

LEGAL PROTECTION FOR CLEANING SERVICE WORKERS ON CAMPUS: AS SEEN IN THE FACE OF EMPLOYMENT LAW

Angga Risqi Saputra^{1*}, Isnawati², Farahwati³, Ekawati⁴

^{1,2,3,4}Faculty of Law, University of August 17, 1945 Samarinda, Indonesia
anggarisqisaputra@gmail.com^{1*}, isnawati21kaltim@gmail.com², farahwati2014@gmail.com³,
ekawati@untag-smd.ac.id⁴

Received 26 Sep 2025 • Revised 30 Oct 2025 • Published 29 Nov 2025

Abstract

This study aims to examine the form and extent of effectiveness of legal protection provided to cleaning service workers on campus from the perspective of the Manpower Law. Cleaning service workers play a crucial role in maintaining cleanliness and creating a comfortable atmosphere on campus, but their position is often vulnerable due to being tied to contract work systems or outsourcing mechanisms. This study uses a normative-empirical juridical approach, combining analysis of laws and regulations, legal theory and doctrine, and empirical findings obtained through interviews and field observations. The results show that, normatively, Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023, provides a strong basis for legal protection for workers, including outsourced workers. However, its implementation on campus has not been optimal. Various violations of workers' normative rights have been found, such as below-standard wages, lack of social security, violations of leave rights, and weak implementation of occupational safety and health (K3). The main factors contributing to weak legal protection include a lack of oversight by universities and the Department of Manpower, low legal awareness among workers and service providers, and a lack of internal complaint mechanisms within educational institutions. Effective legal protection not only ensures legal certainty but also realizes social justice and respect for human dignity, as embodied in the values of Pancasila and the ideals of national labor law.

Keywords: Legal Protection, Cleaning Service Workers, Employment Law

INTRODUCTION

The cleaning services sector is an integral part of the educational infrastructure at universities and educational institutions worldwide. Cleaners employed on campus perform essential tasks that support the institution's operational functions, from public facility maintenance and waste management to environmental cleanliness. While their work is crucial to the well-being and health of all campus stakeholders, their status within the labor structure often remains inadequately recognized, particularly in the context of comprehensive legal protection.

In Indonesia, based on Law Number 13 of 2003 concerning Manpower, the legal framework governing the employment relationship between employers and employees has been clearly established. However, in practice, many cleaning service workers in campus environments work under fixed-term employment agreements (PKWT) and outsourcing status, which often results in a significant gap between the legal protections guaranteed by norms and the protections actually received by workers in the field.

Education in Indonesia faces challenges in fulfilling their basic rights, including the right to leave, occupational health and safety benefits, and access to dispute resolution mechanisms. For example, a legal empirical study conducted at Gorontalo State University found that the leave rights of cleaning service workers were not well fulfilled, influenced by factors such as the lack of written work agreements, the application of strict disciplinary criteria, and limited flexibility in vacation time tailored to the institution's agenda. Similar patterns were also found in other institutions, where contract cleaning service workers often work without written work agreements that meet regulatory standards.

Starting from the main issue regarding the protection of workers' rights in the informal sector, especially cleaning services who have a vital role in maintaining the cleanliness, health, and comfort of the campus environment, it appears that this group of workers is often neglected in fulfilling normative rights as regulated in labor laws and regulations in Indonesia:

Cleaning service workers play a strategic role in supporting clean, orderly, and healthy campus governance. However, this crucial contribution is often not accompanied by adequate legal protection. Many campus cleaning service workers are contract or outsourced, making them vulnerable to issues with their rights, such as substandard wages, lack of health insurance, unfulfilled leave entitlements, and uncertain employment relationships (Suhairi, 2020).

The issue of legal protection for cleaning service workers on campus is becoming increasingly urgent given the often informal nature of their work, with its high vulnerability to exploitation, unsafe working conditions, and lack of access to social protection. Further investigation into the gap between applicable labor law norms and the reality of protection on the ground is essential to identify policy recommendations that can improve the welfare of cleaning service workers while maintaining the operational efficiency of educational institutions (Antony, 2025).

