

Legal Protection of Women Workers in the Tempuran Industrial Area (A Case Study)

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ABSTRACT

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*Legal Protection,
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Tempuran District is an industrial area with very rapid development. PT. Usmantex, PT. Pandatex, and PT. Djohartex are companies engaged in textiles whose majority are women. All types of work have risks, especially risks for women workers related to work comfort and safety. For this reason, the protection of the rights of women workers is essential. This study aims to analyze the legal protection for women workers at PT. Djohartex based on Law Number 13 of 2003 concerning employment. The type of method used is juridical empirical with a qualitative approach. This study's findings are the legal protection of women workers at companies in the Tempuran industrial area, especially PT. Djohartex has not been appropriately realized due to two obstacles, namely internal factors (lack of employees in the Labor Inspection Unit, limited human resources, limited facilities, and infrastructure). infrastructure, the difficulty of supervision time), external factors (lack of awareness of the company and lack of cooperation between the parties).

ABSTRAK

Kata Kunci:

*Perlindungan
Hukum, Pekerja
Perempuan,
Studi Kasus*

Kecamatan Tempuran yang merupakan Kawasan industri dengan perkembangan yang sangat pesat. PT. Usmantex, PT Pandatex dan PT Djohartex adalah perusahaan yang bergerak dibidang tekstil yang mayoritas pekerjanya adalah perempuan. Pada dasarnya segala jenis pekerjaan memiliki resiko, terlebih resiko pada pekerja perempuan terkait kenyamanan dan keselamatan kerja. Untuk itu perlindungan atas hak-hak

pekerja perempuan menjadi sangat penting. Penelitian ini bertujuan untuk menganalisa perlindungan hukum bagi pekerja perempuan di PT. Djohartex berdasarkan Undang-Undang Nomor 13 tahun 2003 tentang ketenagakerjaan. Jenis metode yang digunakan yaitu yuridis empiris dengan pendekatan kualitatif. Temuan dalam penelitian ini yaitu Perlindungan hukum pekerja perempuan pada perusahaan di kawasan industri Tempuran khususnya PT. Djohartex masih belum terealisasi dengan baik dikarenakan adanya dua factor hambatan yaitu factor intern (kurangnya jumlah pegawai di Satuan Pengawas Tenaga Kerja, terbatasnya Sumber Daya Manusia, Terbatasnya sarana dan Prasarana, sulitnya waktu pengawasan), factor ekstern yaitu (kurangnya kesadaran perusahaan dan kurangnya Kerjasama antara para pihak).

1. INTRODUCTION

Tempuran District is a strategic area to support industrial advancement. Geographically, Tempuran District is located on the main route connecting Magelang with Purworejo, attracting investors to build their business in the Tempuran Area. Such great potential must be balanced with legal protection for workers. The rapid pace of gender equality in the current era of modernization implies equal rights between women and men, thus encouraging women to play a role in social and economic life.

The Constitution of the Republic of Indonesia (UUD 1945) as the constitutional basis of the Republic of Indonesia in article 27 paragraph (2) of the 1945 Constitution, which reads "*that every citizen has the right to work and a decent living for humans.*" The term "*every citizen*" implies that all citizens have the right to equality. It opens up enormous opportunities for women workers to get the same opportunities to work in companies.

The entry of women workers into the world of work will automatically create an employment relationship after a work agreement between the worker and the entrepreneur. This agreement contains the worker and the entrepreneur (Apriyanti et al., 2018). Productivity efficiency of PT. Usmanjaya Mekar Textil Industry (Usmantex), PT. Panca Persada Mulia (pandatex), PT. Djohartex, located in the Tempuran area, Magelang Regency, operates its industry on a 24-hour basis based on a shift system. In general, the division consists of 3 shifts, namely: Shift 1 (07.00 a.m. to 03.00 p.m.), Shift II (03.00 pm to 11.00 pm), and Shift III (11.00 pm to 07.00 am); such a shift system is followed by every worker with a schedule that has been determined by the company, including for woman workers.

The current case is far from the expectations of legal protection as regulated in the legislation. Women workers who work at night at PT. Usmanjaya Mekar Textil Industry (Usmantex), PT. Panca Persada Mulia (Pandatex), PT. Djohartex. From the observations, women workers go home and work at night by driving their vehicles, endangering their safety. In addition, women workers also do not know about the rights of women workers that they should have while working, such as the right to menstruation leave, the right to give breast milk or the provision of a lactation room, the right to get shuttle transportation facilities, the right to get food and drink while working at night, the right of workers to get social security. However, in every company, there is a union. This union exists to fight for, defend and protect the rights and interests of workers (Rosifany, 2020).

