

## TRANSFORMATION OF LEGAL PROTECTION FOR DOMESTIC WORKERS IN THE DIGITAL ERA: LEGAL RESPONSIBILITY OF DOMESTIC SERVICE DISTRIBUTION PLATFORMS TOWARDS EMPLOYMENT RELATIONS

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### Abstract

Digital transformation has given rise to a new employment relationship model through app-based domestic service platforms that connect domestic workers with service users online. This development presents legal challenges related to employment status, division of responsibilities, and forms of legal protection for domestic workers, who traditionally operate in the informal sector with minimal regulation. This study aims to analyze the construction of the legal relationship between domestic workers, digital platforms, and employers, and to formulate a model of platform legal accountability from the perspective of labor law and human rights protection. This study uses a normative juridical method with statutory, conceptual, and comparative approaches. Legal materials are analyzed qualitatively to identify normative gaps and regulatory disharmony within the national labor law system. The results show that platform business models tend to position themselves as intermediaries rather than employers, thus avoiding employment responsibilities such as social security, decent wages, working hours, and protection from unilateral termination of employment. This situation creates ambiguity in the legal status of domestic workers in the digital ecosystem and has the potential to increase vulnerability to technology-based exploitation. Therefore, a reconstruction of legal norms is needed that emphasize the concept of control-based employment relationships and economic dependency (economic dependency test), as well as specific regulations regarding joint liability between platforms and service users. This research offers a model for transforming legal protection that is adaptive to the digital economy by positioning domestic workers as subjects of employment relationships entitled to equal employment protection standards.

**Keywords :** domestic workers, digital platforms, employment relations, legal responsibilities, employment protection.

### Introduction

Domestic workers (PRT) are a group of workers who play a vital role in supporting the sustainability of household life and the economic productivity of society. However, historically, domestic workers have often been placed in the informal sector, which lacks adequate legal protection under Indonesia's labor law system. Because domestic workers work within the private sphere of the household, their employment relationships are often not based on clear employment agreements, thus creating vulnerability to violations of basic

workers' rights, such as inadequate wages, unlimited working hours, and the lack of social security and effective legal protection.

In Indonesia's labor law system, the concept of an employment relationship is normatively based on the elements of work, wages, and orders, as stipulated in Law Number 13 of 2003 concerning Manpower. However, in practice, domestic workers are often not explicitly recognized as subjects of an employment relationship within the formal labor law regime, resulting in limited legal protection. This situation demonstrates a gap between social reality and legal regulations, which impacts domestic workers' weak bargaining position in employment relations with employers.

The development of digital technology in the platform economy has brought significant changes to employment patterns, including in the domestic services sector. Currently, various digital platforms have emerged that act as intermediaries between domestic workers and their service users through information technology-based applications. These platforms provide digital search, placement, and management services for domestic workers, creating a new form of employment relationship involving three parties: the domestic worker, the digital platform, and the service user. While this transformation provides broader employment opportunities, it also raises new legal issues related to the status of the employment relationship and the division of legal responsibilities.

Digital platforms generally construct themselves as intermediaries providing only technological services, not as employers. As a result, platforms tend to abdicate responsibility for employment obligations such as minimum wage payments, social security, job protection, and liability for workers' rights violations. This situation creates a legal vacuum in the labor law system, as existing laws have not fully addressed the nature of digital platform-based employment relationships, particularly in the domestic work sector.

Conceptually, employment relationships are not only determined by the formal form of the agreement, but also by elements of subordination, control, and economic dependence between the worker and the party benefiting from that work. In the context of digital platforms, although platforms do not directly issue orders in the traditional manner, they exert control through algorithmic systems, rating systems, and job access arrangements, which substantially impact the working conditions of domestic workers. This demonstrates a transformation in the form of employment relationships from conventional to digital, requiring a restructuring of the labor law approach.

Furthermore, weak legal regulations regarding the responsibilities of digital platforms have the potential to create new forms of technology-based labor exploitation (digital labor exploitation), where workers are placed in vulnerable positions without adequate legal protection. Therefore, a transformation of legal protection is needed that focuses not only on conventional employment relationships but also accommodates the development of employment relationships in the digital era. This transformation is crucial to ensure that domestic workers continue to receive fair and equal legal protection and to affirm the legal responsibility of digital platforms within the national employment system.

Normatively, the Indonesian labor law system regulates employment relationships based on the elements of work, wages, and orders, as stipulated in Law Number 13 of 2003 concerning Manpower. This employment relationship creates rights and obligations between

workers and employers that must be implemented in a balanced and fair manner. However, in practice, domestic workers are often not explicitly recognized as subjects of employment relationships within the formal labor law framework, because the employment relationships formed take place in the private sphere of the household and are not always based on written employment agreements. This results in domestic workers being in a weak legal position and vulnerable to arbitrary treatment from employers.

