

ASSESSMENT ON MONITORING MECHANISM TO STOP EMPLOYMENT OF CHILDREN AS DOMESTIC WORKERS IN JAKARTA AND ITS SURROUNDINGS

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ABSTRACT

Studi ini dilakukan untuk merespon kurangnya inspeksi/monitoring di tempat kerja oleh petugas hukum terhadap anak-anak di bawah usia lima belas tahun yang dipekerjakan sebagai Pekerja Rumah Tangga Anak (PRTA). PRTA adalah penduduk migran yang berasal dari luar kota. Namun, sayangnya, terkadang keberadaan mereka di rumah majikan tidak terdaftar di RT (Rukun Tetangga), padahal RT merupakan pintu masuk pertama dari proses pendaftaran penduduk di unit lingkungan terendah. Bila saja para majikan PRTA mau melaporkan dan mendaftarkan PRTA yang berada di rumah mereka masing-masing ke Ketua RT, tentu data tersebut dapat digunakan sebagai alat monitoring situasi PRTA di wilayah tersebut. Studi ini menggunakan pendekatan kualitatif dengan teknik wawancara mendalam kepada sejumlah informan, antara lain staf NGO Internasional, polisi, staf dari Inspektur Tenaga Kerja, RT/RW, PKK, Karang Taruna, PRTA, majikan, dan LSM lokal yang bekerja untuk PRTA.

Kata kunci: PRTA, sumber daya manusia (SDM), sistem monitoring, perkotaan

INTRODUCTION

A study by ILO/IPEC (International Labour Office/International Programme on the Elimination of Child Labour) and the University of Indonesia in 2002 – 2003 estimates that in Indonesia there were around 700,000 child domestic workers below the age of 18 with more than 90% being girls. The study also shows that the majority of CDWs (Child Domestic Workers) come from rural areas and typically enters domestic work between the ages of 12 and 15 years. Most employers recruit CDWs through friends or families or through other CDWs. Some recruit the CDWs through recruitment agencies.

The characteristics of child domestic labour (CDL) are different from other types of child employment; for example, they work inside the private households that are considered as a domestic sphere and the working children live in the employers' houses. These girls live and work hidden in isolation behind the locked doors of their employers' homes, away from their family and peers. Such working conditions place them at higher risk of abuse and with fewer options for finding help. In the worst cases, due to the lack of social protection, the girls were

physically, psychologically and sexually abused by their employers or their employers' family members, in addition to being exploited for their labor.

While child domestic labour is not specifically mentioned in the text of Convention 182, it can be included under some of the definitions of worst forms of child labour, for example working in slavery like conditions and many child domestic workers are exposed to hazardous conditions. Paragraph 3 of Recommendation 190, which accompanies Convention no. 182, defines hazardous work as:

- a. work which exposes children to physical, psychological or sexual abuse;
- b. work underground, under water, at dangerous heights or in confined spaces;
- c. work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- d. work in unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or temperatures, noise levels, or vibrations damaging to their health;
- e. work under particular difficult conditions such as work for long hours or during the night or work where the child is unreasonable confined to the premises of the employers.

It is found that many of these types of hazard are faced by children in domestic labour. It is useful therefore to draw a line when child domestic labour can be tolerated and when it should be not tolerated. The following diagram describes the characteristics that make CDL acceptable or unacceptable.

Child Domestic Labour: What is Acceptable and What is NOT?	
ACCEPTABLE	<ul style="list-style-type: none"> • The age of the working children is above the minimum age of admission to work; and • Working conditions comply with labour standards • The child's right to education, rest and development are respected; • The child is offering a helping hand in his/her own home as part of his/her personal development; and conditions 2 and 3 above are fulfilled
NOT Acceptable	<ul style="list-style-type: none"> • The working child is below the minimum age of admission to work; • The working child is trafficked to do domestic work; • The working child is above the minimum age of admission to work, but: <ul style="list-style-type: none"> - working conditions do not comply with labour standards, or - is trapped under the worst forms of child labour, or - rights to education, rest and development are interfered

Source: ILO, 2008

In order to tackle child labour, including CDL, and child protection in general, GoI (Government of Indonesia) has ratified two ILO core Conventions. The ILO Convention no 138 on the minimum age through Act No. 20 of 1999 followed by declaration that the minimum age

to enter the work force is 15 years of age. The UN Convention on the Rights of the Child was ratified through Presidential Decree No. 36 of 1990. Many of child-related international standards have been further reflected in the national laws such as the Manpower Act no. 13 year 2003, Child Protection Act no. 21 of 2002, Prohibition of Trafficking no 21 year 2007.

While legal framework to tackle the issue of child domestic workers is already in place, its enforcement is very limited due to various reasons. One of the main areas to address in efforts to tackle child domestic labour is inspection of the workplace by the law enforcers. Such lack of inspection has contributed to continuing employment of children under 15 years as domestic workers and left children above minimum age who work as domestic workers unprotected.

Objectives of the Assessment

In response to the lack of inspections, alternative ways to monitor the employment of domestic workers in order to stop employment of children under 15 years old as domestic workers and to extend protection to domestic workers in general are needed. One of the limited alternatives to address this issue that may be taken is the involvement of local community in the following aspects of monitoring:

a. Registration of Domestic Workers by the Rukun Tetangga (RT) Board

Rukun Tetangga (RT) is the lowest level geographical area, but does not constitute a government administrative unit. Some RTs form [Rukun Warga](#) (RW). A village, the lowest government administrative unit in Indonesia consists some RWs. Rukun Tetangga consists of 30 to 60 households and it is formed through agreement among the community members. Chaired by RT Head, assisted by RT Secretary, RT Treasurer, and some assistants, Rukun Tetangga is formed to provide services to the community.

RT is the first door in the process of inhabitant registration. Community members should first contact the RT head when registering new household members (e.g. new born babies, etc) or renewing status of the inhabitants. Only upon receiving needed letters from RTs, the community members can then proceed to RW and Village Government.

Domestic Workers are normally not the local inhabitants in the localities, thus their living in the employer's house is not registered in the RT. Requiring employers to register and inform the basic data of their domestic workers (age, address, etc) to the RTs will provide a tool for RTs to further monitor the situation of domestic workers in their areas.

b. Awareness raising for community members by RTs and local community organizations

Various community meetings are usually done at RT level with the involvement of RT boards and community organizations. Such meetings can be very potential to also inform the community members concerning prohibition of employing children under 15 as domestic workers in their localities, on what to attend to when community members recruit children aged 15 to 17 years as domestic workers and the need to provide one day off for domestic workers in general.

c. Prevention of maltreatment through regular monitoring visit to check the welfare of the domestic workers.