All types of work have risks, especially risks for women workers related to work comfort and safety. For this reason, the protection of the rights of women workers is essential (Mambu, 2010). The security of the rights of women workers has been regulated in Law Number 13 of 2003 concerning Manpower and its derivative regulations, namely the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: Kep. 224 /MEN/2003 Concerning the Obligations of Employers Who Employ Woman Workers/Labourers Between 11.00 pm to 07.00 am, the entitlements include the right to menstruation leave, the right to maternity leave or miscarriage, the right to breastfeed, or to get a lactation room, besides that there are also rights for workers women to get nutritious food and drink while working at night.

This study was conducted to describe the form of supervision from the government so that the fulfillment and protection of the rights of women workers are carried out correctly. The labour inspection unit carries out this supervision and clearly explains the implementation of Law Number 13 of 2003 concerning Employment in companies in the Tempuran industrial area.

2. RESEARCH METHODS

The method in this study uses a type of empirical juridical research to examine the implementation of Law No. 13 of 2003 concerning Employment at Pt. Usmantex, PT. Pandatex and PT. Djohartex. The approach is carried out qualitatively to describe the extent of the Labour Inspector's legal protection for women workers. Sources of data used are obtained from primary data sources obtained from interviews and observations, whatever secondary data obtained

from favorable legal regulations relevant to the topic of the study ([Marzuki, 2009](#)).

3. RESULTS AND DISCUSSION

3.1. Juridical Analysis of the Legal Protection of Women Workers in the Tempuran Industrial Area

PT. Usmantex, PT. Djohartex and PT. Pandatex, located in Tempuran District, is founded by several people with an investment in shares. The three companies run a business in weaving or processing yarn into the fabric (industrial textile). In the production process, these three companies have specific standards, which means that in making each type of product, there is a particular formula, with the materials needed in the production process in the form of yarn as raw material, as for the flow of the production process ([Nugraha & Sari, 2018](#)):

- a. Wearing, which is the separation of yarn rolls into yarn units.
- b. Kanji, namely the administration of drugs in the form of chemical substances in the unit of thread.
- c. Cucok is the formation of a woven pattern from yarn units that have passed the starch process.
- d. Weaving, namely weaving yarn into cloth, has formed a pattern according to the order.
- e. Inspecting, namely cleaning or repairing the fabric, and quality control on the quality of the material that has been produced.
- f. Warehouse, which is the activity of packing cloth into rolls.

To support and implement the production process, PT. Usmantex, PT. Djohartex and PT. Pandatex employs more than 400 workers, the majority of whom are women, because, in their work, they prioritize accuracy. This accuracy tends to be owned by women. In terms of productivity efficiency PT. Usmantex, PT. Djohartex and PT. Pandatex, which is located in Tempuran District, operates its industry based on a shift system. In general, the division consists of 3 shifts, namely: Shift 1 (07.00 am-03.00 pm), Shift II (03.00 pm-11.00 pm), and Shift III (11.00 pm-07.00 am) for woman workers. With woman workers employed on the night shift system, regulation regarding employment becomes very important ([Maulana & Muslim, 2020](#)).

Regulations regarding human resources are regulated in Law Number 13 of 2003 concerning Manpower. According to this law, human resources is all

matters relating to human resources during and after employment (Agus, 2019). Labour is not only limited to people who can do work to make goods and services which then get a reward or salary, but also to the existence of special rights granted by the employer to workers as regulated in Law Number 13 of 2003, which in its entirety contains about every worker having the same rights and opportunities to obtain a job and a decent living without discrimination to the interests and abilities of the workforce. Regulations regarding human resources are regulated in Law Number 13 of 2003 concerning Manpower. According to this law, human resources is all matters relating to human resources during and after employment. Labour is not only limited to people who can do work to make goods and services which then get a reward or salary, but also to the existence of special rights granted by the employer to workers as regulated in Law Number 13 of 2003 which in its entirety contains about every worker having the same rights and opportunities to obtain a job and a decent living without discrimination to the interests and abilities of the workforce (Sokhib, 2018). Regulations regarding human resources are regulated in Law Number 13 of 2003 concerning Manpower.

According to this law, human resources is all matters relating to human resources during and after employment. Labour is limited to people who can do work to make goods and services that then get a reward or salary, and the existence of special rights granted by the employer to workers as regulated in Law Number 13 of 2003, which in its entirety contains about every worker having the same rights and opportunities to obtain a job and a decent living without discrimination to the interests and abilities of the workforce (Wahyuni et al., 2019). Employment is all matters relating to labor during and after the work period. Labor is limited to people who can do work to make goods and services, that then get a reward or salary, and the existence of special rights granted by the employer to workers as regulated in Law Number 13 of 2003, which in its entirety contains about every worker having the same rights and opportunities to obtain a job and a decent living without discrimination to the interests and abilities of the workforce. Employment is all matters relating to labour during and after the work period. Delivery is limited to people who can do work to make goods and services that then get a reward or salary, and the existence of special rights granted by the employer to workers as regulated in Law Number 13 of 2003, which in its entirety contains about every worker having the same rights and opportunities to obtain a job and a decent living

