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## **Legal Practices of Employment Agreements, Power Relations, and Political Identity of Indonesian Women Domestic Workers**

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**Abstract:** This research aims to analyze the legal practice of the employment agreement of women domestic workers when they enter into a work contract with their employers in Surakarta City, then to identify patterns of power relations between women domestic workers and their employers when they make their work agreements, and finally to explain the identity politics that attached to women domestic workers when they work in their employer's family. To analyze this phenomenon, a socio-legal study with a qualitative research approach is used. The results of the study show that the practice of working agreements between women domestic workers and their employers even though the work agreements are made in writing, but in fact the values are in accordance with the essence of contract law as regulated in the provisions of the Civil Code (KUHPperdata). The work agreement shows a contractual and contextual dimension. The working relationship between them is based on a sense of interdependence and high trust between one another. This pattern of giving and receiving can ultimately able to reflect the existence of an equal power relationship between the two when making a work agreement. Even though women domestic workers have been labeled as helpless, they have a confident character and are autonomous in completing their work agreements. This equal relationship can make the relationship between the two very close and intense. This condition has implications for the political transformation of the identity of women domestic workers from outsiders who become part of the insider of the temporary employer's family

**Keywords:** Women Domestic Workers; Legal practices; Power Relations; Identity Politics

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**Abstrak:** Riset ini bertujuan untuk menganalisis praktik hukum perjanjian kerja perempuan pekerja rumah tangga pada saat melakukan kontrak kerja dengan majikannya di Kota Surakarta, kemudian mengidentifikasi pola relasi kuasa antara perempuan pekerja rumah tangga dengan majikannya pada saat mereka membuat perjanjian kerjanya, dan terakhir untuk menjelaskan politik identitas yang melekat pada diri perempuan pekerja rumah tangga pada saat mereka bekerja di keluarga majikannya. Untuk menganalisis fenomena ini, socio legal studi dengan pendekatan penelitian kualitatif digunakan. Hasil studi menunjukkan bahwa praktik perjanjian kerja antara perempuan pekerja rumah tangga dengan majikannya meskipun perjanjian kerjanya dibuat secara tidak tertulis, akan tetapi ternyata nilai-nilainya sesuai dengan esensi hukum perjanjian yang diatur dalam ketentuan-ketentuan di dalam Kitab Undang-Undang Hukum Perdata (KUHPerduta). Perjanjian kerjanya menunjukkan adanya dimensi kontraktual dan kontekstual. Hubungan kerja diantara mereka didasarkan pada adanya rasa saling ketergantungan dan kepercayaan yang tinggi antara satu dengan lainnya. Pola saling memberi dan menerima ini pada akhirnya mampu merefleksikan adanya relasi kuasa yang setara antara keduanya pada saat membuat perjanjian kerja. Perempuan pekerja rumah tangga meskipun selama ini dilabeli sebagai sosok yang tidak berdaya, akan tetapi mereka memiliki karakter percaya diri, dan otonom dalam membuat kesepakatan pekerjaan mereka. Relasi yang setara ini mampu membuat hubungan antara keduanya menjadi sangat dekat dan intens. Kondisi ini berimplikasi pada transformasi politik identitas perempuan pekerja rumah tangga dari sosok orang luar yang menjadi bagian orang dalam bagi keluarga majikan yang bersifat sementara.

**Kata kunci:** Perempuan pekerja rumah tangga; praktik hukum; relasi kuasa; politik identitas

## Introduction

The issue of women as domestic workers in Indonesia is always exciting to study because it is related to human rights issues.<sup>1</sup> Indonesia is a welfare state based on paragraph 4 of the Preamble of the Constitution of the Republic of Indonesia (UUD RI 1945), Article 27 paragraph <sup>2</sup> of the UUD RI 1945 said

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<sup>1</sup> M D Basirulla and Farhat Tasnim, "Nature of Human Rights Violation on Female Garments Workers in Bangladesh," *Khazanah Hukum* 5, no. 1 (2023): 1–17.

<sup>2</sup> Wahyu Widodo and Toebagus Galang, "Poverty, Evictions and Development: Efforts to Build Social Welfare Through the Concept of Welfare State in Indonesia," in *3rd International Conference on Globalization of Law and Local Wisdom (ICGLOW 2019)* (Atlantis Press, 2019), 260–63.

that "every citizen has the right to work and a decent living for humanity". In addition, Indonesia has ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which is law number 7 of 1984. It is known as the women's convention.<sup>3</sup> Therefore, the state is responsible for creating welfare for all people.<sup>4</sup> As a consequence, the state was obliged to recognize, promote and protect the rights of women as workers, without discrimination. The real form of the state's responsibility is to make laws regarding the protection of women as domestic worker.<sup>5</sup> In fact, until now Indonesia does not have a law on protection for them.<sup>6</sup> The issue of women as domestic workers is interesting to study for other reasons, interesting to learn for different reasons. They are the complex aspects surrounding it has become essential to the global community along with the rise of women migrant workers,<sup>7</sup> the absence of recognition of the role of domestic worker<sup>8</sup> the lack of state legal protection,<sup>9</sup> domestic worker is a professional group that will exist forever,<sup>10</sup> The number of domestic workers is not limited to the

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<sup>3</sup> Yordan Gunawan, Martinus Sardi, and Khairunnisa Khairunnisa, "Perspective Of Convention On The Elimination Of All Forms Of Discrimination Against Women (Cedaw) On The Cyber Harassment In Indonesia," *DiH: Jurnal Ilmu Hukum*, (2020), <https://doi.org/10.30996/dih.v16i1.2857>.

<sup>4</sup> Widodo and Galang, "Poverty, Evictions and Development: Efforts to Build Social Welfare Through the Concept of Welfare State in Indonesia."

<sup>5</sup> Muhammad Falah Dawanis, Faya Maritza Dahayu Anggani, and Dea Safira Setiono, "Perlindungan Hukum Atas Pelanggaran Hak Asasi Manusia Terhadap Pekerja Rumah Tangga Dalam Sektor Bisnis Penyaluran Pekerja Rumah Tangga Di Indonesia," *Jurist-Diction*, (2022), <https://doi.org/10.20473/jd.v5i3.35786>.

<sup>6</sup> Yulianto Syahyu, "Legal Protection of Domestic Workers from A National Law Perspective," *Lambung Mangkurat Law Journal*, (2021), <https://doi.org/10.32801/lamlaj.v6i2.260>.

<sup>7</sup> Sylvia Yazid, "Indonesian Labour Migration: Identifying the Women," *Jurnal Global & Strategis* 9, no. 1 (2018): 49, <https://doi.org/10.20473/jgs.9.1.2015.49-62>.