Several studies show that many violations of the rights of cleaning workers persist, such as paying wages below the minimum standard, changing employment status from permanent employees to outsourced workers, limited access to social security, and educational institutions' negligence in meeting occupational safety and health (K3) standards. Furthermore, cleaning service workers often experience discriminatory treatment, even verbal and physical violence on campus (Pramesti & Yuspin, 2021). Legal protection for cleaning service workers is regulated by Law Number 13 of 2003 concerning Manpower, as well as the Minister of Manpower Regulation and the latest Ministerial Decree concerning the Indonesian National Qualifications Framework for Cleaning Services. Oversight and law enforcement mechanisms for fulfilling the rights of cleaning workers also remain a challenge in the education sector, which often uses fixed-term work contracts and outsourcing schemes.

The implementation of legal protection on campuses is often hampered by minimal monitoring by educational institutions, a lack of legal literacy among workers, and weak enforcement of regulations in the field. Other contributing factors include bureaucratic leave applications, excessive workloads, and conflicts between work schedules and rest periods for cleaning service workers (Pramesti & Yuspin, 2021).

This research is urgent due to the lack of academic research that systematically uncovers the practices and problems of legal protection for cleaning services on campus. The results are expected to contribute to policy recommendations for the government and educational institutions, as well as improve patterns of employment relations that are fairer and more just. Optimal legal protection will positively impact worker welfare, the quality of cleaning services, and the campus's image as a modern institution that respects workers' human rights. Theoretically, this research enriches the literature on legal protection for informal sector workers in the context of higher education. Practically,

this research can serve as a reference for policymakers, campus management, and labor organizations and unions to improve advocacy and intervention in cases of violations of cleaning service rights. Furthermore, the research findings are also expected to trigger changes in regulations, supervision, and standards for better treatment by campuses towards cleaning workers.

Legal protection for workers, including cleaning service workers, has long historical roots in the development of labor law in Indonesia. During the colonial period, workers (including cleaners) faced very poor working conditions and often lacked basic rights. After independence, a paradigm shift in labor law began to emerge, driven by the mandate of the 1945 Constitution, which emphasized the importance of recognizing and protecting workers' rights. This historical journey gave birth to various labor laws, starting with Law Number 1 of 1951, the Koeli Ordonantie, and finally Law Number 13 of 2003 concerning Manpower, as a concrete manifestation of the state's commitment to protecting workers. This history confirms that the issue of labor protection is not merely a current need, but grows out of bitter past experiences regarding exploitation and injustice for lower-sector workers, including cleaning service workers on campus.

Philosophically, the protection of cleaning service workers is inseparable from the basic values of Pancasila and the state's goals as stated in the Preamble to the 1945 Constitution: realizing social justice for all Indonesian people. The philosophy of labor law was formed because workers are naturally subordinate or weak in their employment relations with their employers, so regulations are needed to guarantee their rights and dignity as human beings. The principles of justice, humanity, and respect for human rights must be firmly upheld in designing and implementing employment policies. In the context of cleaning service workers on campus, fair treatment, decent wages, health and safety protection, and freedom of association are concrete forms of the philosophical values of justice, benefit, and legal certainty within the campus community (Purnami & Julianti, 2021).

From a sociological perspective, cleaning service workers play a crucial role in creating a clean, healthy, and comfortable campus environment. However, in social reality, they are often considered a vulnerable and marginalized group, receiving little attention for their welfare and basic rights. The phenomenon of outsourcing, non-permanent employment contracts, minimal social security and health protection, and the risk of workplace accidents demonstrate the ongoing disparity in treatment between formal and informal workers. Ineffective legal protection often results in workers facing uncertain employment status, low wages, and minimal access to social and health protection. This gap reinforces the urgency of research to encourage the development of more responsive, equitable, and inclusive policies for the welfare of cleaning service workers on campus, in line with societal dynamics and current developments.

Therefore, the research title "Legal Protection for Cleaning Service Workers on Campus: A View from the Employment Law" was chosen based on the historical common thread regarding the importance of worker protection, the philosophy of justice and humanity, and the sociological real need to realize real protection for cleaning service workers on campus. This is in line with the spirit of the constitution and the development of Indonesian employment law.