without discrimination to the interests and abilities of the workforce. Labour is not only limited to people who can do work to make goods and services, which then get a reward or salary, but also to the existence of special rights granted by the employer to workers as regulated in Law Number 13 of 2003, which in its entirety contains about every worker having the same rights and opportunities to obtain a job and a decent living without discrimination to the interests and abilities of the workforce. Labour is limited to people who can do work to make goods and services that then get a reward or salary, and the existence of special rights granted by the employer to workers as regulated in Law Number 13 of 2003, which in its entirety contains about every worker having the same rights and opportunities to obtain a job and a decent living without discrimination to the interests and abilities of the workforce.

Both female and male workers have the same rights as regulated in Article 6 of Law Number 13 of 2003 concerning Manpower which reads:

"Every worker/labour has the right to receive equal treatment without discrimination from employers."

The treatment in question includes providing wages, guarantees for welfare, and termination of employment without any discrimination to female or male workers. However, there is special protection for women workers in several matters, such as protection related to reproductive functions. It is regulated in Article 49 paragraph (2) of Law Number 39 of 1999 concerning Human Rights, which reads:

"Women have the right to get special protection in the implementation of their work or profession against things that can threaten their safety and or health concerning women's reproductive functions."

Concerning the protection of woman workers, Law Number 13 of 2003 concerning Manpower regulates forms of protection for woman workers, which include:

3.1.1. Protection of Pregnant Women Workers

According to Article 76 of Law Number 13 of 2003 concerning Manpower paragraph 2 (two), employers are prohibited from employing pregnant women workers who, according to doctors, are dangerous to the health of their wombs and themselves if they work between 23.00 and 07.00, and if the entrepreneur or company violates will be subject to imprisonment under Article 187 of Law

Number 13 of 2003 concerning Manpower for a minimum of 1 (one) month and a maximum of 12 (twelve) months and a fine of at least Rp. 10,000,000.00 (ten million rupiah) and a maximum of Rp. 100,000,000.00 (one hundred million rupiah) (Permatawati & Purwanti, 2014). In addition, Article 76 paragraphs 3 (three) and 4 (four) of Law Number 13 of 2003 concerning Manpower also provide obligations for entrepreneurs who employ women workers between 11 p.m.

- a. Provide nutritious food and drinks;
- b. Maintain decency and safety while at work.
- c. Provide shuttle transportation.

3.1.2. Protection against work time and rest time

The Employment Creation Law on the employment cluster changes Article 77 of Law Number 13 of 2003 concerning Manpower. In article 77, paragraph 2 of the Job Creation Law it explains that the time for the division of working hours that is allowed is:

- a. *7 (seven) hours 1 (one) day and 40 (forty) hours 1 (one) week for 6 (six) working days in 1 (one) week; or*
- b. *8 (eight) hours 1 (one) day and 40 (forty) hours 1 (one) week for 5 (five) working days in 1 (one) week.*

Employers who employ workers as referred to in Article 77 paragraph 2 (two) must meet the requirements stated in the Employment Creation Act in the employment cluster Article 78 in paragraph 1 (one), which amends the provisions of Article 78 of Law Number 13 of 2003 concerning Employment, namely:

- a. *there is the approval of the worker/labourer concerned;*
- b. *overtime can only be done for a maximum of 4 (four) hours in 1 (one) day and 18 (eighteen) hours in 1 (one) week.*

Employers who employ workers beyond working hours are obliged to pay overtime wages in accordance with the provisions of the applicable legislation, then related to rest and leave time for workers, this is regulated in the Employment Creation Law in the Manpower Cluster Article 79 paragraph 2 (two) which formulates that rest and exit times for workers include:

- a. *Employers are required to provide*
 - 1) *break time;*

- 2) *Paid leave.*
- b. *The rest period, as referred to in paragraph (1) letter a must be given to workers/labourers at least covering:*
- 1) *rest between working hours, at least half an hour after working for 4 (four) continuous hours and the rest time does not include working hours and;*
 - 2) *1 (one) day weekly break for 6 (six) working days in 1 (one) week.*
- c. *Leave as referred to in paragraph (1) letter b that must be granted to workers/labourers, namely annual leave, is at least 12 (twelve) working days after the worker/labourer concerned has worked for 12 (twelve) months continuously.*
- d. *As mentioned in paragraph (3), the implementation of annual leave is regulated in a work agreement, company regulations, or collective work agreement.*
- e. *In addition to the rest and leave periods as referred to in paragraph (1), paragraph (2), and section (3), certain companies may provide long breaks as stipulated in the work agreement, company regulations, or collective work agreement.*
- f. *Further provisions regarding certain companies, as referred to in paragraph (5), shall be regulated by government regulations.*

Then apart from that, there are also other rest time regulations in certain circumstances for woman workers, this is regulated in Article 81 of Law Number 13 of 2003 concerning Manpower, namely:

“Women workers/labourers who feel pain during their menstruation period and notify the entrepreneur are not obliged to work on the first and second day of menstruation.”