Lack of public inspections has caused many cases of domestic workers maltreatment/abuses found by the public when it has occurred. RT boards and local community organizations are actually having potentials to monitor the situation of the domestic workers in their localities to prevent such abuses. In addition to regular monitoring, the RT could also provide numbers to contact domestic workers in case the domestic workers would like to inform their situation. Such numbers can be contact numbers of the RT boards or local community organizations or hotline service at city level.

d. Involvement of the Law Enforcers

RT boards as well as local community organizations do not have a mandate to take any legal action when through their monitoring activities they identify a suspected maltreatment/ abuses. In such cases, the RT boards should inform the suspected abuses to the law enforcers, in this case is police and labour inspection.

ILO has pointed the Centre for Societal Development Studies (CSDS), Atma Jaya Catholic University to assess possibility of implementation of such above monitoring mechanism. The assessment was done through desk review and face to face interviews with the most relevant stakeholders and the results will be presented below.

METHODOLOGY

This assessment consists of four phases:

1. Preparation: preparing detailed work plan, identifying references to be reviewed, and identifying relevant informants for interviews, preparing instruments for the interview and methodology to be used. The interview instruments were shared with the ILO for inputs and clearance.
2. Desk reviews to highlight the lessons learnt on: experiences in inspection/monitoring of domestic workers/child domestic workers by law enforcers (labour inspectors, police) from other countries and from within Indonesia.
3. Field work in Jadetabek (Jakarta Depok Tangerang and Bekasi). In this study a qualitative approach was used with an in-depth interviews technique. The informants were
 - a. International NGOs that have relevant work experiences in supporting activities to monitor domestic workers/child domestic workers at local level.
 - b. Government officials responsible for labour inspection
 - c. Police officials
 - d. Labour inspectors at the district level (Tangerang)
 - e. Officials of local level structures: RT heads, RW heads. The RWs to be selected supposed to be RWs with incidence of domestic workers. However, since the NGOs that work with CDWs
 - f. Community organizations (PKK/Women organization and *Karang Taruna*)

- g. Community-health clinics or hospitals emergency units or units that deal with violence against women
 - h. Employers of child domestic workers/domestic workers
 - i. Child domestic workers
 - j. NGOs working at the local level to withdraw child domestic workers
4. Report writing: analyzing the results of desk reviews and interviews.

Selection of Informants

The selection of informants in this study was based on the purposive and snowballing method. Not so many organizations work on this issue, therefore for International NGO, we only conducted two interviews: Care Indonesia and ACILS and one UN Agencies, i.e. UNICEF. Meanwhile for Local NGO, we made interviews to Rumpun Gema Perempuan, BMS, YKAI, Ima Dei and Jala PRT. We were assisted by some Local NGOs to find out some employers and child domestic workers in their working areas (Pamulang and Tambun Bekasi). However, for some others, we used snowballing technique. We also used the same method for heads of RT/RW/PKK/ Karang Taruna. From 10 categories of informants mentioned above, we have 45 informants in total.

Some Limitations

There were some barriers occurred during data collection:

- It was very difficult to make an appointment with local police station (Polsek). To interview its staff a permit should be conveyed to the upper level of police's structure, i.e. Polres. It was informed that we have to wait for several days to have that permit. However, finally, we succeeded to do an interview.
- The same experience also occurred to labour inspectors. To do an interview with one of its staff we had to write a letter to the Head of the office. Unfortunately, until now we have not received any information about our requirement
- We also found difficulty when we wanted to conduct an interview with an official of the hospital dealt with violence against women. After a long waiting period, we finally succeeded to conduct an interview.
- Having employers of child domestic workers and domestic workers to be our informants was not also easy. Appointment with local NGOs that work with this issue have been made, but when the time came, they informed us that the beneficiaries did not want to be interviewed. However, the interviews with them could finally be occurred using our networks.

RESULTS AND DISCUSSION

This section presents community comprehension especially on child domestic workers. What occurs in the field related to the monitoring activity towards CDWs elimination and DWs protection in general is also elaborated. Several barriers identified by informants of the study will also be elaborated for consideration on the development of a monitoring mechanism model that will be discussed further.

1. Community awareness

Regarding CDWs. Most of the community are unaware that employing under age children especially under 15 years old as a domestic worker is against the law. People are likely to have an attitude more or less the same towards CDWs aged 15-17 years (who are actually allowed to work in certain conditions) with those who are younger (should be forbidden to work in any kind of condition). Some employers face a dilemmatic situation: on one side they refuse to employ children but on the other side they admit that the CDWs force themselves to work. Others admit that they intend to help children and their family to obtain income for their needs for living. As the others are exploitive because CDWs are easily to adjust and have no demands especially concerning the amount of wages.

“When we choose and employ (CDWs) we mean to help them...maybe because I am in the position to help them provide money...” (Interview with Employer at Tangerang)

“At first I was forbidden, yes...forbidden...at first forbidden to work because I’m too young...but then it was alright...consider it as an experience...” (Interview with CDWs at Tangerang)

“They also think that a child domestic worker is easier to handle...and they do not demand too much considering wages, because they think that by being paid only Rp.200,000 a month could make them happy...They are already used to do the work as in their hometown...(Interview with Head of RT at West Jakarta)

2. Registration

Registration on (C)DWs. Findings at the field indicated that there were no registration on the availability of (C)DWs, moreover systematically and regularly. Registration on the population was usually conducted by the RT periodically and could not fulfill the needs of this specific data. All RT/RW Heads who became research informants admitted that registration on (C)DWs has never been carried out before.

“It’s difficult to obtain data registration here. Because they bring child domestic workers themselves from their hometown...Then they also think a child domestic worker is easier to control...Then those who are under age also do not consider too much concerning their wages because they think that being provided with Rp.200,000 per month they will become happy...The work they do is usually also done at their hometown...So according to the data, it is not registered...” (Interview with Head of RT at West Jakarta)

The absence of this specific administrative interest is mainly because there was no instruction or appeal from the local government in this matter the sub-region (*kelurahan*). In the case of DKI Jakarta, every year after *Lebaran* the Head of RT/RW conducts data registration of newcomers and advices people who just arrived from their hometown should report (*yustisi* operation). For those who are old enough their Citizen Identification Card (KTP) data will be collected, as for children who have no KTP the registration will be based on their name and hometown origin. This registration is not valid for those (including C/DWs) who previously lived in the area.

