



## Legal Protection for Women Workers in North Lampung

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### **Abstract**

Work or labor is part of the factors of production, therefore labor is very important in economic activity as well as in the economy of a country. Without labor, it is certain that economic activity will be paralyzed and will not work. The objectives of this study are: To determine the application / implementation of Article 76 of Law Number 13 of 2003 against women workers to find out the sanctions for PT Budi Pati dan Pemanis (BSSW) South Sungkai if it has not / does not apply the Manpower Law to women workers. Based on the results of an interview on Monday, October 19, 2020 with Sister HERAWATI (cassava administrative staff), information was obtained that PT Budi Pati and Pemanis (BSSW) South Sungkai provides additional wages and guarantees security to female workers when working outside their working hours (working hours of female workers / workers are 08.00 to 16.00). So that Article 76 Paragraph (3) has been applied by PT Budi Pati and Pemanis (BSSW) South Sungkai.

**Keywords:** *Work; Women; Legal; Protection*

### **A. Introduction**

Discussing employment certainly cannot be separated from the term labor or everything related to employment such as employees, laborers, or unemployment problems and so on. Work or labor is part of the factors of production, therefore labor is very important in economic activity as well as in the economy of a country. Without labor, it is certain that economic activity will be paralyzed and will not work. (--, 2011) (Mighty, 2022).

In Law Number 13 of 2013 concerning Manpower Article 1 Paragraph (1), it is stated that "Employment is everything related to employment either before, during, or after the employment period". From this understanding, we can conclude that work is not always related to the subject, because work is related to various factors such as: Before the working period there is a problem of narrow job opportunities, then in the working period there is a problem of payroll or low quality of labor, and after the working period there is a problem of fulfilling the rights of pensioners or other people. All of that is proof that the work is complex.

The definition of labor in Law Number 13 of 2003 refines the definition of labor in Law Number 14 of 1969 concerning Basic Provisions of Manpower, which provides the definition of "Labor is

everyone who is able to do work both inside and outside the employment relationship to produce goods or services to meet the needs of the community". Law Number 13 of 2003 Article 1 Number 2.

The emancipation of women championed by RA Kartini seems to be influential in terms of women's labor protection. It is evident that the government issued Law Number 13 of 2003 concerning Manpower, in Paragraph 3 of Article 76 which contains provisions on women workers. On the other hand, female workers have several work risks compared to men, such as: children who are not old enough / under 18 (eighteen) years old must work to meet the needs of life until their childhood is lost, the difficulty of female workers having offspring or having miscarriages due to work fatigue, lack of nutritious food or drinks and even irregular meal hours due to pursuing work targets, The occurrence of sexual harassment of female workers by male workers, the rampant beheading at night with female worker victims. In addition, female workers also have several special rights such as policies for female workers who are menstruating, pregnant, giving birth. As well as limits on working hours that are allowed to employ female workers. But are all these things really implemented by companies that employ women?

From the description above, the author is interested in conducting research on female workers at PT. Budi Starch and Sweeteneer/BSSW. This is because women workers are included in the category of vulnerable people.

So that they must always pay attention to the occupational health and safety of women workers / workers, and ensure the safety and comfort of female workers from criminal acts. How does Article 76 of Law Number 13 of 2003 apply to women workers?

## **B. Research Methods**

This research is a type of empirical legal research. Empirical legal research is oriented towards primary data (results of research in the field). According to Soerjono Soekanto and Sri Mamudji (1989: 12), empirical legal research is a field research approach by seeing and observing what happens in the field, the application of these regulations in practice in the community and conducting research at PT Budi Pati and Pemanis / BSSW South Sungkai.

## **C. Discussion**

### **1. Enforcement of Article 76 of Law Number 13 of 2003 against Women Workers**

Article 76 Paragraph (1) of Manpower Law Number 13 of 2003 states that: Women workers / workers who are less than 18 years old are prohibited from being employed between 23.00 to 07.00.

From the results of an interview on Thursday, October 15, 2023 with Brother HOLILURAHMAN (personnel staff), information was obtained that female workers working at PT Budi Pati dan Pemanis (BSSW) South Sungkai are over 18 years old and even work from 08.00 to 16.00. So that Article 76 Paragraph (1) has been applied by PT Budi Pati and Pemanis (BSSW) South Sungkai.

Article 76 Paragraph (2): Employers are prohibited from employing pregnant female workers who according to a doctor's statement endanger the health and safety of the womb and themselves when working between 23.00 and 07.00.