Article 83 explains that:

“woman workers/labourers whose children are still breastfeeding should be given appropriate opportunities to breastfeed their children if this is to be done during working hours.”

Moreover, the regulation regarding the protection of woman workers who work at night is confirmed by the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia: Kep. 224 /Men/2003 concerning the Obligations of Employers Who Employ Woman Workers or Workers Between 11.00 pm - 07.00 am, which reads:

- a. *Employers who employ woman workers/labourers between 11.00 pm - 07.00 am are obliged to:*
- 1) *provide nutritious food and drink;*
 - 2) *maintain decency and safety while at work.*
- b. *Employers must provide shuttle transportation for woman workers/labourers who return to work between 11:00 pm - 05:00 am.*

3.2. Implementation of the protection of women workers at PT. Djohartex

3.2.1. Protection against work and rest time

Based on information from Mrs Tri, one of the woman workers who work at PT. Djohartex obtained information that the company has fulfilled the provisions regarding working hours and rest hours. However, it was added by Mr Suparno as the chairman of the DPC of the National Labor Union of Magelang Regency that, in the implementation of overtime work, permission to not participate in overtime work is complicated to obtain. Approval is only given to urgent things, such as sick or pregnant workers (Suparno, 2021). However, the law only provides sanctions against the provisions of Article 78 paragraph 2 (two) of the Employment Creation Act in the employment cluster, which amends the provisions of Article 78 paragraph 2 (two) of Law No. 13 of 2003 concerning Manpower which stipulates that employers who employ workers exceeding the working time as referred to in paragraph 1 shall be obliged to pay workers wages. Violation of the provisions of Article 78 paragraph 2 (two) of the Job Creation Act is punishable by a minimum imprisonment of 1 (one) month and a maximum of 12 (twelve) months, and a fine of at least Rp. 10,000,000.00 (ten million rupiahs) and a maximum of Rp. 100,000,000.00 (one hundred million rupiahs). Violation of the provisions of Article 78 paragraph 2 (two) of the Job Creation Law is punishable by a minimum imprisonment of 1 (one) month and a maximum of 12 (twelve) months, and a fine of at least Rp. 10,000,000.00 (ten million rupiahs) and a maximum of Rp. 100,000,000.00 (one hundred million rupiahs). Violation of the provisions of Article 78 paragraph 2 (two) of the Job Creation Law is punishable by a minimum imprisonment of 1 (one) month and a maximum of 12 (twelve) months, and a fine of at least Rp. 10,000,000.00 (ten million rupiahs) and a maximum of Rp. 100,000,000.00 (one hundred million rupiahs) (Hartaty et al., 2020).

3.2.2. Labor protection for pregnant women

Based on information from Mrs Tri, one of the woman workers who work at PT. Djohartex, the provisions regarding the rights of pregnant women workers, woman workers have obtained the right to rest for 1.5 (one and a half) months before the time to give birth to children and 1.5 (one and a half) months after giving birth according to the calculations of the obstetrician or midwife, as which is outlined in article 82 paragraph 1 (one). However, it was added by Mr

Suparno as the chairman of the DPC of the Magelang Regency National Trade Union that the implementation of this provision was still 50% carried out. The sentence "50% has been implemented" in granting maternity leave indicates that there are still violations in maternity leave provision. In practice, he added that women workers are working at PT. Djohartex only gets two weeks of rest before giving birth. This can happen because of the request from the worker concerned to the company to get a more extended period of leave after giving birth. Violation of this provision is punishable by imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years, and a fine of at least Rp. 100,000,000.00 (one hundred million rupiahs) and a maximum of Rp. 400,000,000.00 (four hundred million rupiahs). It can be concluded that the protection of human rights in terms of maternity leave for woman workers at PT. Djohartex has not been entirely appropriately realized. It can happen because of a worker's request to get a more extended vacation after giving birth (Kumalasari, 2017).