<sup>8</sup> Anweshaa Ghosh, "Recognizing Invisible Work: The Women Domestic Workers' Movement in Bangladesh," *Asian Journal of Women's Studies*, (2021), <https://doi.org/10.1080/12259276.2021.1965365>.

<sup>9</sup> Mario Borneo Tarigan, "Juridical Review Of Legal Protection For Domestic Workers (PRT)," *Journal of Law Science*, (2021), <https://doi.org/10.35335/jls.v3i1.1651>.

<sup>10</sup> Fölster Kaj, "Paid Domestic Work in Germany. Report on the Legal Reforms and the Different Initiatives in Order to Create More Regular Employment in Domestic Work in Germany," in *Conference Labour Market and Social Policy—Gender Relations in Transition* (Brus: UNRISD, 1999), 107.

labor market,<sup>11</sup> they often experience violence and discrimination,<sup>12</sup> and they are even exploited like slaves.<sup>13</sup> CARE Migrant and JALA-PRT data show that working as a domestic worker member has become a magnet and a job market for women from rural areas and have low education to work in the informal sector. ILO data shows that in 2017, there are around million people the number of domestic workers worldwide and 11.5 million or 17.2% of whom are migrant domestic workers.<sup>14</sup> Where as in Indonesia itself, based on data from the National Labor Force Survey (SAKERNAS) and the central statistic agency (BPS) in 2019, there are more than half of the national workforce or around 70.49 million people working in the informal sector and 61% of them are women workers.<sup>15</sup> Domestic worker plays an essential role for families, communities, and even the country. Under certain conditions, women are encouraged to increase their income by working in various sectors, also play a large role in the family economy one of them being a domestic worker.<sup>16</sup> For example, the country's foreign exchange earned from migrant workers in the year reached 119 trillion.<sup>17</sup> Even though this figure has not yet calculated the source of income from domestic domestic worker, unfortunately, their contribution is often not seen in the economic

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<sup>11</sup> Zirwatul Asilati, Tan Siew Ee, and Tan Phek Suan, "Foreign Housemaids in Negara Brunei Darussalam : An Analysis of a Secondary Labour Market," (2020), 1–2.

<sup>12</sup> Anita Dhewy, "Discrimination, Violence and Disregard of Right: Status of Domestic Workers in the Absence of Legal Protection for Domestic Workers," *Jurnal Perempuan* 22, no. 3 (2017): 261–71, <https://doi.org/10.34309/jp.v22i3.197>.

<sup>13</sup> John C. Marquez, "The Many Faces of Slavery," *Latin American Research Review*, (2023), <https://doi.org/10.1017/lar.2022.102>.

<sup>14</sup> Titan Listiani, "An Analysis of Gendered Labor Migration in Rural Indonesia: A Case Study of the Indramayu Regency, West Java, Indonesia," *政策科学 [Social Policy]* 25, no. 1 (2017): 153–69.

<sup>15</sup> Bryce L. Jorgensen et al., "Forming Financial Vision: How Parents Prepare Young Adults for Financial Success," *Journal of Family and Economic Issues* 40, no. 3 (2019): 553–63, <https://doi.org/10.1007/s10834-019-09624-4>.

<sup>16</sup> Yogita Beri, "A Study On Female Domestic Workers In India," *Journal of Interdisciplinary Cycle Research*, (2020).

<sup>17</sup> D Rakhmawati, "Hubungan Hukum Pekerja Rumah Tangga (PRT), Pengguna PRT, Dan Lembaga Penyalur PRT (LPPRT) Kota Semarang Perspektif Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan." (2019).

displacement traffic at the global<sup>18</sup> and national levels.<sup>19</sup>As a result, the state's partiality to the domestic worker profession has not yet been maximized, especially in developing and third-world countries, including Indonesia.

Protection of domestic workers in Indonesia is still a dream because there has been no regulation.<sup>20</sup> Currently, the only existing legal regulation is Act Number 13/2003 concerning Labor Law but its content does not acknowledge domestic worker as a formal worker, because they are considered as informal workers.<sup>21</sup> The labor law only provides protection for the rights of formal and domestic workers (employers) are not as easy as the relationship between workers and providers work as in industrial relations in general as stated in the Act No. 13 of 2003 concerning labor law workers. Household relations and employers are not as easy as the relationship between workers and providers work as in industrial relations in general as stated in the Act No. 13 of 2003 concerning labor law. Syarief & Rianto said the existence of domestic workers has not been recognized by all parties as the same workforce as other workers such as factory workers, companies and others. they are still considered as helpers, so they are included in the scope of "informal" work.<sup>22</sup> The issuance of Ministerial Regulation No.2 of 2015 on the Protection of Domestic Workers (Minister of Manpower Regulation Number 2/2015) concerning Protection of Domestic Workers has not provided complete legal protection for domestic worker. Minister of Manpower Regulation No.2/2015 does not specify the rights of workers such as regulation of working hours, the right to communication and association, weekly leave and leave annual, standardization of wages, rest periods ect. Lita Anggreani said if the rights are stated in Minister of Manpower Regulation

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<sup>18</sup> Nur Hidayati, "Perlindungan Terhadap Pembantu Rumah Tangga (PRT) Menurut Permenaker No . 2 Tahun 2015," *Ragam Jurnal Pengembangan Humaniora* 14, no. 3 (2014): 213–17.

<sup>19</sup> Yuying Tong and Niantao Jiang, "Much Ado About Nothing? Do Foreign Domestic Workers in Hong Kong Benefit From Capital Accumulation?," *American Behavioral Scientist*, (2020), <https://doi.org/10.1177/0002764220910236>.

<sup>20</sup> Fithriatus Shalihah and Retno Damarina, "The Urgency of Legal Certainty in the Protection of Domestic Workers in Indonesia: A Study in Yogyakarta City," (2022), <https://doi.org/10.4108/eai.18-9-2022.2326039>.

<sup>21</sup> Chris Tilly, "Informal Domestic Workers, Informal Construction Workers and the State," in *The Informal Economy Revisited*, (2020), <https://doi.org/10.4324/9780429200724-44>.

<sup>22</sup> Darmoyo Syarief and Adi Rianto, *Trafiking Anak* (Jakarta: Pusat Kajian Pembangunan Masyarakat Unika Atmajaya, 2004).