“It seems it’s never from the kelurahan...It seems there was no instruction, there was an instruction on the obligation of reporting. Usually after Lebaran there is usually a yustiti operation...but then I don’t know the follow-up...because they usually only check their origin and KTP. There is no problem if they already live in this area...After that we don’t know what to do. Usually if someone wants to find a person here we already know their name and where they live...That’s the only data...(Interview with Head of RT, Jakarta)

Employer Initiative. According to several informants (Head of RT/RW) sometimes the employers themselves report the presence or mutation of their DWs to the RT. But this initiative is seldom done, the (C)DWs data is not well documented at the RT/RW level.

“Well they (employers) usually say, I will get another DW because the previous one did not return again...or I usually ask how their DW is. Does she like working? They left again, they want this or that...I usually take interest on the husband and wife that works...if their DW passes by I ask whether their employer has returned from work? Or I ask them whether they have their day off on Saturday/Sunday?(Interview with Head of RT at Tambun, Bekasi)

Partial Registration. Partial registration was carried out by DW (Domestic Worker) recruitment agencies. But according to *Rumpun Gema Perempuan*, only around 30% of the total (C)DWs were employed through legal agencies. This means the remaining (70%) were almost positively not registered. The micro registration was also carried out by the NGO related to their implementing program. Without reducing the meaning of their effort, the registration coverage could only be in a very limited portion. Besides limited, generally the data is not shared to the authorized labor inspector. Systematic registration had just started using the DBRM ILO-IPEC format. The data is renewed every three months.

“We were also told to fill in DBMR monitoring and reporting registration. We are also asked how many working hours, type of daily work, etc...That was also a section for monitoring...We also wanted to practice how to fill in the DBMR” (Interview with NGO)

Labor registration. Currently there was no agreement on whether the domestic sector work was included into government labor responsibility or not. At present household work is still classified into the informal sector. As for the Ministry/Office of Manpower focus more on the formal sector. Therefore the government office has not yet carried out any registration on (C)DWs which is commonly performed towards workers at companies¹. Although the working relation component as mentioned in Law no.13 Year 2003 on Manpower included household work into: working elements, commands and wages.

¹ Registration of manpower in a company is a mandate of Law no.7 Year 1981 on Report on Company Labor Obligation

“Law No. 13/2003 is actually clear....who are the employers and employees. Now, in the context of “domestic worker” in this job there is a working relation. Which means the relation or agreement is not necessarily in writing. It can be a working agreement, right. It is done between the DW and the employer. That is actually done. If we talk in that context there is actually a working relation...They have to give protection that is the consequences” (Interview Ministry of Manpower).

“The problem is...the Office of Manpower considers itself to have no authority and no obligation...to do that (supervision, monitoring and (C)DWs registration) because they consider that official existence, authority and obligation are based on Law no.13/2003 on Manpower. It is not mentioned...that the profession namely domestic worker. Therefore they consider not obligated...That is the main problem (Interview with NGO).

Since 2003 the Ministry of Manpower and Transmigration particularly has formed a Directorate of Working Women and Children Norm Monitoring (PNKPA). According to an informant (interview) at present the Directorate of PNKPA is working hard for the socialization on women and children workers to people. In other words no other activities related to CDWs can be done.

3. Inspection and Monitoring

Labor Inspector. Formal labor inspector from the Ministry/Office of Manpower has never before implemented its function in the domestic work domain. Several issues are identified as barriers:

- a. The umbrella of law is unavailable to monitor workers at the informal sector. As aforementioned Law no.13 year 2003 was comprehended to protect workers at the formal sector only. Labor inspectors admit that they were unable to act as the regulations do not exist.

“To be frank we have not covered that yet... (monitor the working condition of DWs). Because there are no regulations that regulate it” (Interview Ministry of Manpower).

“We had discussions with people from the Office of Manpower, Ministry of Manpower...they had a different opinion...But they declared that it was not their authority. Because monitoring is tended more for companies...this refers more to Law no.13. It is more to formal workers. So they consider that it is not their responsibility to monitor...our DWs friends who covers the household sector is considered as the informal sector...” (Interview NGO)

The only district that has regulations on DWs is DKI Jakarta. In 1993 the metropolitan provincial government has announced District Law no.6 on Domestic Workers. This District Law regulates on the issues of rights, obligations, rules and sanction for agencies,

users of DWs services (employer) and the DWs themselves. As for the monitoring mechanism is slightly not regulated².

"DKI (Jakarta), Yogyakarta.....has it (district law). (The initiative) from non Government organizations insists it...advocate them so the district law exists. And I am sure the monitoring implementation, if we speak of monitoring, is not as effective as companies at the formal sector...Although the district law exists there are inspector friends who do not supervise as...to the formal company" (Ministry of Manpower)

- b. Lack of number of inspector officers at the district areas. The Ministry of Manpower admits that the number of inspector officers is not yet proportional to the areas that have to be supervised. From the total number of around 400 districts all over Indonesia there are only 180 district areas with inspector officers. In other words, more than half of the district areas do not have a labor inspector officer. Due to this obstacle they become even overworked to monitor the issue of labor at the formal sector, moreover if added with the non-formal sector.

"If we observe the ratio of the number of inspectors with the number of subject monitored it is very distant. In many districts/cities...there is more or less 180 districts/cities (from a total of around 400)...we have no inspector officers. If there isn't an inspector officer then who will do the monitoring? ...Moreover if we want to talk about DWs, just talk about monitoring at the formal sector..." (Interview with Ministry of Manpower).

- c. Poor management on the placement of officers at district areas: *right man in the wrong place*. Usually inspector officers are trained at the central. But when they return to the district areas, the person is not placed according to their skills. This causes the provided expertise becomes wasted. The issue on placement becomes more complicated since the district autonomy was legalized. The Ministry of Manpower no longer had the channel to command the Office of Manpower at district areas. Personnel placed at the office became the authority of the head of the district (governor, head of district or mayor).

"Most of the inspector officers are not placed at manpower...moreover not at the monitoring unit, they are not even placed at manpower...We always have the effort to socialize on how monitoring officers at the district feels like that...monitoring towards child protection becomes one of an important matter. But when they return to the district area...they are moved somewhere else...(Interview with Ministry of Manpower).

