic workplaces, the objectives of *maqashid al-sharia*—namely, the comprehensive preservation of the lives and property of domestic workers—have not yet been fully achieved. This underscores the importance of strengthening the role of Disnakertrans Prov. Jatim and enhancing community participation so that the protection of domestic workers becomes a social reality rather than merely a legal text confined to the normative sphere.

2. Supervision Conducted By The Department Of Manpower And Transmigration Of East Java Province (Disnakertrans Of East Java Province) In Protecting The Fundamental Rights Of Domestic Workers, As Well As The Measures Undertaken To Address The Obstacles Encountered In The Implementation Of Such Supervision.

The implementation of supervision by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) concerning the protection of the fundamental rights of domestic workers continues to face a number of structural and cultural obstacles. The primary obstacle relates to the

nature of domestic work, which takes place within private household environments and is therefore difficult to reach through direct supervisory mechanisms, as is the case in the formal business sector. Disnakertrans Prov. Jatim cannot freely conduct inspections of individual households due to limitations in its legal authority and the sensitive nature of the private sphere. Consequently, many domestic employment relationships remain unregistered and are not subject to regular monitoring.

Another obstacle identified from the interview findings is the low level of legal awareness among both domestic workers and employers. Many domestic workers do not fully understand their rights, do not have written employment agreements, and are reluctant or afraid to report violations when they occur. On the other hand, some employers continue to perceive domestic workers merely as “helpers” rather than as workers with clearly recognized rights and legal status. This perception affects the manner in which domestic workers are treated with regard to wages, working hours, and their day-to-day working conditions. The low level of legal awareness and willingness to report violations causes many violations of fundamental rights to remain unreported, thereby making it difficult for Disnakertrans Prov. Jatim to take appropriate enforcement measures.

Another obstacle concerns the limited availability of labour inspectors. The number of inspectors available is not commensurate with the geographical scope of the province and the volume of labour-related issues that must be addressed. Consequently, supervisory priorities are more heavily directed toward the formal sector and businesses with clearly identifiable establishments. In this context, domestic workers employed individually within private households do not

constitute a primary object of supervision. This limitation affects the capacity of Disnakertrans Prov. Jatim to conduct active and comprehensive supervision, resulting in supervision of domestic workers that tends to be reactive and dependent on complaints.

In addition, the interview findings indicate the existence of obstacles in inter-agency coordination and the handling of cases involving the private sphere. When violations against domestic workers occur, their handling does not involve the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) alone, but may also involve law enforcement authorities, institutions responsible for the protection of women and children, and other social institutions. Suboptimal coordination among these institutions may delay the handling of cases and weaken the deterrent effect against perpetrators of violations. These obstacles demonstrate that the protection of the fundamental rights of domestic workers has not yet been implemented as promptly and effectively as expected.

Amid these various obstacles, the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) continues to undertake efforts to fulfill its protective function toward domestic workers through measures available within the scope of its authority. Based on the interview findings, these efforts include public outreach and education directed at the community and employers concerning the importance of protecting the rights of domestic workers. Disnakertrans Prov. Jatim seeks to promote legal awareness by emphasizing that domestic workers are workers entitled to fair wages, reasonable working hours, and non-discriminatory treatment. Such outreach and guidance constitute preventive

and educational measures, although they have not yet been able to reach all households employing domestic workers.

In addition to public outreach, the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) also seeks to strengthen the complaint mechanism so that domestic workers and members of the public have clear channels through which to report violations. Complaints received are followed up through clarification, guidance, or coordination with other institutions where the violations involve violence or other serious forms of misconduct. In certain cases, Disnakertrans Prov. Jatim plays a role in facilitating resolution through persuasive approaches or legal proceedings, depending on the severity of the violation. These measures demonstrate that, although direct supervision of domestic workers' workplaces remains limited, Disnakertrans Prov. Jatim continues to fulfill its role in protecting workers' rights through administrative and responsive approaches.