Number 2/2015 is not clarified governance in the law.<sup>23</sup> Domestic worker like domestic workers will be a slavery in modern society.<sup>24</sup> It should be the state ended slavery in Indonesia.<sup>25</sup> As a result, domestic workers' role as workers is also invisible, prone to experiencing inequality of relations, discrimination, violence, and exploitation.<sup>26</sup>

Literature study to describe the position of this study is different from other studies by using some parameters. They are relevance and related to the focus of the study. Previous studies on power relations between domestic workers, among others, were conducted by Mary Romero. She said that the relationship between domestic workers and their employers is dynamic, according to the situation and current developments. Before the industrial revolution, the relationship was feudal-paternalistic. But after the industrial revolution is individualistic–democratic, so that the relationship between domestic workers and employers is no more than a mere employment relationship.<sup>27</sup> Ham said that the domestic workers is a study of the potential and risks for domestic workers in carrying out their work. This research discusses the creative space created by work, intellectual and ethical disturbances when it is in the public audience.<sup>28</sup> Research on domestic workers was also conducted by Rohan Ravindra and Arun Jacob. They examined the impact of minimum wage laws. This research only focuses on how the implementation of minimum wage laws is vulnerable to traps that will be detrimental to the informal sector workers or domestic workers.<sup>29</sup> The unbalanced relationship between domestic workers and employers is strengthened by the dependence of domestic workers on their employers

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<sup>23</sup> Anggreani Lita, "Webinar: Hari Pekerja Rumah Tangga Internasional Tahun 2020," neverokayproject.org, (2020).

<sup>24</sup> Marco Gardini, "The Risk of Sliding Down," *American Ethnologist*, 2020, <https://doi.org/10.1111/amet.12909>.

<sup>25</sup> Hidayati, "Perlindungan Terhadap Pembantu Rumah Tangga (PRT) Menurut Permenaker No. 2 Tahun (2015)."

<sup>26</sup> Rakhmawati, "Hubungan Hukum Pekerja Rumah Tangga (PRT), Pengguna PRT, Dan Lembaga Penyalur PRT (LPPRT) Kota Semarang Perspektif Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan."

<sup>27</sup> Mary Romero, "Sisterhood and Domestic Service: Race, Class and Gender in the Mistress-Maid Relationship," *Humanity & Society*, (1988), <https://doi.org/10.1177/016059768801200402>.

<sup>28</sup> Julie Ham and Merina Sunuwar, "Experiments in Enchantment: Domestic Workers, Upcycling and Social Change," *Emotion, Space and Society* 37, no. August (2020): 100715, <https://doi.org/10.1016/j.emospa.2020.100715>.

<sup>29</sup> Rohan Ravindra Gudibande and Arun Jacob, "Minimum Wages for Domestic Workers: Impact Evaluation of the Indian Experience," *World Development* 130 (2020): 104943, <https://doi.org/10.1016/j.worlddev.2020.104943>.

economically so that the bargaining power of domestic workers is weak which results in domestic workers having space to voice their interests and their needs become narrow.<sup>30</sup> Meanwhile, Wijayanti's study results show that the reconfiguration of migrant worker figures in the work of Migrant Workers' Diary has a significant role in shaping the personal identity of women migrant workers in Hong Kong<sup>31</sup>.

This study aims to complement previous studies. This study will discuss, how is the legal practice of the work agreement of women domestic workers when they enter into a work contract with their employers in the city of Surakarta? what is the pattern of power relations between women domestic workers and their employers when they make their work agreements? and how is identity politics attached to women domestic workers when they work in their employer's family?. With the problems raised above, the contribution of this paper is the mapping of the legal practice of work agreements between women and employers in Surakarta city, the pattern of power relations when they make work agreements and their identity politics. In addition, the results of this paper can be used as material for consideration for the government in drafting laws on domestic workers to provide legal protection for domestic workers and can be used as important material for NGOs and universities to create advocacy, education and empowerment programs that provide added value. for women domestic workers.

With the problems raised above, the contribution of this study is a mapping of the legal practice of employment agreements, power relations between both, and identity politics between domestic workers and employers in the city of Surakarta, besides that the results of this paper can be used as a consideration for the government in making a law. Legal protection for domestic worker and can be used as an essential material for NGOs and colleges to create advocacy, education and empowerment programs that provide added values to women domestic workers.

This research is qualitative research,<sup>32</sup> with a socio-legal approach. This approach is made because it is to describe how the work agreement law works in the community. The data source used as primary data sources and secondary data sources. Primary data sources were extracted directly from the

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<sup>30</sup> Pusponugroho Diar Rizki, "Relasi Kuasa Majikan Dan Asisten Rumah Tangga Dalam Pemenuhan Jasa Pekerjaan Domestik" (UNNES, 2018).

<sup>31</sup> Jamila Wijayanti, "Identitas Personal: Refigurasi Pembantu Rumah Tangga Tenaga Kerja Wanita Di Hong Kong Dalam Teks Diary Buruh Migran Karya Arsyia Kirana," *Kode: Jurnal Bahasa* 7, no. 1 (2018): 21–32, <https://doi.org/10.24114/kjb.v7i1.10114>.

<sup>32</sup> John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Inggris: Sage publications, 2017).

field either by observation or in-depth interviews and survey. Interviews were conducted both in-person and by telephone and WhatsApp. The data obtained are informant profiles, such as age, education level, region of origin, motivation to work as domestic workers and employer's motivation to hire domestic workers, wage rate, type of household work, facilities received, freedom in making agreements and forms of work agreements. Meanwhile, secondary data was extracted from relevant literature sources with the research theme raised. The key informants in this study were 50 informants, 25 informants of women domestic worker and 25 informants of women employers selected by purposive sampling with a range of ages 18 to 47 years. The women domestic worker selected with the following criteria: a. comes from the Solo Raya area, b. married, widowed and single, c. The have children or not, d. residing in the employer's house, and e. already have work experience of more than three years. Meanwhile, the criteria for employers are: a. they domiciled in the city of Surakarta, b. they had a women domestic workers for more than three years, c. husbands and wives working or not working, and families with children. This informant retrieval was developed using the snowball method. These various informants are intended to obtain data that is close to the real reality, so that objectivity is maintained. Research instruments are researchers with multiple tools.

Secondary data consists of primary legal materials, such as the Constitution of the Republic of Indonesia (UUD RI 1945), Labor Law (Constitution 13/ 2003) and The issuance of Ministerial Regulation No.2/2015 on the Protection of Domestic Workers (Minister of Manpower Regulation No.2/ 2015), then secondary legal materials, such as books, journals and reference sources relevant to the theme of research and tertiary legal materials, such as law dictionaries. Adaptability and flexibility in data mining are essential factors for comprehensively disclosing data, considering that matters relating to the domestic worker profession are quite sensitive, especially when it comes to salary issues. The validity of the data in the study rests on the degree of confidence through the validity of observation and triangulation techniques. Triangulation techniques of data sources, methods and time were used to obtain the validity of the data that had been collected. The data that has been collected is then analyzed using an interactive model.<sup>33</sup> In this research process analysis is done through 4 stages, the following : We collect data from interviews, observations and documentation are recorded in field notes consisting of two parts, namely the descriptive and reflective

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<sup>33</sup> Matthew B Miles and A Michael Huberman, *Qualitative Data Analysis: An Expanded Sourcebook* (London: sage, 1994).

sections. After data has been collected, we do data reduction, to determine the relevant data and has, then, focus on the data leading to problem-solving, invention, meaning or answering research questions. Then, we present the data that has been collected and lastly, we draw withdrawal of conclusions.