"The fact is that now the district government can no longer be intervened by the central. We are trained & educated monitoring officers, we were trained for 4 months...return to the district area...not certainly to the manpower unit, moreover to the monitoring unit" (Ministry of Manpower)

² Critical study on this local regulations can be noticed in the paper "Position of the Proposed Revision of DKI Jakarta Local Regulation no. 6 Year 1993 on Domestic Workers" by LBH APIK Jakarta presented at Round Table Discussion, April 16, 2002 in Jakarta.

In other words, the issue on the implementation of manpower monitoring at the district area has become more difficult as have been previously mentioned. On one hand the number of personnel is inappropriate, furthermore trained personnel are not employed for the task. In this condition hoping for the District Office of Manpower to expand their monitoring area to the informal sector area has become more absurd.

Domestic Worker Agency. The DWs agency in a certain limit conducts monitoring towards the DWs they supply. According to APPSI-Asosiasi Pemerintah Provinsi Seluruh Indonesia (interview), the monitoring towards DWs at their employer's home is carried out for the first 3 months since they were placed. The recruitment agency routinely checks the presence of DWs at the employer's house, whether it is according to their agreement or not. Usually after 3 months it depends on the DW whether they like it or not staying at their employer's house. If they like it then they can continue working there. Although they are no longer routinely monitored, as long as the DW works, the agency is still responsible if a problem occurs at the employer's house. According to APPSI they admit that not all agencies are consistent on doing so³.

Non Government Organization. Currently it has to be acknowledged that NGOs are the only one that actively monitors the working situation of this domestic work sector, either those placed by agencies or not. Usually they conduct monitoring when (C) DWs are involved in the activities they hold. But the monitoring is more through personal conversations which is not systematic yet. Confessions are not documented as basic monitoring.

"We monitor, through confessions....For example, we ask: 'You are already allowed to join this activity more than once, right?' Some answered: "Yes, I am" but there are also who answers: "No, I'm not". That is the way we understand how their situation is really like...If they are allowed to come once then they may be allowed to come again. They sometimes come twice a week. That is how we know (whether) they are given the opportunity to join our activities. Then we ask them once more: "Do you have a day off?" Then they answer: "Yes, this is why I'm here...my employer said this is a day off for me because the activity is on Saturday-Sunday the activity is on Saturday so they are allowed to leave. This is considered as a day off for them. But some said that they are not given a day off at all. Some said they are allowed to have a day off every two weeks. Some said they do not have it at all" (Interview NGO).

"For the time being our friends are not yet (documented). So, it's more like just having a chat. No notes are included...It doesn't have a system yet...like daily notes. Because we don't have the system yet...directly to our friends (Interview NGO).

A more systematic form as aforementioned has just been tested which is the DBMR (Direct Beneficiaries Monitoring and Reporting) ILO-IPEC format.

Neighbor monitoring. The social life awareness actually is still in the people of Indonesia. There are several examples where neighbors are aware towards what happens to a (C)DW. But usually people react only when serious matters occur such as violence. Issues such as wages,

³ In 2009 APPSI had 107 suppliers. At Jakarta, Bogor, Depok, Tangerang, Bekasi, there are more than 300 DW agencies.

working hours or the right for a day off usually neighbors restrain themselves because they are worried that they enter the privacy of other people. The following is an NGO activist statement related to facts in the field:

"We ask our neighbors...the neighbors around there to be more aware and have to know the situation of our friends the DWs, whether or not they experience violence...(this) neighborhood monitoring doesn't work much. Some say:" I know their 'child' is not allowed to go out, not allowed to have a walk, not allowed to join activities, etc...But I don't know how I can talk to the employer to say:" Your 'child' should join activities at Griya Rumpun Center". I don't feel that I have the authority to enter and interfere with their business"

"If something breaks, it has to be replaced...something damaged (example) an iron, has to be replaced with their own money (DWs wages). So, that cannot be checked by these kind hearted women here"

RT/RW. Informants met in this study concluded there were no RT/RW officials that actively monitored the condition of (C)DWs. They considered that as the head of RT/RW had difficulty to monitor the DWs/CDWs except if the problem is reported to the RT, then they can take action. In other words the leaders of the smallest community unit are more passive (waits for a report).

"That's difficult...sometimes the houses are closed. Except when there is a problem...that is if they report to their RT..." (Interview Head of RT in Tangerang)

The passive attitude of the head of RT/RW is probably because there is no instruction from the sub-district (*kelurahan*)⁴.

Babinkamtibmas. The Police Force of the Republic of Indonesia, through the strategy of community police (*polmas*), placed their officers to protect and maintain order together with the community. These officers are known as *Babinkamtibmas* (maintain community order officers). They are usually placed at police stations or local police stations. One officer maintains one village/*kelurahan*. His duties are to provide introduction to the community also visit the informal leaders. The objective is to have an orderly community and obey the law. Besides that they also monitor the potentials of community disturbance in advance. According to the guidance letter from the Head of Police Force of Republic of Indonesia⁵ these officers are also provided with tasks to socialize the Law of Children Protection and National Program on Elimination of Worst Forms of Work for Children (PBPTA).

"As the policy of PBPTA, we have sent a directive letter to the district level. There are two...in order for the babinkamtibmas to always provide introduction...also provide the materials included in the Law of Child Protection including the form of worst work for children". (Interview Head of Police)

⁴ *Kelurahan*/village is the lowest unit of the government stratification. RT/RW is not a government aparat but is more a community organization

⁵ Such as the Head of Police Telegram No. 576, dated May, 29 2009 which contained information for Head of Local Police on the National Action of the Elimination of Worst Forms of Work for Children which is a national program where the National Police Force is a member of the program which is implemented widely in the country

Specifically for the issue of PBPTA, babinkamtibmas officers focus on providing information. The issue of (C)DWs has not been a prioritized issue. An issue becomes a priority when it needs action and potential on disturbing order in the community (Interview Polri). In (C)DWs cases already classified as a criminal act, babinkamtibmas will report to the nearest local police station to be processed in court.

4. Taking act

Criminal offense. So far the role of police force on responding (C)DWs cases especially included in the criminal domain, has functioned relatively well. According to Head of Criminal Resort Unit of Women & Child Protection, Central Jakarta Police Station, they have received many reports on domestic workers⁶ cases, most of the cases are related on violence act and sexual harassment. But there were only a few specifically (C)DWs cases.