Another effort identified from the interviews is the attempt to strengthen the internal capacity of labour inspectors, for example, through the allocation of geographical areas of responsibility, the development of more targeted inspection programs, and efforts to increase the number of labour inspectors. Although these measures do not specifically target domestic workers, strengthening the supervisory structure is expected to create greater capacity to provide enhanced protection for workers who have historically remained hidden within the domestic sector. These efforts reflect an institutional awareness that internal constraints must be addressed in order to enable supervisory functions to operate more effectively.

Based on the theory of administrative supervision, the obstacles faced by the East Java Provincial Office of Manpower and Transmigration (Disnakertrans Prov. Jatim) demonstrate that supervision concerning the protection of the fundamental rights of domestic workers has not yet been implemented optimally, both from the perspectives of internal and external supervision and of preventive and repressive supervision. Internal supervision concerns the institution's capacity to exercise control within the governmental structure, whereas external supervision concerns mechanisms of control involving parties outside the government. In the context of domestic workers, the limited number of labour inspectors, the extensive geographical scope of their work, and the greater prioritization of the formal sector demonstrate that internal supervision has not yet been fully capable of reaching the domestic sector. On the other hand, low levels of legal awareness and domestic workers' reluctance or fear of reporting violations indicate that external supervision, which relies heavily on public complaints, has likewise not operated effectively.

In terms of timing and the nature of implementation, the theory of administrative supervision distinguishes between preventive and repressive supervision. Preventive supervision is conducted before an action is carried out in order to prevent violations from occurring, whereas repressive supervision is conducted after an action has occurred to remedy or address wrongdoing. Based on the interview findings, Disnakertrans Prov. Jatim has implemented preventive supervision through public outreach and guidance; however, such supervision has not yet reached all households employing domestic workers. Meanwhile, repressive supervision is carried out when reports of violations are received. However, because

many violations remain unreported, the repressive function is likewise not fully effective. Accordingly, the existing obstacles demonstrate that both forms of supervision—preventive and repressive—continue to be constrained by structural and cultural limitations.

The theory of legal protection for workers ideally encompasses both preventive and repressive forms of protection. Preventive legal protection aims to prevent violations through clear regulations, public outreach, and guidance, whereas repressive legal protection aims to address violations that have already occurred through law enforcement mechanisms and the restoration of rights. In the context of domestic workers, the obstacles identified from the interview findings demonstrate that preventive protection has not yet been fully realized, as many workers and employers remain unaware of their respective rights and obligations. The outreach efforts conducted by Disnakertrans Prov. Jatim remain limited in scope and have not yet been able to significantly transform the culture of domestic employment relationships, which tends to be informal.

On the other hand, repressive legal protection has likewise not been implemented optimally, as many cases of violations remain unreported and, when reported, their handling is often hindered by limitations in inter-agency coordination and the sensitive nature of the private sphere. The theory of legal protection emphasizes that law enforcement mechanisms must be capable of providing legal certainty and a sense of security to protected parties. However, in the context of domestic workers, the willingness to report violations and access to dispute resolution mechanisms remain limited, resulting in repressive legal

protection not being fully experienced by workers. The efforts of Disnakertrans Prov. Jatim to strengthen complaint mechanisms and coordination with other institutions constitute an endeavor to align the practice of legal protection more closely with the ideal objectives of the theory. Nevertheless, the existing obstacles continue to result in protection being implemented only partially.

When analyzed from the perspective of human rights in the context of employment, the obstacles to supervision concerning the protection of the fundamental rights of domestic workers demonstrate a gap between the human rights norms guaranteed by the Constitution and their practical implementation. Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms that every person has the right to work and to receive fair and decent remuneration and treatment in an employment relationship. In the context of domestic workers, obstacles such as low levels of legal awareness, reluctance or fear to report violations, and limitations on supervision within private spaces demonstrate that these constitutional rights have not yet been fully guaranteed. The protection provided has not yet been sufficient to ensure that every domestic worker receives fair remuneration and decent treatment as affirmed by the constitutional provision.