Furthermore, the personal, private, and non-standardized nature of domestic work limits state oversight of the implementation of employment relationships. Unlike formal employment relationships within the company, domestic workers' employment relationships take place in a private space that is difficult to access by labor inspection mechanisms. As a result, various forms of workers' rights violations, such as excessive working hours, inadequate wages, and inhumane treatment, often go undetected and lack adequate legal redress. This situation demonstrates a structural imbalance in the labor law protection system, where domestic workers lack effective and comprehensive legal protection.

The development of information and communication technology in the digital era has brought fundamental changes to various sectors of life, including the employment sector. The emergence of the digital platform economy has created a new employment relationship model that involves the use of digital applications as a means to connect workers and service users. In the context of domestic work, digital platforms now act as intermediaries, providing services for placing domestic workers to service users in a faster, more efficient, and more organized manner. This transformation demonstrates a shift from conventional labor placement models to digital models based on information technology.

The presence of digital platforms in the placement of domestic workers creates complex legal relationships, as they involve more than two parties: domestic workers, digital platforms, and service users. Digital platforms generally construct themselves as intermediaries providing only technological services, thus not recognizing themselves as employers. As a result, digital platforms do not bear the legal responsibilities of employers in conventional employment relationships, such as the obligation to provide employment protection, social security, and protection against arbitrary termination of employment. This situation creates ambiguity in the legal status of domestic workers in the digital ecosystem and creates a normative vacuum in the national labor law system.

Based on this description, it can be concluded that the development of digital platforms in the domestic services sector has created a new form of employment relationship that is not yet fully regulated in the Indonesian labor law system. This situation raises an urgent need to examine and reconstruct the concept of legal protection for domestic workers in the digital era, particularly regarding the legal responsibilities of domestic service platforms in employment relationships. Therefore, this research is important to provide a conceptual and normative basis in order to realize a legal protection system that is adaptive, fair, and responsive to the development of the digital economy.

## Methods Research

This research employs a normative legal research method, aiming to examine and analyze legal norms governing the legal protection of domestic workers in digital platform-

based employment relationships. Normative legal research positions law as a system of norms encompassing legal principles, statutory regulations, legal doctrine, and court decisions related to the research object. This approach is used to identify normative gaps, legal disharmony, and the need for reconstruction of legal regulations related to the responsibilities of digital platforms in domestic worker employment relationships. This research focuses on analyzing the principles of labor law, the concept of employment relationships, and legal responsibilities from the perspective of positive law and the development of employment relationships in the digital era.

The approaches used in this research include a statutory approach, a conceptual approach, and a comparative approach. The legislative approach is conducted by examining various laws and regulations related to employment, particularly those governing employment relations and worker protection, including provisions in Law Number 13 of 2003 concerning Manpower and other regulations relevant to worker protection and the development of the digital economy. A conceptual approach is used to analyze legal concepts such as employment relations, subordination, legal responsibility, and legal protection from the perspective of legal doctrine and labor law theory. Meanwhile, a comparative approach is used to compare the regulations and concepts of legal responsibility in conventional employment relations with digital platform-based employment relations to identify the ideal legal regulatory model.

The types of legal materials used in this research consist of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations related to employment and worker protection. Secondary legal materials include law books, scientific journals, research findings, and the doctrines of legal experts relevant to the research object. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other sources that provide additional explanations to primary and secondary legal materials. The use of these various types of legal materials aims to gain a comprehensive understanding of the concepts and legal regulations related to the legal protection of domestic workers in the digital age.

The legal data collection technique in this research was conducted through library research, which involved collecting and reviewing various legal sources relevant to the research problem. The literature study was conducted by identifying, inventorying, and classifying legal materials related to employment relations, labor legal protection, and digital platform liability. This technique was used to obtain a strong theoretical and normative foundation for analyzing the legal issues under study.

The analysis of the legal materials in this research was conducted qualitatively using legal interpretation and legal reasoning methods. Qualitative analysis was conducted by interpreting and reviewing the collected legal materials to identify the meaning, principles, and legal concepts relevant to the research object. Next, a systematic and comprehensive analysis was conducted to identify legal issues, gaps in norms, and the need for reconstruction of legal regulations related to digital platform liability for domestic workers' employment relations. The results of this analysis were then used to formulate an ideal and adaptive concept and model of legal protection for evolving employment relations in the digital era.

By using normative legal research methods and a comprehensive approach, this research is expected to provide in-depth legal analysis and produce conceptual and normative recommendations regarding the transformation of legal protection for domestic workers in the digital era, particularly in relation to the legal responsibility of domestic service provider platforms regarding employment relationships.