The police understand the implementation of relevant article charges. Law enforcement frequently refers to the Law of Elimination of Violence in a Household, Law of Child Protection and child worker conventions already ratified by the Indonesian Government. The existence of Women and Child Services Unit (UPPA) at local police stations⁷ is considered to have a role in the form of responsive behavior of law enforcement.

The performance of police is acknowledged and appreciated by NGO activists, as mentioned in this following statement:

“The police are good...To my experience...if a victim reports, they immediately understand: “Oh, this should use the Child Protection Law because they are still children...the criminal will be sentenced more than using the Elimination of Domestic Violence Law” So, they understand what to use...To my understanding they work well, especially due to the UPPA” (Interview NGO).

The coordination mechanism between the labor monitoring officers and the police actually exists. Criminal cases then are put to trial at a public court, as the working relation case at the industrial relation court.

“We have monitoring coordination with the police. So, we are also under the police command too. Because the police are public investigators, we are special investigators” (Interview Ministry of Manpower).

Working relation case. So far the Ministry of Manpower/Office of Manpower which has the authority in the field of working relation has never processed cases related to (C)DWs. As mentioned previously, the government office monitoring area is more to the formal sector.

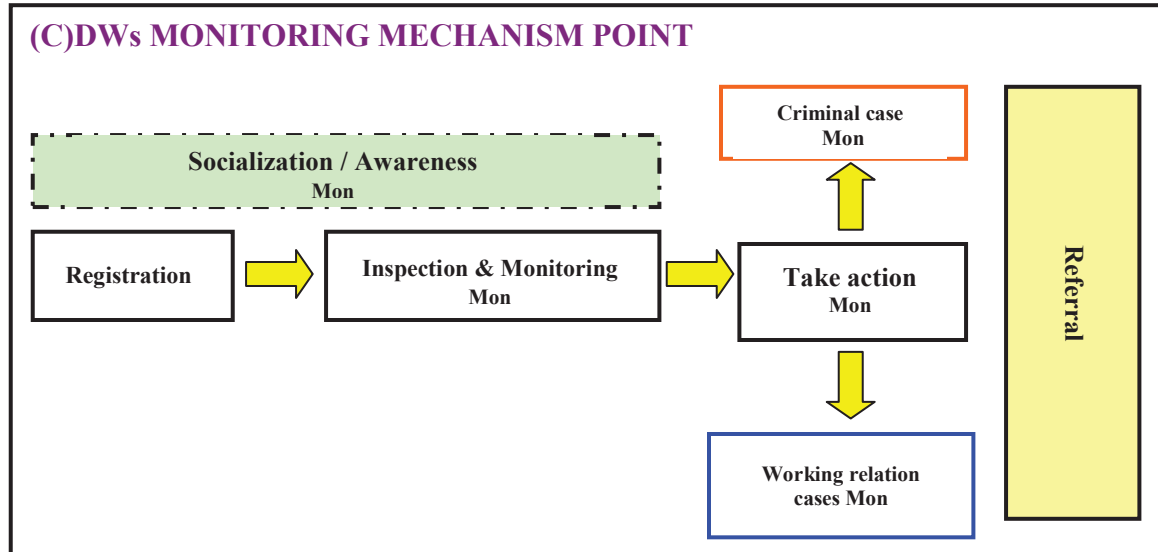
Developing a Model of Community-based Monitoring Mechanism

Since the monitoring mechanism system towards the existence of CDWs also the working condition of DWs is unavailable at the field, we are proposing the possibilities to develop a model of local community-based monitoring mechanism. This model uses a system framework

⁶ Unfortunately, the exact numbers are not mentioned.

⁷ Temporarily the UPPA is at the *polres* level (district/*kotamadya*), and has not reached the *polsek* (sub district/*kecamatan*).

that covers four points that are related to each other. The are awareness or socialization, registration, inspection and monitoring also taking action. Taking action can be generalized into two matters. First, related to the cases that are related to criminal domain. Second, related to handling cases that are included into the working relation category.



SOCIALIZATION AND AWARENESS

Continuous awareness. Almost all sources from various stakeholders emphasize on the importance of continuous awareness to the community, due to the lack of awareness of people on preventing to occupy DWs under the age of 15 years and implement protection towards DWs. The socialization on this issue should be carried out intensively before applying the monitoring system. But awareness towards the people should never stop; it has to be continuously implemented together with the system. Socialization can use the available media of the community such as RT/RW meetings, community gatherings, youth club meetings, religious group meetings, ten home pillars (*dasa wisma*) and others. Besides the face-to-face method, socialization activity and awareness can use printed media such as leaflets distributed to employers also to the domestic workers. The leaflet may contain several addresses or contact numbers including a call center number whenever needed.

Contents of awareness. The activity of awareness towards the community needs to be focused on the restriction of employing CDWs under the age of 15 years old and to pull them out from the working world to fulfill their rights on education (compulsory nine years study program). As for the social awareness of CDWs aged 15-17 years of age should emphasize on creating working condition aspects that are safe for growing up as a teenager. And for DWs in general the suitable working conditions also need to be socialized. Besides that the effort on awareness should provide technical-informative matters related to other parties that can be connected whenever needed, either just for consultation or reporting.

Providing information. If the face-to-face method is used in the RT, it is recommended that information provision should be conveyed by the competent third party, 'people outside' the

RT/RW. Those who can be considered as such are the sub-district staff (*kelurahan*), Office of Manpower staff, NGO activists or Babinkamtibmas officers from the police office at the sub-district level⁸. If the readiness of the personnel or the system is considered, it seems the last two parties are feasible because both have implemented it to a certain level. Another option is ‘inside people’ that has an influence and respected by the local people. These criteria are very important in order to invite the involvement of the community. When information provision is carried out, the head RT should be the facilitator of the meeting.

Alternative approach. In order to minimize the resistance of employers, some may recommend other approaches. Based on the experience of several NGOs⁹ that are already involved on supporting DWs, the socialization directly relates to stopping CDWs and DW protection tend to meet unsatisfying results. Other ways that are more effective are to synergize with the socialization of Child Protection Law or Domestic Violence Law. Socialization of both laws can be used as an alternative entrance towards the needs of developing collective awareness in order to stop under age CDWs and DW protection at the grass root level.