Violation of this provision is punishable by imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years, and a fine of at least Rp. 100,000,000.00 (one hundred million rupiahs) and a maximum of Rp. 400,000,000.00 (four hundred million rupiahs). It can be concluded that the protection of human rights in terms of maternity leave for woman workers at PT. Djohartex has not been entirely appropriately realized. It can happen because of a worker's request to get a more extended vacation after giving birth. Violation of this provision is punishable by imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years, and a fine of at least Rp. 100,000,000.00 (one hundred million rupiahs) and a maximum of Rp. 400,000,000.00 (four hundred million rupiahs). Based on this, it can be concluded that the protection of human rights in terms of maternity leave for woman workers at PT. Djohartex has not been entirely appropriately realized. The violation of this provision is punishable by imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years, and a minimum fine of Rp. 100,000,000.00 (one hundred million rupiahs) and a maximum of Rp. 400,000,000.00 (four hundred million rupiahs). Based on this, it can be concluded that the protection of human rights in terms of maternity leave for woman workers at PT. Djohartex has not been entirely appropriately realized. Magelang) Violation of this provision is punishable by imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years, and a minimum fine

of Rp. 100,000,000.00 (one hundred million rupiahs) and a maximum of Rp. 400,000,000.00 (four hundred million rupiahs). Based on this, it can be concluded that the protection of human rights in terms of maternity leave for woman workers at PT. Djohartex has not been entirely appropriately realized.

3.2.3. Protection for Women in Menstruating Conditions

Concerning protection for woman workers in menstruating conditions, this is regulated in Article 81 paragraph 1 (one) of Law Number 13 of 2003 concerning Manpower. Based on information from Mrs Tri, one of the woman workers who work at PT. Djohartex, the provisions in the article have never been applied. It was also added that even though workers are menstruating, they tend to force themselves to come to work even when they are sick because of their menstruation. This happens because menstrual leave is difficult to obtain. After all, menstruation is not a disease, but menstruation is a monthly cycle for a woman. Therefore, it is feared by the employer or company that menstrual leave is only used as an excuse not to come to work. In addition, due to the pandemic, the number of workers is also limited. If many women workers are allowed to take menstrual leave on the same day, the company fears that there will be a shortage of workers in the field (Ba'agil, 2020). Based on this added by Mr Suparno as the chairman of the DPC National Workers Union of Magelang Regency, in Law Number 13 of 2003 concerning Manpower in Article 81 paragraph 1 (one) which regulates the provision that woman workers are not obliged to work when they feel sick when Menstruation is not imperative. In other words, the company is not obliged to give permission not to work during menstruation. However, this provision provides women workers with the right not to come to work when they feel sick during menstruation. In the absence of regulatory obligations and sanctions for companies, in the case of granting permission to not come to work when you feel pain during menstruation, the regulation of this right becomes a mere formality (Suparno, 2021).

3.2.4. Protection in Providing Breastfeeding Opportunities

Concerning protection for woman workers in providing breastfeeding opportunities to woman workers as regulated in Law Number 13 of 2003 concerning Manpower in Article 83, based on information from Mrs Tri, one of the woman workers who work at PT. Djohartex, this opportunity has been given by the company. Still, in this case, it was added Mr Suparno as the

chairman of the DPC National Workers Union of Magelang Regency that women workers did this by taking advantage of the rest time. Thus, it can be said that the provision of breastfeeding opportunities at PT. Djohartex is still not doing well (Firnanda, 2021).

3.2.5. Protection of Transportation Facilities

Regarding the protection of woman workers who work at night as regulated in Law Number 13 of 2003 concerning Manpower in article 76. Based on information from Mrs Tri, one of the woman workers who work at PT. The company has provided Djohartex, protection for women workers who work at night; however, added by Mr Suparno as the chairman of the DPC of the Magelang Regency National Trade Union that in the implementation of the provisions of article 76 paragraph 3 (three) and 4 (four) of Law Number 13 2003 concerning Manpower, which reads: Paragraph 3 (three): Employers who employ woman workers/labourers between 23.00 and 07.00 are obligated to:

- a. provide nutritious food and drink;
- b. maintain decency and safety while at work.

It has not yet been appropriately realized because nutritious food and drinks are replaced with compensation of money. And in article 4 (four), "*Entrepreneurs are obliged to provide shuttle transportation for woman workers/labourers who go to and return from work between 11.00 pm to 05.00 am*". It is still not fully fulfilled because of the narrow road access to the workers homes, so the vehicles provided by the company cannot reach the homes of women workers who have limited road access.

3.3. The role of the Labor Inspection Unit in the Protection and Supervision of Woman Workers in The Tempuran Industrial Area

3.3.1. Laws and Regulations Protecting Woman Workers Working in Companies in the Tempuran Industrial Estate

The labour inspection unit's implementation of the protection and supervision of women workers in the Tempuran industrial area is by supervising companies that employ women workers, whether they have implemented the legal protection regulated in Law Number 13 of 2003 concerning Manpower. This Law is a basic rule in employing women workers. It is hoped that it will refer to the Law.