This research is motivated by the need to critically analyze how Indonesian labor law—specifically Law No. 13 of 2003, regulations on occupational health and safety, provisions on fixed-term employment contracts, and social security mechanisms—is applied to protect cleaning service workers in campus environments. By understanding these gaps, this research aims to make academic and practical contributions to the formulation of more inclusive and protective policies for this vulnerable group of workers.

RESEARCH METHOD

The legal research method used to examine legal protection for cleaning service workers in the campus environment is empirical normative juridical. This method conducts research by examining relevant laws and regulations, legal doctrine, and court decisions regarding legal protection for workers from a positive legal perspective. The research focuses on analyzing legal norms governing the rights and obligations of cleaning service workers, as well as the protection provided by the Manpower Law and its derivative regulations, as well as supporting data in the field (Marzuki, 2008).

RESULTS AND DISCUSSION

Before the author presents the research results, here are five relevant theories in research on legal protection for cleaning service workers in campus environments:

1. Legal Protection Theory (Philipus M. Hadjon)

This theory emphasizes legal protection for individuals, both preventive and repressive (resolving violations when they occur). In the labor context, the state is obliged to protect workers'

basic rights through legal instruments, policies, and oversight mechanisms. Preventive protection is implemented through clear regulations before problems arise; repressive protection is provided when violations of workers' rights occur (Hadjon, 1987).

2. Theory of Social Justice (John Rawls)

According to Rawls, justice in a social order can only be achieved if every individual is treated equally and fairly, especially those in weak or marginalized positions, such as cleaning service workers. This theory is highly relevant for analyzing the treatment and distribution of workers' rights and welfare within the employment hierarchy (Rawls, 1973).

3. Employment Relations Theory

This theory highlights the existence of an employment relationship between workers and employers based on an employment agreement, the rights and obligations of both parties. The practice of outsourcing or placing workers on campus creates legal complications in employment relationships, particularly regarding the normative rights, protections, and certainty of the legal status of cleaning service workers.

4. Labor Welfare and Social Security Theory

This theory places workers' rights to welfare, health, occupational safety, and social security as a necessity that cannot be ignored by employers or the state. The Employment Law emphasizes that workers have the right to a decent income, occupational health and safety protection, and social security, so every work system (including outsourcing) must fulfill these requirements.

5. Natural Law Theory

Natural law theory views worker protection as a universal and indispensable part of human rights. Every employment system must recognize and guarantee basic human rights, including the right to humane treatment, moral and ethical protection, and respect for workers' dignity.

These five theories are very relevant to analyzing, formulating, and recommending appropriate legal protection patterns for cleaning service workers in campus environments in legal research. Based on field data collected using a sociological legal approach, there are several main findings regarding the legal protection of cleaning service workers on campus:

- a. **Employment Status:** Most cleaning service workers are on contract, outsourced, or outsourced jobs, making them vulnerable to sudden termination and minimal long-term job security protection.
- b. **Wages and Normative Rights:** Many cleaning service workers receive wages far below the Provincial Minimum Wage (UMP) set by the government, and their leave entitlements are not fully fulfilled. This violates the provisions of the Manpower Law, which requires fair treatment regarding wages and rest time rights.
- c. **Rights Fulfillment Factors:** The lack of leave and other rights is based on several factors, such as inappropriate permit administration in accordance with company regulations, workers' minor records, and the need for university institutions to prioritize their agendas, which marginalize workers' interests. The lack of formal employment agreements and legal education for workers exacerbates the practice of legal protection in the field.

The research results show a significant gap between regulations and practices for protecting workers on campus. Law No. 13 of 2003 concerning Manpower has not been effectively implemented for cleaning service workers, especially those on outsourced or contract jobs (Nadila, 2024).