REGISTRATION

Significance of a registration system. The majority of informants in this study admit the significance of the registration system existence. Developing a registration system is a crucial start for the monitoring system. “We cannot conduct monitoring if we do not have a registration” (Interview NGO). Data is basic for responsible monitoring. The urgency and significance of registration is also needed related to attempt charges as explained by the police:

“Clear information for the workers is needed not only when the workers becomes a victim, because lately there are many cases where the DW becomes the criminal such as stealing, kidnapping and others” (Interview Head of Criminal Unit Central Jakarta Police Station)

The next question is what will the format be like, who will develop the registration and how the distribution is and usage of the data may become effective and used under a monitored mechanism.

Registration format. There were various suggestions from informants related to the (C)DWs registration format. The first suggestion was that the (C)DWs registration should be integrated with available health or educational data. The second suggestion referred to the DBMR ILO-IPEC format and the third which was most likely used was the citizen data (family data card) used by the RT. The first had its strength which could minimize the employer’s resistance but the weakness was the survey coverage was based usually on samples. The advantage of the second suggestion was the DBMR ILO-IPEC framework was very comprehensive and the aim of the format was more for project monitoring (project oriented). Although modified the complexity of the form would mostly make the implementation of the registration become more difficult. Among all three suggestions the simplest one was the third. The requirement of information on (C)DW can be easily applied for and filled into the family

⁸ In every village there are 2 babinkamtibmas officers (Interview Head of Criminal Resort Unit, PPA Polres Central Jakarta).

⁹ For example such as *Rumpun Gema Perempuan*, *Ima Dei*, and *Jala PRT*.

data format which was slightly modified (see format example attached). The RT officials were already used to it and relatively will not add the load of work of the RT. Ideally the registration of citizens should be updated each year.

Registration Implementation: Role of RT and RW. Most of the informants agree that (C)DWs registration is probably carried out at the RT level. The reason is the scope of RT is relatively small and reachable. Therefore the head of RT is usually a familiar person and well known by the people. Registration can be carried out by completing family data which ideally is updated each year. The registration technique could be done by home to home visit (takes a lot of time) or by sending a form with instructions for also adding (C)DW data who works in the family.

“.....Because the RT is small in scope and [the head of the RT] knows everyone...by having a registration we will know that Ibu Diah has this, Ibu Ika also has it too...if RW is concern, why not?...So it's good we only need to instruct the RT: “Come on Mrs. recap the data from RT 1 and 2, and so on...”(Interview Head of RT in Tangerang)

“Actually (DWs) is the privacy of each individual...but if there is a connection, there is an official, for example head of RT...He knows the neighborhood, no problem...” (Interview Employee in Tangerang)

“It is needed (DW registration). Because if something happens we won't know...if there is violence or something we won't know that their domestic worker is being tortured...” (Interview CDW in Jakarta).

If the registration through RT can be carried out then the large disparity on starting the monitoring of (C)DW could be covered, take into account most of them (assuming 70% of the total) DWs are in the domestic work market who are not from recruitment agencies. It should be noted that the aim of registration here is not to obtain a citizen identification card but only for registering the existence of a citizen in a certain location.

Role of Sub-district (Kelurahan)

It should be noted that RT/RW is not a government element but it is one of the elements of the community institution¹⁰ at the sub-district area/*kelurahan*. In order to increase the effort of (C)DW registration, it is hoped that the government will also have an active role. RT/RW officials who were the resource of this study emphasizes on the need of written orders from the sub-district/*kelurahan* that requires people to provide data or report (C)DW they employ. The presence of this instruction is considered to minimize the resistance of the employer.

“It should be from the kelurahan first. So, it's more powerful...If it comes from the RT first, we'll be confused because it's not powerful enough...what law is it based on, if we are questioned by the people we should understand better...But if it's from the lurah it's better. So, this is the conclusion...(Interview Head of RT in West Java)

¹⁰ Government Regulation No. 73 Year 2005 on *Kelurahan* classified RT/RW as a community institution developed by the community according to their needs and is the partner of the *lurah* on empowering the community.

Instructions from the *kelurahan* probably should need a higher legal umbrella, either in the form of local rules or national regulation. Therefore the Ministry of Home Affairs which controls government management from the provincial level to the village/*kelurahan* level, needs to coordinate with the related department, such as Ministry of Manpower and Transmigration in order to optimize their role on developing the (C)DW registration system.

Registration organizer: Domestic Worker Agency. Another party that most probably has valid data on (C)DWs are the agencies especially those who directly supply workers. Although only 30% of DWs use their services the role of a private party is still important. They are one of the strategic accesses to monitor the mobility of DWs.

“We tried to meet several stakeholders related to the CDWs phenomena. We have thoughts...how we meet with agencies to confirm that they have the ability on registration/registration of the DWs they have. Why is this important? If the agency is able to do the registration then it could be one of a channel that can be performed by the government in the future” (Interview NGO)

Distribution and data usage. As soon as the data is gathered at the RT, compiled at the RW level and *kelurahan*, the data needs to be distributed in the form of copies to those concerned and directly into a monitoring system (Office of Manpower and Police Resort). Data collected by DWs supplier needs to be distributed to those directly concerned. The provided data will then be needed for the requirements of (C)DW monitoring in the future.

3. Inspection and Monitoring

Two way initiative. Informants consist of RT/RW and employers who choose to have a two way monitoring mechanism. On the other hand the employers are required to report the presence of their (C)DWs to the RT. Furthermore employers have to receive RT/RW officials to monitor the working condition of their CDWs.

“There has to be an obligation for every employer to report their DWs to the local authority the RT/RW who is responsible. They even have to be included in the family data card, register, recorded and also has the right such as vote during general election etc...also benefit from village activities. So, besides registration, it can also become a reference for local authority to understand how their condition is” (Interview NGO).

“The RT should come to the homes because employers can just lie or hide information...The head of RT can see himself...” Interview CDW at Tangerang).

“...Through the RT is possible, that’s good...That’s very good because the RT is chosen by the local people, which means that the RT is considered to represent them and trustful...(Interview Employer at Jakarta).

“For the DWs problem in Indonesia, monitoring should be done by the RT as the closest institution with DWs and employer. Especially for DWs who are not provided by supplier agencies (Interview APPSI).