## Discussion

### Contractual and Contextual Work Agreement Legal Practices

The demand for and dependence of families on domestic worker services in Surakarta is relatively high considering that this city is one of the most famous icons as a cultural city<sup>34</sup> and a festival of city<sup>35</sup> in the central java province, with a total of 34,781 people spread across. Surakarta has turned out to be a magnet for local people looking for work, such as Medan<sup>36</sup> and Semarang.<sup>37</sup>

Table 1. Overview of Women Domestic Workers

Aspect	Category	Total
age	15-25 years	12
	26-35 years	7
	>36 years	5
Status	single	11
	married	5
	widow	9
education	Elementary school	8
	Junior high school	13
	Senior high school	3
	Diploma.1	2
place of origin	Sragen	3
	Karanganyar	5
	Sukoharjo	6

<sup>34</sup> Tri Wiyana, Maria Pia Adiati, and Rachel Dyah Wiastuti, "Korelasi Antara Event Budaya Dengan Citra Destinasi Pada Solo International Performing Arts 2017," *Jurnal Hospitality Dan Pariwisata*, (2018).

<sup>35</sup> Akhmad Ramdhon, Heru Nugroho, and Arie Sujito, "Kota Festival Dan Skema Kebijakan Wisata Kota Di Surakarta," *Jurnal Analisa Sosiologi*, (2020), <https://doi.org/10.20961/jas.v9i2.43788>.

<sup>36</sup> Indra Muda, "Mobilitas Pekerja Pembantu Rumah Tangga Dari Daerah Pinggiran Ke Kota Medan," *Perspektif* 2, no. 1 (2016): 12–21, <https://doi.org/10.31289/perspektif.v2i1.103>.

<sup>37</sup> Rakhmawati, "Hubungan Hukum Pekerja Rumah Tangga (PRT), Pengguna PRT, Dan Lembaga Penyalur PRT (LPPRT) Kota Semarang Perspektif Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan."

	Wonogiri	7
	Karanganyar	2
	Boyolali	2
motivation to work	Helping parents	5
	Looking for work experience	2
	Economy (poverty)	8
	Help husband	6
	Get your income	4
wage	IDR 2.000.000-2.500.000	10
	IDR 2.600.000-2.900.000	13
	>IDR 3.000.000	2
amount of years of service	3-5 years	15
	6-8 years	7
	>9 years	5
Amount of types of domestic work services	1	2
	2-5	15
	>6	8
Others facilities Holiday	bonus on Eid	25
	holidays/off days	25
	Invited to vacation	19
	Invited to have fun (eat etc)	23
	extra money	21
	Bought clothes and stuff	17
	Salary increases	19
	Seek treatment if sick	20
	Occupy a separate room at the employer's house	25
Freedom of the women domestic workers to make deals with employers	yes	25
	no	0
document work agreement form	unwritten	25
	written	0

The data in Table 1 shows that the profiles of female domestic workers vary quite a lot in terms of age, education, status, region of origin, motivation to work, salary, length of work experience, type of work provided, and facilities received. From the results of interviews and surveys, information was

obtained that all female domestic workers stated that their work agreements with their employers were made verbally or in writing. This is evidenced by several interviews with women domestic workers and their employers.

“I come from Sragen, before I decided to work here, my employer and I talked to each other and agreed on matters related to my work, including the wages. It was done orally only, with no special notes. Here, the tradition is like that because I believe in Mrs Lutfiana and She also believes in me. In my opinion, it is strange and impolite (*wagu lan saru*) if the agreement is made in writing, it gives the impression that we do not trust the employer and that is impolite as Javanese,” (Tina, 26 years old)

“My work agreement with Mrs Roro as my employer was made verbally the first time I worked here. The generally it is just verbally expressing their wishes to each other and finally we agree, about the duties and wages. According to the (Javanese) culture here, everything is discussed (*ono tembunge*), don't be selfish (*sak karepe dhewe*), trust each other (*podo percayone*), if there is a problem it is resolved by deliberation (*ono rembunge*), mutual respect (*ono unggah ungguhe*) so everyone is comfortable at work (*podho penake*),” (Sumiati, 40 years).

“Even though the agreement between Mrs Nurjanah and me was only verbal, it was based on the results of our discussion, and we promised each other to carry it out as well as possible, both me as the employer and Mrs Nurjanah as a domestic worker. We are related to the promise. The principle of mutual respect and carrying out the contents of the agreement properly is the key” (Mulan, 40 years)

Table 2 Overview of Employers

Aspect	Category	Total
age	25-35 years	9
	36-45 years	6
	>46 years	10
education	Senior high school	4
	Diploma	2
	Bachelor	12
	Postgraduate	
the profession of a female employer	Housewife	3

	teacher/civil servant	8
	private employees	8
	businessman	6
	teacher/civil servant	9
the profession of a male employer	Police/army	7
	private employees	3
	businessman	6
presence of children in the employer's family	yes	22
	no	3
the presence of older people in the employer's family	yes	9
	no	16
motivation to employed women domestic workers	too busy	4
	to help take care of the children	5
	to take care of the elderly	3
	no time to do household chores	7
	to take care of the house and children	2
	to care for sick family members	3
	to keep the house safe	1

The data in Table 2 shows that the employers of women domestic workers are pretty diverse in terms of age, education, work profession, both women and men, presence of children in the family, presence of older people in the family and motivation to employ women domestic workers. The results of interviews with several informants were presented as evidence.