Based on the results of an interview on Friday, October 16, 2023 with EVA Sister (weighing staff) of PT Budi Starch and Sweeteneer (BSSW) South Sungkai, information was obtained that female workers, both pregnant and non-pregnant, work from 08.00 to 16.00. So that Article 76 Paragraph (2) has been applied by PT Budi Pati and Pemanis (BSSW) South Sungkai.

Article 76 Paragraph (3): Employers who employ female workers between 23.00 and 07.00 must:

- a. Provide nutritious food and drinks
- b. Maintain courtesy and safety while working

Based on the results of an interview on Monday, October 19, 2023 with Sister HERAWATI (cassava administrative staff), information was obtained that PT Budi Pati dan Pemanis (BSSW) South Sungkai provides additional wages and guarantees security to female workers when working outside their working hours (working hours for female workers / workers are 08.00 to 16.00). So that Article 76 Paragraph (3) has been applied by PT Budi Pati and Pemanis (BSSW) South Sungkai.

Article 76 Paragraph (4): Employers must provide shuttle transportation for female workers who go to and from work between 23.00 and 05.00.

Based on the results of an interview on Monday, October 19, 2023 with Sister Tari Susiana (sand administration staff), information was obtained that PT Budi Starch and Sweetener (BSSW) South Sungkai has not provided shuttle transportation for female workers when working outside their working hours (Working hours of women workers are 08.00 to 16.00). So that Article 76 Paragraph (4) is not applied by PT Budi Pati and Pemanis (BSSW) South Sungkai. Considering that there are no female workers / laborers who work from 23.00 to 05.00.

From interviews with several workers at PT Budi Starch and Sweetener (BSSW) South Sungkai, it can be concluded that in general PT Budi Starch and Sweetener (BSSW) Sungkai Selatan has applied the Manpower Law to female workers, but there are still articles that are not applied by PT Budi Starch and Sweetener (BSSW) South Sungkai, namely Article 76 Paragraph (4) which reads: Employers are required to provide shuttle transportation for female workers/laborers who go to and from work between 23.00 to 05.00. Because there are no female workers who work from 23.00 to 05.00, PT Budi Pati dan Pemanis (BSSW) Sungkai Selatan does not provide shuttle transportation for female workers.

"Do companies that violate the Manpower Law get criminal sanctions?". The question that usually arises in the minds of employees, is it possible for a company to get sanctions for violations committed in connection with employment issues? If there may be, are there any criminal sanctions for the company?

Meanwhile, from the results of the author's research at PT Budi Pati dan Pemanis (BSSW) South Sungkai, there is no violation of Manpower Law Number 13 of 2003 against female workers because there are no female workers under the age of 18 years. Meanwhile, PT Budi Starch and Sweetener (BSSW) also does not employ pregnant female workers who doctors say endanger the health and safety of the womb and themselves if they work between 23.00 and 05.00. If female workers work outside their working hours (working hours of female workers from 08.00 to 16.00) at PT Budi Pati and Pemanis (BSSW), then female workers will get additional wages and security guarantees for female workers/workers. In addition, PT Budi Pati dan Pemanis (BSSW) does not provide shuttle transportation for female workers when working outside their working hours because there are no female workers working from 23.00 to 05.00.

In Indonesia, labor issues have been regulated in Manpower Law Number 13 of 2003. Violation of this Law may be subject to different sanctions, according to the article violated. The threat of sanctions is contained in Articles 183 to 189. Meanwhile, the threat of administrative sanctions is listed in Article 190 of the Manpower Law. (Hanifah, 2021)

#### **D. Knot**

Based on the results of the presentation and discussion in this study, it can be concluded that the implementation of Article 76 of Law Number 13 of 2003 concerning women workers (Study of PT Budi Pati dan Pemanis (BSSW) South Sungkai) has mostly been implemented but Article 76 Paragraph (4) has not been applied by PT Budi Pati and Pemanis (BSSW) South Sungkai. Considering that there are no female workers / laborers who work from 23.00 to 05.00. Sanctions for PT Budi Starch and Sweeteneer (BSSW) South Sungkai if they do not apply the Manpower Law to female workers are subject to imprisonment for a minimum of 1 (one) month and a maximum of 12 (twelve) months and or 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). This is regulated in Article 187 Paragraph (1) of Law Number 13 of 2003 concerning Manpower.

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