Besides RT/RW workers, the informants indicate informal leaders or respected religious leaders to carry out monitoring at home. However, informants noted that monitoring should be done proportionally. Serious and too detailed monitoring could cause fear among the community either the employer or the DW/CDWs themselves. If the monitoring is carried out by others beyond the RT boundaries they would become more frighten.

“I’m afraid if the monitoring is too expansive it can make us troubled and inferior too...the DW and also the employer. If there is registration by the RW...we feel uncomfortable if the people are monitored extensively...It’s enough just for the RT to do it...” (Interview Head RW).

“Besides the RT...a person interviews us... just not for registration...sometimes we forget about some data...it’s somewhere...If someone comes directly to meet us that makes us glad. There’s someone we are familiar with...(Interview DW).

Domestic Worker Recruitment Agency should optimize their responsibility on monitoring workers they recruit. Agencies should not wait for complaints from the workers but should make periodic visiting program to homes of where the workers work. If there is a problem then the agency can use this referral mechanism.

“(DW recruitment agencies role on monitoring), according to me, they have such a large role...Actually the most potential one are friends from the agency because they are legitimate to monitor the DWs they placed ...But the problem is only 30% of the total DWs are placed. So, the coverage is also limited. This is one of the alternatives that can be chosen. For example if our friends the DW calls the agency and say that they cannot take it anymore...wants to leave...there is a problem. The agency is the only one that can come and say:’ Why it is like this...like that...the agreement wasn’t like that...’ We have initiated Ibu Hadi a recruitment agency who made a good working contract, such as not to employ a DW more than 10 hours a day. Also it is forbidden to slap, hit, kick them. Although it uses simple language but the prevention aspect shows that several employers that hire a DW from her has followed the rules...contract with them. Actually they are potential to do monitoring...every 3 or 6 months (Interview NGO).

Call Center. The monitoring carried out by the community should be supported with another tool such as a Call Center. The center accommodates complaints from people. Ideally it is located at the district or sub-district area, depending on the coverage area. Complaints then will be distributed to related parties who are authorized to take care of it. If related to working relation it is referred to the Office of Manpower, if it is a crime it goes to the police, or if it refers to social aid it will go to the Social or Health Office. Actually formal government offices can strengthen their role here. Information on the Call Center should be provided to (C)DWs, employers, recruitment suppliers, RT/RW and villages/*kelurahan*.

”Actually there should be monitoring...The mechanism problem, the procedures is another problem. But, it has to be done. Has to be formulated...the system is not like a formal company. There should be a call center at the district or sub district

level...(At present) it is not available” (Interview Ministry of Manpower and Transmigration).

The call center service is not yet provided at the district or sub-district level, complaint services can use the facility of *Telepon Sahabat Anak (TESA) 129* or ‘Call Friends of Children’ which is based at the Communication and Informatics Department. This toll free call service covers nation wide complaints. Besides accepting complaints, TESA 129 also provides counseling services (via telephone) pick-ups and referrals. Complaint services could also be sent through short text messages since the use of cellular phones is widely used by the community including (C)DWs and is relatively easy and cheap.

Formal Monitoring Modification. Community based monitoring mechanism is slightly different as done in a company (see box 1:”Manpower Monitoring: Formal Sector Practice”). But several concepts may be modified.

Box 1: Manpower Monitoring: Formal Sector Practice

Manpower Monitoring:

Practices at the Formal Sector

Monitoring is carried out to create peaceful work. The main essence is how to make people work peacefully, how to create a relationship between workers and employers that is beneficial for both parties. Technically monitoring covers many dimensions, such as working norms, K3 (safety and occupational health), working relationship, working protection, wages and social protection Monitoring activities include the following:

a. Obligation to report in writing (registration)

“Technically....check the document....There is an obligation to report...Law No. 7 Year 1981, it is an obligation to report on labor at companies. Usually this is what we observe first...obligation to report. That becomes secondary data. Then we start from this data...cross-check first. Is it number of workers accurate”

b. Visit to the company

“The visit to the company is done routinely...once in every 6 months, sometimes once a year. There was a vulnerability map. For example if it’s vulnerability K3 it will be once in every 6 months. So we see the condition for example if it’s good, maybe routinely once a year...”

c. Guidance steps to law enforcement

“We provide guidance...Guidance when monitoring will be through Inspection Notes. So when we visit a company, we make Inspection Notes on our findings. The contents are what we have done and what we will do....according to the rules, if the Inspection Note is ignored then we will make a second Inspection Note. Then if still ignored then legal process (BAP Court Investigation Report)...at court...because we have Civil Servant Investigators...at the state court”

(Source: Dept. of Manpower, September 15, 2009)

Skill training. Another method on how to monitor the working condition of (C)DWs is through skill activities such as sewing, cooking or other household activities. Other media actually has been carried out by several NGOs. But this media has not been optimally used for systematically monitor the working condition of (C)DWs. According to several NGOs already involved in this field, compared to directly monitoring the (C)DW working condition, educational and health approach did not provoke the resistance of the employer too much.

“But it has to be a package...People become afraid when we say we want to monitor DWs ...they always say they’re alright, there’s no problem. But it is wrapped. We ask...socializing the right of education for children. Usually people are more acceptable through education. What is the education of our friends the DWs? ‘Elementary school’ ‘Do you agree if these children have a higher education, actually it will be more beneficial for you’ So, we touch their heart with the right for education...children needs education etc, then their health is examined...free health check-up for our friends the DWs/CDWs...it’s much more easier. The employer will be more welcome...they will accept if we say: ‘There is a health check-up, who knows your DW has lung disease, we don’t know...So there’s a doctor that will examine. Are you willingly or not? So through that mechanism: education and health. Monitor the working condition by using education and health facilities. (Interview NGO).

The weakness of this approach is the continuity of the activity. Usually such training activity is project based which depends very much on the funding from external sponsor. Efforts on involving local potentials from the start such as sub districts, women’s group or youth group till a certain limit can overcome the threat of discontinuity.

Repression

RT and Babinkamtibmas Collaboration

As aforementioned prosecution by police on (C)DWs cases included as a criminal domain is well accomplished. The collaboration between RT/RW and law enforcements is not yet systematic. One element that can be used is to develop a coordination with Babinkamtibmas officers (Interview Police). These community police are assigned to provide guidance to a specific area (village or neighborhood) and they will bring related criminal cases to the nearest local police station for further process.

Women and Children Working Norms Monitoring Unit at the Office of Manpower?