Mrs Sulastri has worked here for six years. In this community it is not customary to have a written work agreement, the agreement on rights and obligations between me and Mrs Sulastri is only verbal, because it is common for that, the important thing is that there is a mutual agreement, knowing each other (*tepo seliro*), people here say they trust each other (*podho percoyone*) and mutual respect (*podho ngajeni*)” (Desy, 43 years old)

Since the beginning, Ms. Retno's work agreement with me was only made verbally. no and the written documents, because in my opinion the

important thing is based on good ethics from me and Ms. Retno, that's enough, and praise God Ms. Retno has worked here for four years taking care of my child and there have never been any problems, because we trust and respect each other” (Renata, 36 years old)

In addition, the profile of women domestic worker is also similar to the profile of women trapped in trafficking for prostitution, namely they come from rural areas, have low education levels, have no work experience, no skills and come from low-income families,<sup>38</sup> The data above also shows that the profile of women domestic worker is among the vulnerable groups.<sup>39</sup>

The results of interviews and surveys, show that they are forced to start working as domestic workers at the young age of 13 to 16 years. Their first employers are relatives, and neighbors to people they don't even know. The household member gets job information and gets a job thanks to the help of people who are well known to the domestic workers, namely from their family, relatives and neighbors around them. The results of this study are in line with the results of Astuti's study which stated that the limited access to information in the job market made them only rely on the information on job vacancies from previous people.<sup>40</sup> This initial work experience becomes their capital to be more confident in negotiating when they want to start working with a new employer.

The results of the study show that there are several unique characteristics regarding the practice of working agreements between the two of them in Surakarta when it is related to the essence of the principles of contract law regulated in the Civil Code (KUHPerdata), such as First, the domestic worker becomes an autonomous legal subject in making work agreements with their employers. The first subjective point concerns the validity of an agreement based on the provisions of Article 1320 of the Civil Code<sup>41</sup>, namely if there is a deal between the parties, then the contract does exist. The work agreement

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<sup>38</sup> Shinta Dewi Rismawati, Moh Husein, and Waluyadi, “Behind Woman Trafficking for Prostitution in the Truck Base in Batang Indonesia ( A Case Study on Local Legal System and Motivation of the Victims of Woman Trafficking ),” *Journal of Law, Policy and Globalization* 40 (2015): 93–102.

<sup>39</sup> Brenda S.A. Yeoh and Shirlena Huang, “Negotiating Public Space: Strategies and Styles of Migrant Female Domestic Workers in Singapore,” *Urban Studies*, (1998), <https://doi.org/10.1080/0042098984925>.

<sup>40</sup> Akhmad Affandi and Dewi Puji Astuti, “Humanomics Article Information :,” *Humanomics* 31, no. 3 (2015): 354–71, <https://doi.org/10.1108/H-04-2014-0037>.

<sup>41</sup> Mohammad Mulyadi, “Peran Pemerintah Dalam Mengatasi Pengangguran Dan Kemiskinan Dalam Masyarakat,” *Kajian* 21, no. 3 (2017): 221–36, <https://doi.org/10.22212/kajian.v21i3.776>.

is carried out consciously, without coercion, based on mutual trust and respect. Things negotiated are usually related to the number of wages, time of payment of salary, types of work, work support facilities and other facilities. The content of the work agreement is also influenced by the context in which the deal is made, including cultural aspects.

Second, if it is related to the contents of the agreement between women and employers based on Article 1234 of the Civil Code regarding three types of achievement<sup>42</sup>, then the contents of the work contract which contain the rights and obligations of both parties, it turns out that two types of achievements must be obeyed and implemented by both, the second type of achievement is to do something at the same time not to do something at the same time. This means that the dimensions of the rights and obligations between the two contain what should be done and what should not be done while in the work contract. The content of the work contract is a promise or commitment between them. This promise has legal force and applies just like a law based on Article 1338 of the Civil Code and is binding based on Article 1333 of the Civil Code. Therefore, this work contract should be carried out in good faith to create a comfortable and beneficial working relationship for both parties. This discussion requires that the work agreement between the two has contractual and contextual dimensions.

Third about to with concerning the implementation of the principle of freedom of contract as stipulated in Article 1338 paragraph (1) of the Civil Code, if it is related to the types of agreements that consist of underhanded arrangements, it turns out that both women's domestic workers and their employers choose to write their work contract in the form of an unwritten agreement. This agreement is made based on mutual trust between them, apart from that the process is fast, not complicated, and it does not cost money. However, if explored further, the mutual respect (*ewuh pekewuh* culture) becomes the primary consideration. Both parties believed that if it were written in a written form, it would be unusual, giving the impression of being impolite, distrustful, and feeling bad between them.

The reasons for choosing the form of an unwritten agreement were chosen, for reasons including First, to give a positive first impression between them that they are one vision, and are not in opposing positions. If the first impression is good, it can be a capital in social interaction to build good

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<sup>42</sup> Rika Putri Subekti, "Urgensi Ratifikasi Konvensi International Labor Organization: Perspektif Perlindungan Pekerja Anak Pada Sektor Rumah Tangga," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 7, no. 1 (2018): 24, <https://doi.org/10.24843/jmhu.2018.v07.i01.p03>.

relationships and vice versa. Construction giving a good impression is essential because it is a reflection of self-branding as an advertisement that says that “the first impression is so tempting, then it’s up to you.” And the two forms of unwritten agreement are believed to be able to provide clear rules of the game in just work relationships, but also psychological comfort. And social for both parties. This condition can create a harmonious and humanist working partnership relationship. This discussion shows that the work agreement between the two has a contextual dimension.

The contractual and contextual dimensions that characterize the legal culture of women domestic worker in making the work contract, if linked to three types of classification, legal culture can be categorized as a legal culture that is a participant in nature <sup>43</sup> and legal culture that is positive, as well as egalitarian <sup>44</sup>. This participant dimension shows that thanks to the active role of both parties, a work contract was born. Each party actively constructs (brainstorming) the contents of the agreement according to their interests. The work an agreement becomes a meeting point for the various parts of the household member with their employer until an agreement is reached. It has a positive dimension because all the clauses that have been agreed upon are not contradictory to Article 1320 of the Civil Code. If implemented in good faith, it will benefits both parties equally.

In comparison, the egalitarian dimension shows that both women domestic workers and employers have an equal position as legal subjects. Both are autonomous and have the freedom to deliberate to negotiate their respective interests until finally, there is a meeting point between the two. Both are in the same position to accept, bid, and even reject the design of the agreement content, as well as accept all the consequences of the contents of the agreement. If they both agree, a work contract is born with all the products, whereas if they do not agree, the opposite condition will occur. This is in line with the opinion of M. Gjelsvik, who states that in every work relationship,

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<sup>43</sup> Timo Duile, “Islam, Politics, and Cyber Tribalism in Indonesia A Case Study on the Front Pembela Islam,” *Iqas* 48 (2017): 249–72.