## Results and Discussion

### Legal Regulations Concerning the Protection of Domestic Workers in the Current Indonesian Employment Law System, Especially in the Context of Digital Platform-Based Employment Relations

Legal protection for workers is an integral part of the labor law system, which aims to ensure the fulfillment of basic workers' rights and create a fair and balanced employment relationship between workers and employers. Within the context of a state based on the rule of law and a welfare state, the state is obligated to provide legal protection to all workers without discrimination, including domestic workers. This legal protection includes the right to a decent wage, reasonable working hours, social security, occupational safety and health, and protection against arbitrary treatment by employers. However, in practice, legal protection for domestic workers still faces various limitations, particularly due to the private nature of domestic work and its tendency to be categorized as the informal sector.

Normatively, regulations regarding employment relations in Indonesia are regulated by Law Number 13 of 2003 concerning Manpower, which defines an employment relationship as a relationship between a worker and an employer based on an employment agreement containing elements of work, wages, and orders. The element of orders indicates a subordination relationship, where the worker is under the authority of the employer in carrying out the work. Based on these provisions, every worker who legally meets the elements of an employment relationship is entitled to employment protection, including protection of wages, social security, and decent working conditions. However, in practice, domestic workers are often not explicitly recognized as formal workers in the labor law system, thus limiting the legal protection provided.

In addition, there are specific provisions regarding domestic workers in Minister of Manpower Regulation Number 2 of 2015 concerning the Protection of Domestic Workers, which recognizes the existence of domestic workers and regulates the rights and obligations of both workers and employers. This regulation outlines several rights for domestic workers, including the right to obtain information about service users, the right to receive good treatment, the right to receive wages in accordance with the employment agreement, and the right to adequate rest periods. The regulation also stipulates the obligation of employers to treat domestic workers humanely and respect their rights. However, this regulation still has limitations because it does not provide firm sanctions for violations of domestic workers' rights and has not fully integrated domestic workers into the formal labor protection system.

The development of digital technology has brought significant changes to employment patterns, including in the domestic work sector. The emergence of digital platforms providing domestic worker placement services has created a new form of employment relationship involving three parties: domestic workers, digital platforms, and service users. In this model, digital platforms act as intermediaries, connecting workers and service users through an information technology-based application system. This employment relationship model differs from conventional employment relationships because digital platforms often do not identify themselves as employers, but merely as technology service providers.

This situation raises legal issues related to the status of employment relationships and the legal responsibilities of digital platforms towards domestic workers. In many cases, digital platforms do not provide employment protections to domestic workers, such as social security, protection against termination of employment, and protection against unsuitable working conditions. This indicates a gap in the Indonesian labor law system, as existing laws and regulations do not specifically regulate digital platform-based employment relationships in the domestic work sector.

Conceptually, an employment relationship is not only determined by the existence of a formal employment agreement, but also by the existence of elements of subordination and economic dependence between the worker and the party who benefits from that work. In the context of digital platforms, although the platform does not directly issue orders in a conventional manner, the platform exerts control through its application system, algorithms, and work assessment system, which indirectly affects the working conditions of domestic workers. This indicates that digital platforms play a significant role in the employment relationship, so that legally, the platform should also have a responsibility to protect domestic workers.

Furthermore, from a legal protection perspective, domestic workers who work through digital platforms are entitled to the same legal protection as other workers, in accordance with the principles of justice and equality in labor law. This legal protection encompasses not only normative protection but also preventive and repressive protection, to prevent violations of workers' rights and provide legal resolution mechanisms in the event of violations. Therefore, more comprehensive and adaptive legal regulations are needed to ensure that domestic workers continue to receive adequate legal protection in digital platform-based employment relationships.

### **The Ideal Legal Protection Transformation Model for Domestic Workers in the Digital Era to Ensure Legal Certainty and Protection of Workers' Rights**

The ideal model for transforming legal protection for domestic workers in the digital era must begin with a reconstruction of the concept of employment relationships that accommodates technological developments and changes in the structure of digital platform-based employment relationships. In the Indonesian labor law system, employment relationships are normatively based on the elements of work, wages, and orders, as stipulated in Law Number 13 of 2003 concerning Manpower. However, in digital platform-based employment relationships, orders are not always given directly by the employer, but rather through digital systems such as algorithms, ranking systems, and control of access to work. Therefore, the transformation of legal protection must encompass a substantive expansion of the meaning of employment relationships, emphasizing the elements of control, economic dependence, and subordination that are functional, not merely formal. This reconstruction is crucial to ensure that domestic workers working through digital platforms remain recognized as legal subjects entitled to employment protection.