Probably not all Office of Manpower have this unit, if this unit is available it should follow-up reports received by the call center and then follow-up the cases classified into the working relationship conflict domain. If not available yet, the general manpower inspector officer most likely will able to follow-up.

Referral System

Referral Institution. RT officials and other community based organizations needs to be provided with a referral system when cases that requires responses are beyond their capacity and authority. Information on referral can be provided at the call center but because this facility is not widely

available then available public services should build a network system. For example CDWs who needs basic and intermediate educational services may contact the nearest PKBM¹¹ (Public Learning Activity Center), those who became violence victims may contact the local P2TP2A¹² (Integrated Center for Woman and Children or at their area as for those who needs rehabilitation and social services can call the local Social Office.

Referral Mechanism. Referral to these institutions needs to be organized into a system and mechanism to facilitate essential parties to access and avoid extended bureaucracy chain. In other words information on the technique and referral procedures needs to be made clearly and responsive.

Supporting System

Coordination between institutions. The Ministry of Manpower with the Ministry of Home Affairs can coordinate and hopefully play a role on developing the domestic workers registration and monitoring system of (C)DWs. Through the lowest government bureaucracy it can increase the role of RT/RW. This coordinating effort can use the existence and function of action committees to eliminate worst forms of work for children at the national level (KAN PBPTA-Komite Aksi Nasional Penghapusan Bentuk-Bentuk Pekerjaan Terburuk untuk Anak) also at the districts (KAD PBPTA-Komite Aksi Daerah Penghapusan Bentuk-Bentuk Pekerjaan Terburuk untuk Anak). Coordination stabilization either between government institutions or civil society elements can be urged to this committee.

Capacity Development

RT. As has been mentioned before, it shows that RT is a community based unit which is very potential to collaborate with for (C)DW monitoring. Therefore this unit has several needs such as brochures for socialization for the people and special uniformed forms for the needs of monitoring.

“The tool needed for information dissemination uses a brochure...Well...to be disseminated to the people during meetings such as social gatherings (arisan) and religious gatherings (majelis taklim). People support is important to be cooperative in the implementation. So, the brochure is for promotion to join also as a registration form” (Interview Head of RT West Jakarta)

Office of Manpower. The function of (C)DW monitoring is in the hands of this unit. Therefore several needs of training are required such as: special training, basic laws of (C)DW monitoring and commands from the Ministry of Manpower and Transmigration.

“Special training is needed...it depends on what the system is like. At least basic knowledge on monitoring...the principles is the same. The capacity...we all have the

¹¹ PKBM (Public Learning Activity Center) is an institution that carries out equality education including the equality exam for the elementary level (A Package), SMP B Package and High School (C Package)

¹² P2TP2A (Center of Women and Children Integrated Services) usually at the provincial level. In DKI Jakarta: Jl. Raya Bekasi Timur Km.18 Pulogadung, Jakarta – 13250. Telepon +62-21-47882898 Faksimil +62-21-47882899 Hotline +62-21-47882899. SMS +62-813.176.176.22. Email sekretariat@p2tp2a-dki.org, hotline@p2tp2a-dki.org

capacity it can be organized...how will we have the capacity if it is not organized...Once more it is a matter of the umbrella of law. Actually we don't need this competency for monitoring right?...But we have to develop a system. Once more we have to have a basic law...If it's just socialization we have done our best. At least our effort: introduce child worker protection such as this...for example. But once more...the issue of locating personnel now is not the authority of a minister...it has been completely handed over to the region. This matter is about regulations...There has to be a clear foundation of law that this is our responsibility in preventing such as what to do...This becomes the problem. In the Law 351, the law of labor that elects and dismisses a monitoring inspector is the authority of the Minister of Manpower and Transmigration. But the fact in the field can no longer intervene with the bupati, mayor...(Interview with Ministry of Manpower and Transmigration).

Police. As a unit assigned to assist the community the requirement to monitor (C)DWs is only cooperation with related parties.

“...it would be very beneficial if the smallest government officials and closest to the community can collaborate with the police. Although this issue already occurs but it should be improved in order to become better. All this time if there are violations by the RT it will be directly reported to the police where they will also take action by coordinating with the local RT/RW. But probably for this case the RT will register working DWs, and the data can be shared with the PPA criminal resort” (Interview with Head of PPA Reskrim Unit – Woman and Child Protection)

CONCLUSIONS

Based on the above findings, the conclusions are followed:

1. Partial monitoring is available and carried out by NGOs that are concerned with (C)DWs issues. But the applied monitoring mechanism on the existence of (C)DWs and their working condition is not systematic and properly documented yet, whether formally (by manpower authority) or community based mechanism.
2. The current role of RT/RW is still passive (waits for reports) either in registration also in monitoring (C)DWs. This is mainly because there is no instruction from the sub-district area (*kelurahan*).
3. There is a large disparity on the proceeding process. As for (C)DWs cases that are related to the criminal domain are processed appropriately, whereas the working relation cases are almost unrealized.
4. Mechanism development on community based monitoring at the RT level is possible if the legal umbrella is available from the citizen authority (in this matter Ministry of Home Affairs) which is translated to instructions from the *kelurahan* to the RT/RW level
5. In order to create a legal umbrella for this community based monitoring, there should be collaboration and coordination between governmental ministries such as Ministry of Home Affairs, Ministry of Manpower and Transmigration and Ministry of Women Empowerment and Child Protection

6. Since the legal umbrella is not available yet, the monitoring practice can be implemented by using available resources such as registration of people through renewing Family Data Card regularly, community media also socialization forum and awareness, the existence of Babinkamtibmas police till the kelurahan level, TESA 129 Center of Services and P2TP2A and other referral institutions such as PKBM and Office of Social Affairs.

LIMITATION OF THE STUDY

This is a generic study financed by ILO-IPEC in order to sounding out the possibility to conduct a monitoring mechanism on CDW/DW in Jakarta and its surroundings. It is realized that it lacks consideration on the heterogeneity of social economic characteristics of urban households that employ CDW/DW and their surrounding communities. This will be needed to assess the prospect of controlling –either formal-legally or socially—the use and abuse of CDW/DW. For example, what are the chances to control CDW/DW use in upper-middle to high class households within the so-called ‘gated-communities’ that are highly exclusive, in comparison to lower-middle class households who reside in urban *kampung* that are more ‘open’ to neighborhood control? It should be worth-doing for future research agenda.

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