<sup>44</sup> Beta Asteria et al., “Pengaruh Leverage (Der), Price Book Value (Pbv), Ukuran Perusahaan (Size), Return On Equity (Roe), Deviden Payout Ratio (Dpr) Dan Likuiditas (Cr) Terhadap Price Earning Ratio (Per) Pada Perusahaan Manufaktur Yang Listing Di Bei Tahun 2009 – 2014,” *Jurnal Riset Manajemen Sekolah Tinggi Ilmu Ekonomi Widya Wiwaha Program Magister Manajemen* 3, no. 2 (2016): 49–60, <https://doi.org/10.15408/akt.v10i2.4649>.

there will always be factors determining whether there are a the working relationship and its consequences.<sup>45</sup>

### **Power Relationship Between Women and Their Employers: Equal Relationships?**

In Surakarta as a city, it is closely related to Javanese culture, which has a patriakhi nuance,<sup>46</sup> so there is a growing view that domestic work is the duty of a wife. The role of the wife in the family in Javanese culture is often referred to as partner for kitchen affairs (*konco wingking*) with the make-up (*macak*), cooking (*masak*), and bearing children (*manak*). This duty also remains attached to a working wife<sup>47</sup>. With this culture, women both from rich families<sup>48</sup> and poor<sup>49</sup> often have a double burden role, namely as breadwinners. as well as taking care of domestic affairs.<sup>50</sup> Table 1, point freedom of the women domestic workers to make deals with employers, showing 25 informants said that they have the freedom to express their opinions and desires when they are going to work. This agreement is done before they work. Interviews with several informants provide evidence, as stated by Tina and Mariyam as employers and Sulastri and Ulfa as domestic workers.

Before Ms. Imas and Mrs. Aminah worked as domestic workers. I agreed to help me take care of my child and my household needs. I gave them freedom to do what they wanted and what I wanted. So, we met on one word, okay, we agreed. I respect their opinion and wishes. I agree because I need them and they need jobs. I am a bank employee with hectic working hours, while my husband works as a police officer outside the city. I have

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<sup>45</sup> Gjelsvik Martin, *Employment Relations: Determinants and Consequences* (Norwegia: Norwegian School of Economics and Business Administrasion, 1998).

<sup>46</sup> Irzum Fariyah, "Etos Kerja Dan Kuasa Perempuan Dalam Keluarga Studi Kasus Keluarga Nelayan, Di Brondong, Lamongan, Jawa Timur," *Palastren* 8, no. 1 (2015): 145–64.

<sup>47</sup> Sulastri Sulastri, "Falsafah Hidup Perempuan Jawa," *Sanjiwani: Jurnal Filsafat* 10, no. 1 (2020): 91–100.

<sup>48</sup> Rismawati, Husein, and Waluyadi, "Behind Woman Trafficking for Prostitution in the Truck Base in Batang Indonesia ( A Case Study on Local Legal System and Motivation of the Victims of Woman Trafficking )."

<sup>49</sup> Yanuar Farida Wismayanti, "Potret Perempuan Miskin; Studi Kasus Peran Ganda Perempuan Di Pinggiran Kali Code, Kelurahan Terban, Kota Yogyakarta," *Jurnal Penelitian Dan Pengembangan Kesejahteraan Sosial* 14, no. 01 (2009): 12–20.

<sup>50</sup> Dian Mayasari et al., "Pengaruh Gaya Kepemimpinan Perempuan Terhadap Kinerja Karyawan Di Pt . Aia Chandra Utama Agency," *Agora* 4, no. 1 (2016): 776–81.

three children, two are still in elementary school and a baby. My mother is old. Imagine how much trouble. This condition makes me need a babysitter and a housekeeper.” (Tina, 31 years old).

I appreciate Mrs. Sri as a figure that must be respected. Therefore, before she worked as a worker in my house, we discussed the amount of wages, duties, facilities she would receive and so on. So, I listen to her wishes, I also convey my wishes, our positions are equal, until we reach an agreement,” (Mariyam, 40 years old).

I like working at Mrs. Sarah's house. She is a nice person. Before starting work, I was interviewed about my experience and desire to work as a babysitter. Mrs. Sarah also expressed her wishes. I am happy because my request for the amount of salary and to get a day off was granted. I felt valued and needed, finally after we agreed, the next day I started work. I have been working here for 3 years” (Ulfa, 23 years old)

“I need a job as a domestic worker at Mrs. Imelda's house to help my husband. I have enough experience to take care of older people. Mrs. Imelda accepted me after there was a meeting point about the contents of her work agreement. Mrs. Imelda appreciates me, I also respect her. There is no coercion here, if I don't fit into the agreement, I won't take the job, I can find another one, but because it suits me, I work here,” (Sulastri, 38 years old).

This condition causes an imbalance in the distribution of public and domestic roles. Domestic worker is a solution for a wife who wants to keep a career without having to mess around with domestic matters. The existence of domestic workers is a primary need, namely to fill the void in carrying out household duties in a family. For some reason, a wife certainly will not be able to carry out complex domestic work from housecleaning to extra jobs (caring for the elderly). The presence of domestic workers is not only needed for families whose husbands and wives of work. The need for domestic worker in Surakarta is not only needed for families whose wives have careers, but also for families whose wives are only housewives for various reasons. This condition is often experienced by families whose economically belongs to the

middle class.<sup>51</sup> Katzman said that the existence of domestic worker in the end indeed frees women from the middle class from domestic duties but on the one hand, assigns tasks to lower class women<sup>52</sup>. The existence of domestic worker in a family is ultimately able to free women from double day syndrome,<sup>53</sup> and at the same time, show the family's social class, as a capable family.

Recruitment patterns that involve people who are known to women domestic workers and their employers can create good work relationships because they have started with mutual trust. The conditions are different from the recruitment patterns for domestic workers who are sent abroad who usually use the services of agents. In many previous studies, often the power relations between women domestic workers and employers were mostly described as negative and bad and even violent<sup>54</sup> This negative, and violent relationship actually boils down to power. Michael Foucault said that power is one dimension of a relationship, where there is relationship, there is power, so that without realizing it, power operates in the network of public awareness.<sup>55</sup> Power does not come from outside but from within, which plays a role in determining the structure, rules and a relationship. Power relations create interdependence between various parties. Power is also synonymous with unjust gain, both for yourself and the recruited group. The occurrence of an unbalanced dependency pattern leads to an attitude of compliance<sup>56</sup>. Interdependence is caused by the vulnerability, namely an imbalance in the abundance of its resources.<sup>57</sup> The author agrees that the power relationship between employers is also inseparable from the problem of power as raised by

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<sup>51</sup> Victoria Haskins and S. E.N. Samita, "Introduction: Regulation and Domestic Service in Colonial Histories," *International Review of Social History*, (2022), <https://doi.org/10.1017/S0020859022000074>.

<sup>52</sup> Evelyn Nakano Glenn, "From Servitude to Service Work: Historical Continuities in the Racial Division of Paid Reproductive Labor," *Signs: Journal of Women in Culture and Society* 18, no. 1 (1992): 1–43.