- a. **Inequality of Treatment:** Cleaning service workers, as a vulnerable group, often experience discrimination and uncertainty about their employment status, which impacts their well-being and social protection. Social security programs such as BPJS Ketenagakerjaan are often not applied to cleaning service workers due to weak supervision and a lack of legal awareness, both from service providers and educational institutions.
- b. **Rights and Implementation Gaps:** Although workers' rights are legally stipulated in regulations, in practice, many rights remain unfulfilled, such as menstrual leave, annual leave, and holiday allowances (THR). Furthermore, coordination between universities, service providers, and labor agencies is suboptimal in ensuring the implementation of legal protection (Narendratama, 2020).
- c. **Advocacy Efforts and Recommendations:** The study recommends improving policies, strengthening cleaning service unions, and increasing oversight to ensure legal protections are implemented as mandated by law. Furthermore, legal education for workers and campus administrators needs to be improved to build shared awareness and commitment to creating a fair and prosperous work environment.

Cleaning service workers are part of the workforce often employed through outsourcing systems on campus. In this system, a formal employment relationship is established between workers

and the cleaning service provider, not directly with the campus. Based on Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation into Law, this employment relationship is legally valid as long as it meets the provisions of Articles 65 and 66 concerning the contracting of work and the provision of worker services.

In practice, the presence of cleaning service workers on campus often faces inequality in legal protection due to indirect working relationships with service users (campuses), as well as weak supervision of service provider companies.

According to Article 88A paragraph (1) of Law No. 13 of 2003 (jo. Law No. 6 of 2023), every worker has the right to receive income that meets a decent living for humanity. However, in outsourcing practices, cleaning service workers' wages are often below the minimum wage standard, or they do not receive appropriate benefits. This indicates weak implementation of legal provisions at the service provider company level.

Under Article 99 of the Manpower Law, every worker is entitled to social security, which is further regulated in Law Number 24 of 2011 concerning the BPJS (Social Security Agency). However, many cleaning service workers are not registered with the BPJS Employment and BPJS Health programs, or their contributions are not paid regularly by the service providers. This violates workers' normative rights.

The Employment Law stipulates that any termination of employment must be accompanied by a valid reason and the worker's rights, including severance pay and compensation (Article 156 of Law No. 13 of 2003). However, cleaning service workers often experience unilateral termination without adequate compensation, especially when universities change service providers. In this situation, workers lose their jobs without any guarantee of continued employment.

According to Article 86 paragraph (1), every worker has the right to receive protection regarding occupational safety and health. However, in carrying out cleaning work on campus, there is still a lack of provision of personal protective equipment (PPE), minimal K3 training, and weak supervision of work safety standards, even though cleaning service work has the risk of contact with cleaning chemicals and environments that are potentially dangerous.

Although the employment relationship is contractually between the worker and the service provider, Article 66 paragraph (2) letter c of the Manpower Law requires service users to ensure that service providers protect their workers' rights. Therefore, the campus has an indirect moral and legal responsibility to ensure that service providers comply with employment provisions, including wage payments, social security, and K3.

Normatively, the employment law system has provided sufficient legal instruments to protect cleaning service workers. However, the main problem lies in implementation and supervision in the field.

Some factors causing weak legal protection include:

- a. Lack of supervision from the employment agency and campuses towards service provider companies.
- b. The weak bargaining position of workers due to short-term contract work status (PKWT).
- c. Employment contracts that do not comply with legal provisions, for example, do not include the right to social security or severance compensation.
- d. Lack of legal awareness among workers, who do not understand their rights normatively.
- e. The absence of an effective complaint mechanism on campus for outsourced workers.

Legally, cleaning service workers should have the same rights as permanent employees, particularly in terms of basic protections: a living wage, social security, and occupational safety. However, reality shows a gap between norms and practices that creates injustice for lower-level workers.

From several research results that have been produced, the author provides recommendations in the form of:

1. Improving Labor Supervision.

The Department of Manpower needs to conduct regular inspections of cleaning service providers that collaborate with campuses, to ensure compliance with labor laws and regulations.