1. Article 76 of Law Number 13 of 2003 concerning Manpower:

- a. *Women workers/labourers under 18 (eighteen) years old are prohibited from being employed between 23.00 to 07.00.*
 - b. *Employers are prohibited from employing pregnant women workers/labourers who, according to a doctor's statement, are dangerous to the health and safety of their wombs and themselves if they work between 23.00 and 07.00.*
 - c. *Employers who employ woman workers/labourers between 23.00 and 07.00 are obligated to:*
 - 1) *provide nutritious food and drink;*
 - 2) *maintain decency and safety while at work.*
 - d. *Employers must provide shuttle transportation for woman workers/labourers who return to work between 23.00 and 05.00.*
 - e. *The provisions referred to in paragraphs (3) and (4) shall be regulated by a Ministerial Decree.*
2. Article 81 of Law Number 13 of 2003 concerning Manpower:
"Women workers/labourers who feel pain during their menstruation period and notify the entrepreneur are not obliged to work on the first and second day of menstruation."
3. Article 83 of Law Number 13 of 2003 concerning Manpower:
"woman workers/labourers whose children are still breastfeeding should be given appropriate opportunities to breastfeed their children if this is to be done during working hours."

In addition to the above regulations, the regulation regarding woman workers who work at night is regulated in the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: KEP. 225/MEN/2003 concerning Obligations of Employers Who Employ Women Between 93 pm and 07.00 pm. This ministerial regulation is an implementation regulation of Article 76 of Law Number 13 of 2003 concerning Manpower, which states that employers should provide nutritious food and drinks and maintain decency and safety in the workplace. Article 2 of the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: KEP. 225/MEN/2003 stated that employers who employ women workers between 11.00 pm and 07.00 am are obliged to provide shuttle transportation for women workers who leave and return from work between 11.00 pm and 05.00 am. In addition, Article 3 of the Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: KEP.

225/MEN/2003 states that nutritious food and drinks, as referred to in Article 2 paragraph 1 (one) letter, fulfill at least 1400 calories and are given during breaks between working hours. Food and drinks cannot be replaced with money. Then the issue of providing nutritious food and beverages for woman workers who work at night is also regulated again in article 4 (four). This ministerial decision states that providing food and drinks, equipment, and dining rooms must be proper and meet hygiene and sanitation requirements. The presentation of food and beverage menus given to workers or labourers must be varied. Meanwhile, it is regulated in article 5 (five) regarding security for women workers, which states that employers are obliged to provide security officers at work and separate bathrooms for women and male workers.

Furthermore, Article 6 (six) of this ministerial decision stipulates that employers are obliged to provide shuttle transportation starting from the pick-up point to the workplace and vice versa. Pick-up is carried out from the pick-up point to the workplace, and vice versa between 11.00 pm - 05.00 am. This is further emphasized in Article 7, which still regulates the pick-up and delivery of woman workers, which explains that employers must determine the pick-up and drop-off location in an easy place. Accessible and safe for women workers. The vehicle used must also be in proper condition and must be registered with the company. Then in article 8 (eight) of the minister's decision, it explains that the implementation of providing nutritious food and nutritious drinks,

In line with the above, the Labor Inspection Unit does not issue regulations internally. Still, it only enforces laws and regulations that apply nationally (overall), namely Law Number 13 of 2003 concerning Manpower and its implementing regulations, namely the Decree of the Minister of Manpower. And Transmigration of the Republic of Indonesia Number: KEP. 225/MEN/2003 concerning the Obligations of Entrepreneurs Who Employ Women Between 11.00 pm-07.00 am. However, Mr Abdul Muin, S.T., M.T, added with the position as head of the Magelang Regional Labor Inspection Unit if operationally, the laws and regulations regarding legal protection for women workers are still not running effectively (Muin, 2021).

3.3.2. Supervision of Woman Workers Working in Companies in the Combat Industrial Area by the Magelang Regional Manpower Inspection Unit

Labour inspectors carry out labour inspections in all companies, especially those employing women workers in the combat industrial estate companies. In

chapter XIV, article 176 of Law Number 13 of 2003 concerning Manpower, it is stated that:

"Competent and independent labour inspectors carry out manpower inspection to ensure the implementation of labour laws and regulations".

Labour inspection is intended to protect workers' rights or labourers who are often deprived of them by their employers. A classic condition is that workers are weak parties, their economic conditions are mediocre, and their rights are often ignored. The purpose of the legislation is to place workers in a suitable social position. This objective will not be achieved if the labour inspection, which is the responsibility of the labour inspector employee, is not carried out correctly.

The main task of the labour inspection employee is to carry out labour inspection. In addition, the labour inspector is also given the authority as a Civil Servant Investigator in accordance with the provisions of the legislation. In carrying out their duties by the provisions of Article 181 of Law Number 13 of 2003 concerning Manpower, labour inspectors are obliged to keep things confidential by their nature and not to abuse their authority. The target to be achieved in labour inspection complies with all labour regulations by all parties so that there is no arbitrariness of employers against their workers. In labour inspection, based on the information given by Mr Abdul Muin, S.T., M.T, with the position as head of the Manpower Supervision Unit for the Magelang Region, the supervision is divided into two parts, namely preventive management and repressive leadership.