Article 88 of Law No. 13 of 2003 affirms workers' right to income sufficient to provide a decent livelihood for humanity, while Article 99 affirms the right to social security, and Article 86 affirms the right to protection concerning occupational safety and health, as well as treatment consistent with human dignity. The supervisory obstacles described above demonstrate that, in practice, domestic

workers often remain beyond the effective reach of the fulfillment of these rights. Uncertainty concerning wages, the absence of social security coverage, and the risk of violence or inhumane treatment within domestic environments indicate that the protection envisaged by these provisions has not yet been fully realized for domestic workers. The efforts undertaken by Disnakertrans Prov. Jatim through public outreach, guidance, and the handling of complaints constitute measures to bridge human rights and labour law norms with social realities. Nevertheless, structural and cultural barriers continue to prevent the equal realization of these rights.

From this perspective, supervisory obstacles may be understood as factors that hinder the full realization of human rights protection for domestic workers. The preventive and repressive efforts undertaken by Disnakertrans Prov. Jatim should be viewed as part of an ongoing process aimed at narrowing this gap. The more comprehensive the public outreach, the more accessible the complaint mechanisms, and the more effective the coordination in law enforcement, the greater the likelihood that domestic workers will be able to enjoy the rights guaranteed under the 1945 Constitution and the Manpower Law. However, as long as the identified obstacles have not been addressed systematically, the protection currently provided remains not fully aligned with human rights standards and the fundamental labour rights established under the applicable laws and regulations.

CHAPTER V

CONCLUSION

A. Conclusion

Based on the results of research and discussion on Supervision of Violations of Fundamental Rights of Domestic Workers (PRT) from the perspective of the Law on Manpower and *Sharia Maqashid* (Study at the Provincial Directorate of Transmigration). East Java), then it can be concluded that:

1. Based on the analysis of the results of interviews and studies that have been conducted, it can be concluded that legal protection for domestic workers in East Java Province is still not optimal. Supervision carried out by the Disnakertrans tends to be passive, indirect, and more emphasizes preventive aspects through socialization and coaching, but lacks direct supervision in the field. This condition is exacerbated by the characteristics of the work that takes place in private spaces, so that supervision access is limited and depends on reports from related parties. In addition, the pattern of supervision that is more reactive and more prominent on external and repressive aspects shows protection that has not fully touched the preventive aspect as a whole. Normatively, the existence of the Domestic Worker Law is very important as a legal basis that emphasizes the rights of domestic workers and strengthens protection from economic, social, and humanitarian aspects. However, the realization of such protection in the field is still limited, and its implementation has not been able to reach all basic rights of workers effectively. From the perspective of sharia maqashid, the protection of workers' lives and property is

very relevant and should be a top priority, considering that workers are vulnerable to violence, harassment, and economic losses.

2. Based on this description, it can be concluded that the implementation of the supervision of the East Java Provincial Directorate of Transportation and Transportation on the protection of the fundamental rights of domestic workers still faces significant structural and cultural obstacles. The main obstacles include the characteristics of work in private spaces that make it difficult to supervise directly, low legal awareness and courage to report from workers and employers, limited supervisory resources, and inter-agency coordination that is not optimal. This condition causes the supervisory function to be more reactive, passive, and complaint-dependent, so that violations of workers' rights cannot be identified and dealt with thoroughly and effectively.

B. Suggestions

Based on the above conclusions, the researcher proposes several suggestions that are expected to be considered for related parties:

1. **Examining Active Supervisory Strategies:** Future research should investigate proactive supervisory models capable of overcoming the structural barriers associated with domestic work in private households, including technology-based monitoring mechanisms, community-based supervision, and collaboration with local communities. Further research should also evaluate the effectiveness of legal education and guidance programs in increasing the awareness and willingness of both domestic workers and employers to uphold workers' rights. In addition, research should explore community-based protection models by examining the role

of communities, social institutions, and civil society organizations in strengthening the supervision and protection of domestic workers' fundamental rights. These efforts are expected to ensure that the protection of domestic workers extends beyond normative recognition and is effectively, practically, and humanely implemented.