<sup>53</sup> Romero, "Sisterhood and Domestic Service: Race, Class and Gender in the Mistress-Maid Relationship."

<sup>54</sup> Febrianto Frans D, *Problematisasi Pekerja Rumah Tangga*, (2013).

<sup>55</sup> Rakhmawati, "Hubungan Hukum Pekerja Rumah Tangga (PRT), Pengguna PRT, Dan Lembaga Penyalur PRT (LPPRT) Kota Semarang Perspektif Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan."

<sup>56</sup> EN Glen, "From Servitude to Service Work: Historical Continuities in the Racial Division of Paid Reproductive Labor.," *Signs J Women Culture Social* 18 (1992): 1–43.

<sup>57</sup> María del Mar Pastor Bravo, Pilar Almansa Martínez, and Ismael Jiménez Ruiz, "Arranged Marriages: Women for Sale," *Procedia - Social and Behavioral Sciences* 132 (2014): 564–69, <https://doi.org/10.1016/j.sbspro.2014.04.354>.

Michael Foucault. Besides, the author also argues that the power relationship is equal or not, actually it comes from the question of whether or not there is sharing of power over the resources they have as partners. The sharing of power has been carried out fairly, equally and based on mutual consensus since the work contract was carried out, and there is good faith from both. The author disagrees with the opinion of Dwiyanti who said that the relationship between women domestic workers and employers is based on a concept based on the concept of covering by the strong, the rich (employer) to the weak, the poor (domestic servants).<sup>58</sup>

### **Identity Politics of Women Domestic worker: Outsider Becomes a Temporary Insider**

As domestic workers, they usually live with the employer's family. and a certain period time. The data in Table 1 shows that they live in the employer's family home, although in a separate room, and they work for quite a long time, namely between 3 and 9 years. This condition caused intense social interaction between women domestic workers and all members of their employer's family to become very close. Interviews with several informants have provided evidence.

“I have worked as a domestic worker in Mrs. Ririn's family since I was 19 years old, now I am 24 years old. I like working here. They are perfect. Mrs. Ririn, her husband's and the children call me *Mbak* Nisa (Ms. Nisa). This proves they respect me. I am often invited to vacation with them.” (Nisa, 24 years old)

“I always encourage to children to respect *Mbokdhe* Lastri (grandma Lastri) even though she is only a domestic worker. we called him *Mbokdhe* Lastri. Actually, she used to work at my mother's house, but she has been working with me since I got married and had children. she has lived with us already seven years. So *Mbokdhe* Lastri is part of my family, it's like her own family,” (Anita, 29 years old)

Women domestic workers have resources in the form of the ability to give their employers their time, energy, and skills; while employers have the resources in the form of the ability to provide a certain amount of money

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<sup>58</sup> Retno Dwiyanti, “Problem-Problem Psikologis Dalam Relasi Pembantu Rumah Tangga Wanita Dengan Majikan Wanita,” *Psycho Idea* 8, no. 2 (2010): 27–40, <https://doi.org/10.30595/psychoidea.v8i2.232>.

(salary) and supporting facilities for domestic workers to work. The principle of taking and give resources applies to this working relationship. This reinforces Durkheim's opinion that in a context characterized by strong organic solidarity, society is a collection of individuals who are interdependent in fulfilling needs.<sup>59</sup> Thus, it can be said that the relationships established by women domestic workers and their employers are the result of functional social constructs. From the data collected, the work agreement that has been agreed by the women household member and her employer becomes the entry point for both of them to be bound in a working relationship. Even though the label domestic worker and employer are always in the working relationship, the author argues that the relationship between the two is as an equal partnership based on an agreement even though it is not written. Their relationship is not subordinate but as a working partner. This is different from Afiffah's thesis which states that the power relationship between employers and domestic workers and employers shows that relations that are contractual (formal) and socio-cultural (informal) unwittingly exploit domestic worker so that there is a tendency for false awareness to occur at the expense of fulfilling their own needs. In addition, emotional connection with family and dependence on salary have prevented domestic workers from claiming their rights<sup>60</sup>. Meanwhile, Coley said that the longer the time and type of work that varied, the more it would create a close and informal relationship between the two<sup>61</sup>.

Domestic workers professionally work to get the promised wages and facilities, while employers get domestic worker work services to complete household work and provide wages that have been agreed in advance.<sup>62</sup> The main foundation of the relationship between the two based on constructed together because there is a sense of interdependence with one another because they need each other. This is in line with what Frantz said about the

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<sup>59</sup> D. G. Podvoyskiy and S. Soleimani, "The Concept of Social Identity: Basic Research Approaches," *RUDN Journal of Sociology*, (2019), <https://doi.org/10.22363/2313-2272-2019-19-4-825-834>.

<sup>60</sup> Wiwik Afifah, "Eksistensi Perlindungan Hukum Terhadap Pekerja Rumah Tangga Di Indonesia," *Jurnal Ilmu Hukum* 14 (2018): 53–67, <https://doi.org/10.5281/zenodo.1188354>.Mulyana.

<sup>61</sup> Soraya Moore Coley, *And Still I Rise: An Exploratory Study of Contemporary Black Private Household Workers*, (1981).

<sup>62</sup> Hanifah Hanifah et al., "Overview Of Gender Victims Of Family In The Household In Garut District," *International Journal of Islamic Khazanah* 10, no. 2 (2020), <https://doi.org/10.15575/ijik.v10i2.8409>

construction of relations of dependency<sup>63</sup>. Her employer treats her well and fulfills her obligations as promised, and even often provides facilities and bonuses beyond what was previously promised. The things that the employer does is a form of expression that they are satisfied with the performance of their domestic workers. Different things beyond what had been agreed upon, among others, asked the domestic workers to take a vacation together, buy clothes and cakes during Eid along with the fees, and provide pocket money, some even took the household member and picked up the household member when the household member was going home or returning to work. Even though they are domestic workers, their profession is respected by the employer's family and has never been treated badly or harshly. The employer realized that whether the treatment of domestic worker was good or not would have an impact on the quality of the work of theirs work. This kinship relationship is not only established between the domestic workers and the employer and their family but also the domestic workers in the village feel close to the employer's family.