Furthermore, the ideal model of legal protection must include affirmation of the legal responsibility of digital platforms as parties that play a role in creating, regulating, and controlling employment relationships between domestic workers and their service users. In practice, digital platforms often claim to be merely technological intermediaries, thus denying any legal responsibility to workers. However, in fact, digital platforms control access to work, determine work standards, and evaluate worker performance mechanisms, indicating a power relationship that substantially resembles an employment relationship. Therefore, digital platforms must be positioned as legally responsible parties, both as employers and as joint employers, and are therefore obligated to protect the rights of domestic workers,

including the right to a decent wage, employment protection, and social security. Affirming this legal responsibility is crucial to creating legal certainty and preventing digital platforms from evading legal responsibility.

The transformation of legal protection must also be realized through the establishment of specific regulations that explicitly address the protection of domestic workers in the digital ecosystem. Current legal regulations, including Minister of Manpower Regulation Number 2 of 2015 concerning the Protection of Domestic Workers, are still limited to conventional employment relationships and do not comprehensively regulate digital platform-based employment relationships. Therefore, it is necessary to establish legislation that can accommodate developments in digital technology, including provisions regarding the legal status of domestic workers, the responsibilities of digital platforms, employment protection standards, and dispute resolution mechanisms. These regulations must provide legal certainty for all parties and guarantee the protection of domestic workers' rights in digital employment relationships.

Furthermore, an ideal model of legal protection must include strengthening the role of the state in monitoring and enforcing laws regarding digital platform-based employment relationships. From a welfare state perspective, the state has an obligation to protect workers from exploitation and ensure the fair fulfillment of workers' rights. The state must ensure that digital platforms comply with labor law provisions and provide adequate protection to domestic workers. This oversight can be carried out through digital platform licensing mechanisms, labor inspections, and sanctions for violations of the law. Furthermore, the state must provide an effective and easily accessible dispute resolution mechanism for domestic workers to ensure effective and equitable legal protection.

In addition to regulatory and supervisory aspects, the legal protection transformation model must also include the integration of domestic workers into the national social security system. Social security is a crucial component of workers' legal protection, as it provides protection against both occupational and social risks faced by workers. In the context of digital platform-based employment relationships, digital platforms should be required to register domestic workers in the social security system, ensuring workers are protected against the risks of workplace accidents, occupational diseases, and other social risks. This integration is crucial to ensure that domestic workers are not placed in a vulnerable position and receive comprehensive legal protection in the digital age.

Thus, the ideal model for transforming legal protection for domestic workers in the digital era must include a reconstruction of the concept of digital platform-based employment relationships, affirming the legal responsibilities of digital platforms, establishing specific regulations that adapt to technological developments, strengthening the state's role in monitoring and enforcing the law, and integrating domestic workers into the national social security system. This transformation aims to create legal certainty, justice, and effective legal protection for domestic workers, and to ensure that digital technological developments do not diminish workers' legal protections, but instead strengthen their protection and well-being within the Indonesian labor law system.

## Conclusion

The current legal provisions regarding the protection of domestic workers in the Indonesian labor law system do not yet fully provide comprehensive legal protection, particularly in the context of digital platform-based employment relationships. Although employment relationships are normatively regulated in Law Number 13 of 2003 concerning Manpower and domestic workers are specifically recognized in Minister of Manpower Regulation Number 2 of 2015 concerning the Protection of Domestic Workers, both

regulations still have limitations in accommodating the development of digital employment relationships involving platforms as intermediaries. This situation creates a normative vacuum regarding the status of employment relationships and the legal responsibilities of digital platforms, potentially weakening legal protection for domestic workers. Therefore, it is necessary to update and strengthen labor law regulations that are able to accommodate digital platform-based employment relationships, in order to ensure legal certainty, justice, and effective protection of domestic workers' rights in the digital era. The ideal model for transforming legal protection for domestic workers in the digital era must be implemented through a reconstruction of the concept of employment relations that recognizes digital platform-based employment relations as legal relations that contain elements of control, subordination, and economic dependence, as stipulated in the principles of employment relations in Law Number 13 of 2003 concerning Manpower. Furthermore, this transformation must include affirming the legal responsibility of digital platforms as parties that have a role in regulating and controlling employment relations, establishing specific regulations that can accommodate the characteristics of digital employment relations that have not been comprehensively regulated in Minister of Manpower Regulation Number 2 of 2015 concerning the Protection of Domestic Workers, strengthening the role of the state in supervision and law enforcement, and integrating domestic workers into the national social security system. Thus, this transformation of legal protection aims to create legal certainty, justice, and effective legal protection, as well as ensuring that domestic workers continue to receive optimal protection of their rights in digital platform-based employment relations in the era of technological development.

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