2. **Strengthening Supervisory Capacity and Expanding Field Supervision:** The capacity of labor inspectors should be strengthened by increasing the number of inspectors and providing specialized training on supervising employment relationships within private household settings. Field supervision should also be expanded through innovative and context-sensitive supervisory mechanisms that respect the privacy of households while ensuring effective protection of domestic workers' rights. Furthermore, complaint mechanisms should be strengthened through anonymous, accessible, and user-friendly digital platforms, supported by intensive public outreach to enhance awareness, reporting, and access to legal protection.

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Yth. Dekan Fakultas Syariah
UIN Maulana Malik Ibrahim Malang

Memperhatikan surat Saudara Nomor : 354/F.Sy.1/TL.01/04/2026 tanggal 4 Mei 2026 perihal Pemohonan Izin Penelitian, dengan ini kami sampaikan bahwa pada dasarnya kami **tidak keberatan dan memberikan ijin** untuk melaksanakan penelitian kepada mahasiswa sebagai berikut

N a m a : **Ayu Salma Damayanti**
NIM : 220202110132
Pekerjaan : Mahasiswa
Institusi : Universitas Islam Negeri Maulana Malik Ibrahim Malang

Adapun Penelitian yang bersangkutan berjudul "**Pengawasan Terhadap Pelanggaran Hak Fundamental Pekerja Rumah Tangga (PRT) Perspektif Undang-Undang Ketenagakerjaan dan Mawashid Syariah (Studi di Dinas Tenaga Kerja dan Transmigrasi Provinsi Jawa Timur)**" dilaksanakan mulai 11 Juni 2026 s/d 11 Agustus 2026 bertempat di Dinas Tenaga Kerja dan Transmigrasi Provinsi Jawa Timur Jl. Dukuh Menanggal 124-126 Surabaya dengan tetap memperhatikan protokol pencegahan penyebaran COVID-19 sebagaimana Surat Edaran Gubernur Jawa Timur Nomor: 800/5507.5/204.3/2020 tanggal 30 Juni 2020, yakni dengan menggunakan masker, social distancing dan menerapkan Pola Hidup Bersih dan Sehat dengan mencuci tangan.

Demikian untuk dipergunakan sebagaimana mestinya

a.n. Kepala Dinas Tenaga Kerja dan
Transmigrasi Provinsi Jawa Timur
Sekretaris,



Agus Gunawan, S.H., M.H
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Badan Sertifikasi Elektronik (BsrE), BSSN





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NOTA DINAS

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Nomor : 100.3.12/324/108.1/2025
Sifat : Biasa / Terbuka
Lampiran : -
Hal : Penempatan Penelitian

Memperhatikan surat Dekan Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang Nomor : 354/F.Sy.1/TL.01/04/2026 tanggal 4 Mei 2026 perihal Pemohonan Izin Penelitian, dengan ini disampaikan bahwa terdapat mahasiswa yang akan melaksanakan penelitian/pengambilan data pada Unit Kerja Saudara atas nama

N a m a : **Ayu Salma Damayanti**
NIM : 220202110132
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Adapun Penelitian yang bersangkutan berjudul "**Pengawasan Terhadap Pelanggaran Hak Fundamental Pekerja Rumah Tangga (PRT) Perspektif Undang-Undang Ketenagakerjaan dan Mawashid Syariah (Studi di Dinas Tenaga Kerja dan Transmigrasi Provinsi Jawa Timur)**" dilaksanakan mulai 11 Juni 2026 s/d 11 Agustus 2026 bertempat di Dinas Tenaga Kerja dan Transmigrasi Provinsi Jawa Timur Jl. Dukuh Menanggal 124-126 Surabaya dengan tetap memperhatikan protokol pencegahan penyebaran COVID-19 sebagaimana Surat Edaran Gubernur Jawa Timur Nomor: 800/5507.5/204.3/2020 tanggal 30 Juni 2020, yakni dengan menggunakan masker, social distancing dan menerapkan Pola Hidup Bersih dan Sehat dengan mencuci tangan.

Demikian atas perhatian dan bantuannya kami sampaikan terima kasih

Sekretaris



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Appendix 2. Research Permit



Appendix 3. Interview with Disnakertrans Prov. Jatim



Appendix 3. Interview with Ms. Sarianah

CURRICULUM VITAE



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