- a. **Protection Clause in Contract between Campus and Service Provider**
Campus must include a clear clause in the cooperation agreement that requires the service provider company to:
 - 1) Pay wages according to UMP/UMK,
 - 2) Include workers in BPJS Employment and BPJS Health,
 - 3) Provide personal protective equipment,

- 4) Conducting K3 training.
- b. **Establishment of an Internal Complaint Mechanism on Campus**
Campuses can establish a **labor complaint unit** to accommodate reports of violations of the rights of outsourced workers on campus, with a secure and confidential reporting system.
- c. **Empowerment and Legal Education for Cleaning Service Workers**
The campus, together with the Department of Manpower and labor unions, can provide legal **awareness training** so that workers are aware of their rights and obligations under the Manpower Law.
- d. **Sanctions against Service Providers Who Violate Provisions**
If serious violations are found, such as not paying wages or not registering workers with BPJS, the campus should **terminate the cooperation contract** and report the company to the employment agency to be subject to administrative sanctions in accordance with PP No. 36 of 2021.
- e. **Social Justice-Based Procurement Policy**
Campuses as educational institutions should be role models in fair and humane employment practices, by only working with service providers who comply with the principles of worker protection.

Normatively, the Manpower Law clearly regulates the protection of outsourced workers, including cleaning service workers on campus. However, weak implementation, oversight, and legal awareness render these protections ineffective. Therefore, synergy between campuses, service providers, and the government (through the labor office) is needed to ensure the full implementation of cleaning service workers' rights in accordance with the principles of social justice and a just and civilized humanity.

This research emphasizes the urgency of strengthening legal protection, especially regarding work status, decent wages, leave rights, and the implementation of social security for cleaning service workers in campus environments, as part of fulfilling the principles of justice and worker welfare in accordance with the ideals of national labor law.

The legal protection of cleaning service workers on campus in Indonesia operates within a complex framework of national employment legislation that provides normative safeguards but faces substantial implementation challenges. Law No. 13 of 2003 on Manpower, as amended by the Omnibus Law No. 11 of 2020 and further revised through Law No. 6 of 2023, establishes the foundational legal structure for outsourced cleaning services, explicitly recognizing cleaning work as a legitimate non-core business activity eligible for outsourcing arrangements. Under Articles 64-66 of the Manpower Law, combined with Government Regulation No. 35 of 2021, cleaning service workers are theoretically afforded substantial protections including the right to minimum wages, occupational health and safety provisions, social security coverage, annual leave entitlements, and comprehensive employment contracts outlining all material terms and conditions. Additionally, Law No. 1 of 1970 on Occupational Safety and Article 86 of the Manpower Law guarantee every worker's right to protection of safety, health, morality, and decency in the workplace, which directly applies to campus cleaning personnel who often face exposure to chemical hazards, biological contaminants, and physical risks inherent to their occupation.

However, the normative legal protection provided by statute does not adequately translate into practical implementation on university campuses, particularly concerning outsourced cleaning service workers. The empirical reality of campus cleaning service employment reveals significant gaps between legal entitlement and actual protection received. Campus-based research demonstrates that cleaning service workers frequently encounter denial of leave rights despite clear statutory provisions, face obstacles in accessing administrative protections, and experience discriminatory treatment compared to permanent university staff. These implementation failures stem primarily from the structural characteristics of the outsourcing arrangement itself, wherein the employment relationship exists formally between the cleaning worker and the outsourcing service provider company, while the principal user entity the university maintains operational control and receives the benefit of the services without bearing commensurate legal responsibility for worker welfare.

CONCLUSION

The research findings indicate a significant gap between regulations and practices regarding legal protection for cleaning service workers on campus. Normatively, Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023, provides a strong legal basis for guaranteeing workers' rights, including those in outsourced employment. However, its implementation in the field has not been effective and consistent.

First, there is unequal treatment of cleaning service workers as a vulnerable group. They still frequently experience discrimination, uncertainty about their employment status, and limited access to social security benefits such as BPJS Ketenagakerjaan (Employment Social Security) and BPJS Kesehatan (Healthcare Social Security). Weak oversight by universities and the Manpower Office, as well as low legal awareness among both service providers and universities, exacerbates this situation.

Second, there is a gap between legal norms and the implementation of workers' rights. Although the rights to a living wage, leave, holiday allowances, and occupational health and safety protection are expressly stipulated in law, in practice, many of these rights are not fulfilled. Furthermore, coordination between universities, service providers, and labor supervisory agencies remains suboptimal in ensuring the implementation of legal protection principles for outsourced workers.