Preventive inspection is labour inspection that is preventive before a violation occurs. This preventive supervision is realized in coaching for all companies in the Magelang Regency area, including the Tempuran District. The form of guidance for the company is in the form of socialization and counseling either at work or special meetings in the meeting room, direct field inspections carried out both during the day and at night by labour inspectors to monitor whether the company has implemented the requirements specified in employing woman workers and ask questions. the responsibility that involves three elements, namely women workers, entrepreneurs, and labour inspectors. Questions and answers with workers are essential to any inspection because the working conditions can be proven. This coaching is a persuasive step. Namely,

by holding this coaching, the company concerned can immediately implement the provisions of the labour regulations following what is recommended.

Based on the data analysis, the companies in the Tempuran industrial area that employ women workers have met the requirements to employ women workers. These requirements include the nature of the work or the type of business that requires continuous work to achieve targets and obtain a better quality of production if employed by women workers.

According to Mr Abdul Muin, S.T., M.T, with the position as the head of the Magelang Regional Employment Supervision Unit, at this time, special permits are no longer valid for companies that employ women workers at night, there used to be such a procedure but now it is no longer applied. However, the requirement to employ woman workers in the company at night is still needed and fulfilled. Employers are required to apply for a permit to the local Manpower Office and fulfill the requirements. Application for a license to employ woman workers at night must have the following reasons:

1. The nature of the work or type of business requires continuous work, or
2. To achieve production targets, or
3. To obtain a better quality of production if woman workers do it.

The company fills out a permit application form which, among other things, contains:

1. Name and position of the company representative who signed
2. Company name and address
3. Number of female and male workers
4. Working time rules at the company concerned
5. Reasons for hiring woman workers at night
6. Number of woman workers to be employed at night, broken down by division or division in the company
7. Night work period
8. Stamped signature

Then if the company meets the requirements that have been set as mentioned above, the human resources office will permit the company in question, but the permit granted by the human resources office does not entirely give freedom to the company in terms of employing women workers who are obliged to protect the safety, health, and the decency of woman employees who are employed at night in accordance with the labour regulations, namely Law Number 13 of 2003 concerning Manpower.

Then another type of supervision is repressive supervision. This supervision is repressive after a violation occurs by a company against the applicable work regulations or norms by providing a warning note to the company concerned. The warning note contains:

1. Place and date the note was made.
2. The address of the company that is given the warning note.
3. Checked company name.
4. Statement of violation of applicable work norms obtained from the inspection results by the company's labour inspector.
5. Advice or warning to employers or companies regarding the proper implementation of labour norms.
6. The signature of the supervisor who carried out the inspection.
7. Copies are addressed to the Directorate General of Labor Relations and Supervision of Work Norms in Jakarta and the Archives.
8. The warning note is attached with a 3 (three) copy of the examination card.

The time lag between the first warning note and the second warning note is seven days after the company's first warning note is received. Likewise, the grace period for the second and third warning notes is seven days after the warning note is received by the company concerned.

The labour inspector can find out whether there is still a violation of labour norms in the warning note or not carried out by the company or entrepreneur based on:

1. After the labour inspector has inspected the relevant company.
2. After getting a reply letter for the warning note given to the related company.
3. Re-examination of the company being examined.

According to Mr Abdul Muin, S.T., M.T, with the position as the head of the Magelang Regional Labor Inspection Unit, throughout 2020-2021, there has never been a company that has made a warning note, even less so than the Minutes of Examination to be submitted to the court by labour inspectors. So it can be said that there are no companies in the Tempuran area of Magelang Regency that have violated or violated the applicable work norms. If after being given warning notes three times but there is no change for the better, the labour inspector is authorized to file the company that violates it to court:

1. Written warning
2. Temporary suspension; and

3. Revocation of the appointment and determination and legitimacy of labour inspectors.

In supervising companies that employ women workers, periodic routine inspections, follow-up inspections, and special inspections are carried out. The purpose of this examination is to find out the actual conditions that occur in the work environment. The assessment is carried out unscheduled, and the entrepreneur or company is not notified in advance. The purpose of this unscheduled visit is for the labour inspector to know the situation and condition of the field in its entirety without specific engineering from the employer or company, of course.

It is very likely that if the visit is notified in advance to the employer or company, they will hide the violation or deviation to avoid getting a warning or sanction from the labour inspector on duty. If there is a leak regarding the inspection schedule, the supervision carried out by the labour inspector is of no benefit at all, considering that the purpose of the labour inspection is to monitor whether the company has implemented the labour laws and regulations and to protect the rights of women workers which are often neglected.