Regarding the social and economic dimensions in the relationship between women domestic workers and employers, Khan said that there is a tendency for double standards of employers after the working relationship has progressed from a more social one to a decent economic (work) relationship for domestic workers<sup>64</sup>. However, the authors argue that social and economic dimensions need not be contradicted because they can go hand in hand. Fulfilling the economic dimension (granting rights) of domestic worker is indeed important, but without having to ignore the social dimension. From the explanation above, the existence of women domestic workers and employers actually reflects a reciprocal relationship and interdependence between one entity and another in a dynamic urban community system. This finding strengthens Talcott Parsons' thesis about cybernetic theory. He said says that society is a system consisting of parts (sub-sub) which are interrelated and mutually influence each other<sup>65</sup>. The working relationship between the two of them has a symbiotic dimension of mutualism, finally influencing the style of identity politics for women domestic workers. It true, both have different roles and functions in the social system in urban communities but both need and fulfill each other's needs.

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<sup>63</sup> Elizabeth Frantz, "Of Maids and Madams: Sri Lankan Domestic Workers and Their Employers in Jordan," *Critical Asian Studies* 40, no. 4 (2008): 609–38, <https://doi.org/10.1080/14672710802505323>.

<sup>64</sup> Dhewy, "Discrimination, Violence and Disregard of Right: Status of Domestic Workers in the Absence of Legal Protection for Domestic Workers."

<sup>65</sup> Talcott Parsons, *The Social System* (Psychology Press, 1991).

That the identity politics of domestic workers when they are in the public sphere, which is the workplace in the employer's family, is seen as another person who has a close relationship with the family and becomes a temporary member of the family. Mary Romero describes this relationship in terms of false closeness. The author is also aware of this, but even though domestic worker's identity politics seem outsiders who turn to insiders for reasons of functional dependency, domestic workers are still considered part of the employer's family. The above statement implies that although domestic workers are other people and even come from outside their area, both domestic workers and employers assume that they are part of the family as long as a mutually agreed upon work contract binds them. Both will respect their respective positions fairly. This associative relationship will last as long as the household member works at the employer's house for a predetermined period. The relationship between the employer and the household member is reciprocal, mutually beneficial for both parties, or a mutualism symbiosis. If domestic workers carry out their duties well, employers will treat them well, and vice versa. Symbols often represent equal power relations from research results in the city of Surakarta in the form of familiar nicknames for domestic workers in the family, including "*Bibi*" (aunt), "*Mak*" (mother), "*Mbak*" (older sister), "*Mbok*" (mother), "*Bude*" (mother's sister)", and "*Mbokdhe*" (old lady) or the real name of the household member. Calls with symbols "*Bibi*," "*Mak*," "*Mbok*," "*Bude*," "*Mbokdhe*" are usually addressed to domestic workers who are adults and even old people. In contrast, calls with "*Mbak*" or direct names are usually addressed to household assistants who are still young. Meanwhile, women domestic workers often call their employer according to the nickname usually used at home, for example, father, mother, older brother, younger brother, grandparent, and so on. The symbols attached to the domestic workers and the employer and other assistants of the employer's family show that their relationship is very close. There are no boundaries between them. They consider that women domestic workers are family assistants who must be respected and treated well.

The findings this study also show that several conditions make domestic workers comfortable working with the employer for a long time, including the employer's family's kindness by treating it well. First, the work is by mutual agreement. Second, the salary received is commensurate with the workload. Third, some peers are both domestic workers in the local environment; fourth, given the freedom to carry out religious rituals according to their beliefs; fifth, there are additional facilities and bonuses received at certain times, and sixth service also has a good friendship with domestic workers in the village. The data shows that women domestic workers become comfortable working

because of their economic (salary according to expectations), psychological (are properly valued in the family), social (socialize and interact not only with employers, but also other parties, for example, fellow domestic workers), and spiritual needs are met (carrying out their religious rituals).

This equal power relationship will become meaningful and harmonious, not only because of the philosophical values of Javanese culture but also if religious values are applied in the relationship between domestic workers and employers. Triana Sofiani said that Islamic values which are universal and tested are concerned with workers' rights, including domestic worker. If the working relationship is built based on the principles of Islamic justice, will fulfil the rights of domestic worker and exploitation and domestic violence will be avoided.<sup>66</sup> Alvin said that hospitality to domestic workers is a very important spiritual practices that we must do and for which we are called.<sup>67</sup> Thus, the thesis which states that the working relationship between the employer and household member is based on an unbalanced power relationship that positions domestic workers as subordinates to the employer. This does not occur in Surakarta. This fact, at the same time, refutes the findings presented by Sofiani,<sup>68</sup> saying that domestic worker is always a weak and vulnerable party in a working relationship. The relationship is unbalanced, namely superior for employers and inferior for domestic worker. This asymmetrical position is strengthened by the dependence of domestic workers on their employers economically so that the bargaining power of domestic workers is weak which results in domestic workers' space to voice their interests and their needs becoming narrow<sup>69</sup>. This equal and symmetrical position is strengthened because of the sense of interdependence between It is the economic and functional pragmatic dimensions of domestic workers towards their employers that are economical and functional and pragmatic.

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<sup>66</sup> Triana Sofiani et al., "Policy of Legal Protection Formulation for Domestic Workers in Indonesia Based on Constitutional Rights," *Journal of Law, Policy and Globalization* 28 (2014): 30–39.

<sup>67</sup> Alvin Jeremia, "Kemurahan Terhadap Pekerja Rumah Tangga: Praktik Spiritualitas Bagi Para Majikan Kristen," *Veritas : Jurnal Teologi Dan Pelayanan* 14, no. 1 (2013): 37–52, <https://doi.org/10.36421/veritas.v14i1.276>.

<sup>68</sup> Sofiani et al., "Policy of Legal Protection Formulation for Domestic Workers in Indonesia Based on Constitutional Rights."

<sup>69</sup> Diar Rizki, "Relasi Kuasa Majikan Dan Asisten Rumah Tangga Dalam Pemenuhan Jasa Pekerjaan Domestik."

## **Conclusion**

The practice of working agreements containing rights and obligations between women domestic workers and their employers in Surakarta is contractual and contextual. The parameters of used as evidences are that the content of the work agreement and its form is very fluid depending on the parties concerned in the contract. Such as amount of salary, type of work, facilities, working hours ect. The work agreement between the two of them results from deal that is jointly constructed and agreed upon in a participatory manner and upholds the principle of equality. The practice of working agreement between domestic worker and employers in Surakarta is contextual, because it is based on Javanese cultural values always to think positively, rationally, pragmatically, and functionally. These philosophical values of Javanese culture finally become the "spirit and essence" of legal protection when they make work agreements. The power relation between the two turns out to be equal because they are dependent on one another. This dependence is based on a shared awareness that they are partners who need each other. This power relationship occurs because of the sharing of resources owned by each party, subsequently exchanged fairly and implemented in good faith. The identity politics of women domestic workers when they are at work, it turns out that they become an essential part of the employer's family even though they are temporary. Domestic worker is an outsider who becomes an insider in the family.

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