Third, the campus's moral and legal responsibilities as service users have not been fully implemented. However, based on Article 66 paragraph (2) letter c of the Manpower Law, the campus is obligated to ensure that service providers comply with labor protection provisions. The campus's passive attitude in oversight often results in workers' rights violations being left unaddressed.

Fourth, legal protection for cleaning service workers remains formalistic, failing to address substantive justice. Adequate legal provisions are not accompanied by effective enforcement, so workers' rights often remain at the normative level.

Thus, this study concludes that legal protection for cleaning service workers on campuses has not been optimally implemented. Real synergy is needed between the government, campuses, and service providers to implement labor regulations consistently and fairly.

Legal protection must not only be administrative in nature, but also reflect the values of social justice and just and civilized humanity as mandated by Pancasila and the ideals of national law in the field of employment.

ACKNOWLEDGMENTS

The author of this research is very grateful for the support of the lecturers, Mrs. Dr. Isnawati, SH., MH, Mrs. Farahwati, SH., M.Sc., MH, and Mrs. Ekawati, SH., MH, who have guided, until this research is completed. Fellow students of the Faculty of Law Class of 2022, thank you for your support and encouragement, until this writing is completed.

REFERENCES

- Antony, A. (2025). Employment or exploitation? A legal comparative study of domestic workers protection in Indonesia and Singapore. *Legal Journal*, 12(2), 1–25. <https://legal.isha.or.id/index.php/legal/article/view/1313>
- Hadjon, P. M. (1987). Legal protection for the people: A study of the principles in principle, it is handled by the courts within the general court environment and formation of state administrative courts. Bina Ilmu.
- Kusuma, S. D. (2012). Penyelesaian perselisihan pemutusan hubungan kerja (PHK) karena kesalahan berat pada tingkat mediasi di Dinas Sosial Tenaga Kerja dan Transmigrasi Kabupaten Purbalingga [Skripsi]. Universitas Jenderal Soedirman.
- Marzuki, P. M. (2008). Legal research (2nd ed.). Golden.
- Nadila. (2024). Perlindungan hukum terhadap hak pekerja perempuan berdasarkan Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan (Studi kasus: Cleaning service pada Badan Pengelola Masjid Istiqlal) [Skripsi]. UIN Syarif Hidayatullah Jakarta. <https://repository.uinjkt.ac.id/dspace/handle/123456789/81800>
- Narendratama, R. H. B. (2020). Problem implementasi kebijakan THR cleaning service Fisipol UGM 2019 berdasarkan Permenaker No 6/2016 [Skripsi]. Universitas Gadjah Mada. <https://etd.repository.ugm.ac.id/penelitian/detail/196370>
- Pramesti, N. P., & Yuspin, W. (2021). Legal protection of occupational health and safety for cleaning service workers at RSUD Salatiga. *Prosiding 18th URECOL: Seri Bidang Pendidikan, Humaniora dan Agama*, 55–64. <https://www.repository.urecol.org/index.php/proceeding/article/download/2921/2838/5538>
- Purnami, P. M. R., & Julianti, L. (2021). Perlindungan hukum terhadap pekerja kebersihan melalui Badan Penyelenggara Jaminan Sosial (BPJS) di Dinas Lingkungan Hidup Kabupaten Tabanan. *Jurnal Hukum Mahasiswa*, 1(2), 333–345. <https://e-journal.unmas.ac.id/index.php/jhm/article/download/3459/5339>
- Rawls, J. (1973). *A theory of justice*. Oxford University Press.

Suhairi, A. (2020). Perlindungan hukum pekerja outsourcing cleaning service CV. Panca Dara di Universitas Trunojoyo Madura [Skripsi]. Universitas Trunojoyo Madura. <https://library.trunojoyo.ac.id/elib/detil.php?id=19689>

Universitas Negeri Gorontalo. (n.d.). Repositori E-Skripsi. <https://eskripsi.perpustakaan.ung.ac.id/app/project/1a36840e62cebfa11f7ed23bea6dc89976192e3c>