Based on the information obtained, the implementation of supervision in the form of examination of employers or companies that employ women workers is carried out following the budget of the Disnakersostrans of Central Java Province. The study is carried out 15 (fifteen) times in 1 (one) month. However, in reality, it is not always in 1 (one) month that the labour inspectorate performs inspections 15 (fifteen) times because this depends on the existing budget funds and is following the needs of the labour inspector itself to fill out credit points in the context of implementation. Labour inspection in the Tempuran area, Magelang Regency.

In carrying out their duties, labour inspectors receive facilities in the form of transportation equipment such as 1 (one) official car and 2 (two) official motorbikes and the necessary testing equipment such as a steam cable tester, a noise level tester, and a lightning rod tester and a camera for documentation if needed.

According to Mr Abdul Muin, S.T., M.T, as head of the Labor Inspection Unit for the Magelang Region, labour inspection tasks were implemented by labour inspectors in the Tempuran area Magelang Regency has been operationally carried out well. It can be said that it is good because based on secondary data analysis in the legislation. However, it does not contain

sanctions imposed on entrepreneurs or companies that violate the provisions on the protection of women workers. In the Tempuran area, Magelang Regency has not. There have been quite severe problems in the field of employment, especially for women workers/labourers.

Although the implementation of supervision in terms of labour norms has not been fully effective, at least with the facilities and infrastructure received by the labour inspector, it can support the supervisory duties. It can be seen from the obstacles labour inspectors face in the field, including internal and external barriers from the company and the workforce.

1. Internal Blockers

- a. The obstacle in question is the lack of the number of employees working at the Labor Inspection Unit. Overall, there are only 7 (seven) labour supervisors with qualifications of high school and college graduates. It is said to be lacking because, in Magelang Regency alone, there are more than 1000 small-large scale companies. Ideally, one person, 105 labour inspectors, supervises at least 70 companies;
- b. The limited sources of funds for labour inspection prove that the Regional Revenue and Expenditure Budget for the field of labour inspection only obtained 60% of the 100% that should have been received. According to the explanation from Mr Abdul Muin, ST, MT, with the position as head of the Manpower Inspection Unit for the Magelang Region, this can happen because labour inspection is not the essence of employment itself, according to him, the main point of engagement is unemployment reduction which means job creation for the community;
- c. The limited facilities and infrastructure that support the implementation of legal protection and supervision of employers who employ women workers at night are not sufficient enough for labour inspectors to carry out their duties as supervisors. It is because not all facilities that support the implementation of labour inspection tasks are owned by the agency of the Labor Inspection Unit, such as testing equipment, in this case, is a light tester that is not owned, because it is not owned, a company must first borrow from the Department of Manpower, Social and Provincial level transmigration first;

d. The difficulty of supervising employers who employ women workers from 11.00 pm-07.00 am clashes with official working hours, which only work from 07.00 am to 4.30 pm.

2. External Blocker

a. Lack of awareness on the part of employers to comply with the laws and regulations governing legal protection for women workers, resulting in frequent violations that can harm women workers.

b. Lack of good cooperation between employers and labour inspectors in the implementation of labour inspection results in the data obtained from the inspection results not meeting the validity criteria. What this means is that when a labour inspector inspects a company first on a company that employs women workers, it is not uncommon for the entrepreneur concerned to try to cover up the actual conditions that occur in the company so that their company does not receive a warning note when the supervisory employee carries out the inspection. As a result, the supervisory staff will conduct a re-examination to obtain data that meets validity.

4. CONCLUSION

Legal protection for women workers at companies in the Tempuran industrial area, especially PT. Djohartex has not been appropriately realized, namely: there is a violation of provisions (Article 78 related to overtime allowed is 4 (four) hours a day, Article 83 associated with the provision of breastfeeding opportunities, Article 76 in paragraph 3 (three) related to the provision of nutritious food and drinks for women workers who work at night, Article 76 paragraph 4 (four) associated with the fulfillment of shuttle facilities for woman workers). The four articles have not been appropriately implemented. In contrast, Article 81 regarding the provision of menstrual leave has never been applied in the company. Article 82 regarding maternity leave is still a violation where woman workers only get two weeks of rest before giving birth.

The Labor Inspection Unit does not issue regulations regarding legal protection for women workers in terms of protection. Still, the Labor Inspection Unit only ensures the enforcement of applicable laws and regulations. The form of supervision carried out by the Supervisory Unit is preventive and repressive supervision. Some factors hinder legal protection for women workers, namely

internal factors (lack of employees in the Labor Inspection Unit, limited human resources, limited facilities and infrastructure, difficulty in monitoring time), external factors (lack of company awareness and lack of cooperation between the parties).

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